

WSR 08-12-091
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 4, 2008, 9:02 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-160 WAC, Special services program—Transitional bilingual.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Bob Harmon, Assistant Superintendent of Special Programs and Federal Accountability, Interim Director of Migrant/Bilingual Education, Office of Superintendent of Public Instruction, Old Capitol Building, 600 Washington Street S.E., Olympia, WA 98504, AND RECEIVED BY August 4, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule changes is to be in compliance with RCW and to effectively educate English language learners (ELLs).

Statutory Authority for Adoption: Chapter 28A.180 RCW, Transitional bilingual instruction program, RCW 28A.180.060 Guidelines and rules.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [Superintendent of public instruction], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Harmon, OSPI, (360) 725-6147.

May 29, 2008
 Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 08-09-071, filed 4/16/08, effective 5/17/08)

WAC 392-160-010 School district board of directors duties. Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible student a transitional bilingual instructional program or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program, or alternative instruction program in a language they can understand; and

(3) Shall provide ((~~whenever feasible~~)) professional development training for administrators, teachers, counselors, and other staff on bilingual program models, and/or dis-

trict's alternative instructional program, appropriate use of instructional strategies and assessment results, and curriculum and instructional materials for use with culturally and linguistically diverse students.

AMENDATORY SECTION (Amending WSR 08-09-071, filed 4/16/08, effective 5/17/08)

WAC 392-160-015 Identification of eligible students.

(1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each student's primary language and the determination of which students with a primary language other than English are eligible students. Such procedures shall include:

(a) A home language survey, completed by the student and the student's parent(s) or guardian(s), which identifies the student's primary language as other than English; and

(b) Provisions for testing students on the state-approved Washington language proficiency placement test.

(2) Deadline for determining eligibility of newly enrolled students: The primary language and eligibility of each newly enrolled student shall be established no later than the tenth school day after the date upon which the student registers and commences attendance at a particular school district. Provided that no eligible student shall be required to participate in a transitional bilingual instructional program or an alternative instructional program, if the parent/guardian chooses to opt the student out of program services.

(3) Annual reassessment of all (eligible) students is required: Each school year each school in which an eligible student is enrolled shall conduct an evaluation of the overall academic progress and English language development of the student. This evaluation must include but not be limited to the administration of a standardized test in reading, writing, listening and speaking in English as set forth in WAC 392-160-035.

WSR 08-12-095
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE

[Filed June 4, 2008, 9:04 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-218 WAC, Hops—Certification analyses—Fees, the department is proposing to amend the current rule by eliminating the following chemical analyses from the fee schedule: (1) Spectrophotometric of tannins, Wollmer, etc.; (2) methylene chloride; (3) tannin; (4) ash; (5) SO₂; (6) HPLC; and (7) oil constituents analysis. No fees will be increased as a result of this rule making.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT

LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Henri Gonzales, Washington State Department of Agriculture (WSDA), P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY August 4, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend the current rule by eliminating the following chemical analyses from the fee schedule: (1) Spectrophotometric of tannins, Wollmer, etc.; (2) methylene chloride; (3) tannin; (4) ash; (5) SO₂; (6) HPLC; and (7) oil constituents analysis. This will result in a simplified fee schedule by eliminating fees for obsolete services that are no longer furnished by WSDA. No existing fees will be increased as a result of these changes, and no new fees will be enacted.

Reasons Supporting Proposal: The fees to be eliminated specify obsolete services the hop industry has not requested in several years, and which the industry has informed us they no longer want. In fact, the hop program no longer has the instrument capability to perform some of these tests. No existing fees will be increased as the result of these changes.

Statutory Authority for Adoption: Chapters 22.09 and 34.05 RCW.

Statute Being Implemented: Chapter 22.09 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907.

June 3, 2008
 Mary A. Martin Toohey
 Assistant Director

AMENDATORY SECTION (Amending WSR 05-07-150, filed 3/23/05, effective 4/23/05)

WAC 16-218-025 What does the department charge for chemical analysis regarding brewing values and additional constituents in raw hops, hop extract, hop pellets and hop powder? (1) Before official sampling of baled hops takes place, each and every bale in a lot of hops must be readily accessible so that:

- (a) Each bale can be properly stenciled (not done for brewing value only sampling); and
- (b) Samples can be drawn from the bales selected by the inspector.
- (2) Official samples drawn from baled hops must be brought back to the laboratory by the inspector for chemical analysis, simultaneous with grading analysis.
- (3) Brewing value samples are obtained from a representative composite of the official samples drawn for grade analysis.
- (4) Brewing value samples not sampled simultaneously for grade analysis will be charged at the same fee per bale.

(5) When department personnel officially sample hops, a brewing value certificate will be issued when the chemical analysis is done.

(6)(a) Submitted brewing value samples provided by a grower or dealer for chemical analysis must be representative of the lot(s).

(b) Submitted samples are delivered to the laboratory.

(7) Submitted brewing value certificates will be issued for submitted samples when the chemical analysis is done.

(8) Department fees for the chemical analyses of officially sampled raw hops are:

Type of Analyses	Fee	Minimum Fee
(a) ASBC spectrophotometric with moisture	\$0.35 per bale	\$30.00 per sample
(b) ASBC spectrophotometric/conductometric or EBC conductometric without moisture	\$0.30 per bale	\$30.00 per sample
(c) Mebak, Zurich, Verzele, Ganzlin, or conductometric	\$0.60 per bale	\$60.00 per sample

(9) Department fees for chemical analyses of submitted raw hops, hop extract, hop pellets or hop powders are:

Type of Analyses	Fee
(a) ASBC spectrophotometric	\$30.00
(b) ASBC conductometric	\$30.00
(c) EBC conductometric	\$30.00
(d) EBC conductometric (Wollmer, Zurich, Mebak, Verzele, Ganzlin, or Resins (hard or soft))	\$60.00
(e) ((Spectrophotometric of tannins, Wollmer, etc.	\$55.00
(f) Methylene chloride	\$80.00
(g) Tannin	\$55.00
(h) Ash	\$20.00
(i) SO ₂	\$25.00
(j)) (f) H ₂ O	\$10.00
((k) HPLC	\$100.00
(l)) (f) Total oil	\$25.00
((m) Oil constituents analysis	\$145.00
(n)) (g) Wort test, particle size	\$10.00

(10)(a) The department will assess hourly charges for analytical chemistry work if no other fee has been established.

(b) Hourly charges are set by written agreement and shall be based on the costs incurred to conduct the analysis, such as:

- Labor
- Laboratory equipment
- Chemicals and materials
- Administration and overhead.