

**WSR 17-13-053**  
**EXPEDITED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed June 15, 2017, 9:56 a.m.]

Title of Rule and Other Identifying Information:  
 Amends WAC 181-78A-125 to clarify that preresidency clearances satisfies the assurance for field placement.

**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 David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY August 22, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Preresidency clearance is not a certificate, but needs to be treated as one. This is a technical clarification.

Reasons Supporting Proposal: Clarifies that the preresidency clearance is used for teacher candidate in a field practice experience prior to being issued a certificate. The preresidency confirms background check and character clearance.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting: David Brenna, 600 Washington Street, Room 400, Olympia, WA, (360) 725-6238.

June 15, 2017  
 David Brenna  
 Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 14-16-023, filed 7/25/14, effective 8/25/14)

**WAC 181-78A-125 Field placement agreements.** Beginning September 1, 2010, all educator preparation programs approved or authorized by the professional educator standards board or programs approved in other states operating field experiences in Washington state shall establish and maintain field placement agreements with all Washington school districts in which candidates are placed for field experiences leading to certification or endorsement.

Each field placement agreement shall include, but not be limited to:

- (1) Assurances that:
  - (a) Fingerprint and character clearance under RCW 28A.410.010 must be current at all times during the field experience for candidates who do not hold a valid Washington certificate or preresidency clearance; and
  - (b) Programs shall ensure candidates are placed in settings where they can be objectively evaluated.
- (2) Qualifications of the proposed site supervisor for each site and qualifications of each school's cooperating educator/administrator;
- (3) Clear description by institution of duties and responsibilities of site supervisor and cooperating educator/administrator;
- (4) Anticipated length and nature of field experience;
- (5) Signatures from district representative.

**WSR 17-13-054**  
**EXPEDITED RULES**  
**BUILDING CODE COUNCIL**

[Filed June 15, 2017, 9:57 a.m.]

Title of Rule and Other Identifying Information: Clarifying changes to chapter 51-11C WAC, the 2015 Washington State Energy Code—Commercial provisions.

**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 Steve Simpson, Chair, State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, AND RECEIVED BY August 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Clarifies the intent of the 2015 International Mechanical Code.** With the 2015 edition, the previous LC occupancy classification was moved from the Group R category into the Group I-1, Condition 2 category. The intent is that these occupancies still be treated as residential occupancies within the requirements of the mechanical code and the energy code, but it was never specified within the scope of the rules. This rule clarifies and codifies that intent.

Reasons Supporting Proposal: Many questions have arisen regarding the requirements for Group I-1, Condition 2 facilities. This rule seeks to make the intent of the code clear and to assure appropriate systems are allowed to be installed in these facilities.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A, and 34.05 RCW.

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

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 41449, Olympia, WA 98504-1449, (360) 407-9278; and Enforcement: Local jurisdictions.

June 9, 2017  
Steve K. Simpson  
Council Chair

AMENDATORY SECTION (Amending WSR 16-03-072, filed 1/19/16, effective 7/1/16)

**WAC 51-11C-10100 Section C101—Scope and general requirements.**

**C101.1 Title.** This code shall be known as the *Washington State Energy Code*, and shall be cited as such. It is referred to herein as "this code."

**C101.2 Scope.** This code applies to *commercial buildings* and the buildings sites and associated systems and equipment. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC.

**EXCEPTION:** The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for the purposes of this code. However, the installation of other than listed, portable mechanical equipment or listed, portable lighting fixtures is not allowed.

**C101.3 Intent.** This code shall regulate the design and construction of buildings for the use and conservation of energy over the life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

**WSR 17-13-055**  
**EXPEDITED RULES**  
**BUILDING CODE COUNCIL**  
[Filed June 15, 2017, 9:58 a.m.]

Title of Rule and Other Identifying Information: Clarifying changes to chapter 51-11R WAC, the 2015 Washington State Energy Code—Residential provisions.

**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 Steve Simpson, Chair, State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, AND RECEIVED BY August 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Clarifies the intent of the 2015 International Mechanical Code.** With the 2015 edition, the previous LC occupancy classification was moved from the Group R category into the Group I-1, Condition 2 category. The intent is that these occupancies still be treated as residential occupancies within the requirements of the mechanical code and the energy code, but it was never specified within the scope of the rules. This rule clarifies and codifies that intent. This also clarifies that they should meet the residential provisions under the commercial portion of the Washington State Energy Code.

Reasons Supporting Proposal: Many questions have arisen regarding the requirements for Group I-1, Condition 2 facilities. This rule seeks to make the intent of the code clear and to assure appropriate systems are allowed to be installed in these facilities.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A, and 34.05 RCW.

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

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 41449, Olympia, WA 98504-1449, (360) 407-9278; and Enforcement: Local jurisdictions.

June 9, 2017  
Steve K. Simpson  
Council Chair

AMENDATORY SECTION (Amending WSR 16-02-127, filed 1/6/16, effective 7/1/16)

**WAC 51-11R-10100 Section R101—Scope and general requirements.**

**R101.1 Title.** This code shall be known as the *Washington State Energy Code*, and shall be cited as such. It is referred to herein as "this code."

**R101.2 Scope.** This code applies to *residential buildings* and the buildings sites and associated systems and equipment. This code shall be the maximum and minimum energy code for residential construction in each town, city and county. Residential sleeping units, Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC shall utilize the commercial building sections

of the energy code regardless of the number of stories of height above grade plane.

**R101.3 Intent.** This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

**R101.4 Applicability.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

**R101.4.1 Mixed occupancy.** Where a building includes both *residential* and *commercial* occupancies, each occupancy shall be separately considered and meet the applicable provisions of the WSEC - Commercial and Residential Provisions.

**R101.5 Compliance.** *Residential buildings* shall meet the provisions of WSEC - Residential Provisions. *Commercial buildings* shall meet the provisions of WSEC - Commercial Provisions.

**R101.5.1 Compliance materials.** The *code official* shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code.

**WSR 17-13-056**  
**EXPEDITED RULES**

**BUILDING CODE COUNCIL**

[Filed June 15, 2017, 9:59 a.m.]

Title of Rule and Other Identifying Information: Clarifying changes to chapter 51-52 WAC, Washington state adoption and amendment of the 2015 International Mechanical Code.

**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 Steve Simpson, Chair, State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, AND RECEIVED BY August 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Clarifies the intent of the 2015 International Mechanical Code.** With the 2015 edition, the previous LC occupancy classification

was moved from the Group R category into the Group I-1, Condition 2 category. The intent is that these occupancies still be treated as residential occupancies within the requirements of the mechanical code and the energy code, but it was never specified within the scope of the rules. This rule clarifies and codifies that intent.

Reasons Supporting Proposal: Many questions have arisen regarding the requirements for Group I-1, Condition 2 facilities. This rule seeks to make the intent of the code clear and to assure appropriate systems are allowed to be installed in these facilities.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 41449, Olympia, WA 98504-1449, (360) 407-9278; and Enforcement: Local jurisdictions.

June 9, 2017

Steve K. Simpson  
Council Chair

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0101 Section 101—General.**

**101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC.

EXCEPTIONS:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. The standards for liquefied petroleum gas installations shall be the 2014 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2015 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

**WSR 17-13-072**  
**EXPEDITED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed June 16, 2017, 11:31 a.m.]

Title of Rule and Other Identifying Information:  
 Amends WAC 181-79A-231 to clarify requirement for  
 renewal of speech language pathologists/audiologists.

**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 David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY August 22, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifies unclear language regarding renewals of emergency ESA certificate for SLPs.

Reasons Supporting Proposal: The SLP ESA emergency certificate can be renewed if the candidate is achieving completion of the full certificate.

Statutory Authority for Adoption: RCW 28A.410.210.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street South, Olympia, WA 98504, (360) 725-6238.

June 16, 2017  
 David Brenna  
 Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 17-08-037, filed 3/29/17, effective 4/29/17)

**WAC 181-79A-231 Limited certificates.** Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The professional educator standards board encourages in all cases the hiring of fully certificated individ-

uals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The professional educator standards board asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 181-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a bachelor's degree or higher from a regionally accredited college/university. All speech-language pathologists or audiologists providing services under a current and valid conditional certificate issued as of June 30, 2003, will be fully qualified consistent with WAC 181-79A-223 by the year 2010. First conditional certificates, issued to speech-language pathologists or audiologists after June 30, 2003, which are valid for up to two years, may be reissued once for up to two years, if the individual provides evidence that he/she is enrolled in and completing satisfactory progress in a master's degree program resulting in the initial ESA school speech-language pathologists or audiologist certificate.

(v) The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from an accredited college/university.

(vi) The issuance of a conditional certificate to a special education teacher after July 1, 2003, is contingent upon the individual being enrolled in an approved teacher preparation program resulting in a residency teacher certificate endorsed in special education. The conditional certificate is valid for up to two years and may be reissued once for one year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program.

(vii) An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed one hundred eighty days during the school year in any one assignment. Districts or approved private schools employing a teacher holding a substitute certificate in any one assignment for more than thirty days must within twenty days develop a plan of professional learning for the individual that is appropriate to the assignment and designed to support their professional growth and enhance instructional knowledge and skills to meet district needs and better assist students in meeting the state learning goals. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators who hold or have held a regular state of Washington certificates: Provided, educational staff associates may only substitute in the role of their certificate; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 181-79A-257 (1)(c) and (d); or

(iv) Persons who hold or have held a continuing career and technical education teacher certificate.

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for the roles of principal, teacher, school counselor, school psychologist, ~~((and))~~ school social worker, and school speech language pathologist or audiologist may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold a bachelor's degree and are enrolled in a state-approved preparation program for the role (if such a program exists) in accordance with Washington requirements for certification and shall be the best qualified of the candidates for the position as verified by the employing school district: Provided, That a qualified person who holds regular certification for the requested role is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That an emergency certificate issued with a special education endorsement may be reissued once for one school year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program: Provided further, That a candidate for emergency certification as a principal holds a master's degree and has substantially completed the state-approved preparation program: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in a state-approved school psychologist preparation program, shall have completed all course work for the required master's degree, and shall be participating in the required internship: Provided further, That a candidate for emergency certification as a school speech language pathologist or audiologist shall be enrolled in a master's degree program resulting in issuance of an initial ESA certificate in accordance with WAC 181-79A-223, and may be renewed one time if the can-

didate has substantially completed the required master's degree program.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(c) To ensure that related services personnel deliver special education services in their respective discipline or profession, the office of superintendent of public instruction may not issue emergency substitute certificates for individuals to serve in an educational staff associate role in accordance with 34 C.F.R. Part 300.156 (b)(2)(ii).

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 181-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) An individual whose continuing or residency certificate has expired according to WAC 181-85-040 or 181-79A-251 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must successfully complete the external assessment established by the professional educator standards board within two years of the date the holder was issued the transitional certificate in order to continue to be employed: Provided, one year has elapsed since the final renewal expired and the teacher registers and passes the professional certificate assessment within the two years under WAC 181-79A-251. The transitional certificate expiration date shall not be calculated under professional educator standards board policy WAC 181-79A-117.

(b) No individual whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 181-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable and may not be reissued.

(8) Provisional alternative administrative certificate.

(a) This certificate shall be issued to individuals admitted to the professional educator standards board alternative route to principal certification pilot program.

(b) The certificate is valid for one year from date of issue.

(c) A comprehensive assessment of the intern's performance by school officials and program faculty and a recommendation that the person be issued a residency principal certificate upon successful completion of the program.

#### **WSR 17-13-084**

#### **EXPEDITED RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Filed June 17, 2017, 9:31 a.m.]

Title of Rule and Other Identifying Information: WAC 220-314-050 Charter logbook required—Highly migratory species (new), 220-355-070 Coastal bottomfish gear, 220-355-090 Coastal bottomfishing areas and seasons, 220-355-100 Coastal bottomfish catch limits, and 220-355-130 Commercial Pacific halibut fishery—Seasons, gear, possession, and landing requirements.

#### **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 Scott Bird, Rules Coordinator, Washington Department of Fish and Wildlife (WDFW), 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY August 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule changes is to amend incorrect references to Code of Federal Regulation (C.F.R.) provisions in several fish regulations and to create a new regulation that addresses the federal

requirement for commercial and charter vessels to maintain a logbook for highly migratory fish species.

Reasons Supporting Proposal: First, the new rule previously existed in the fish and wildlife code and was inadvertently repealed by the department. The rule needs to be restored to the code. In addition, the rule changes made through this expedited rule making are necessary to conform to federal regulations adopted by the Pacific Fishery Management Council.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.045, and 77.12.047.

Rule is necessary because of federal law, C.F.R. Title 50, Part 300, Subpart E and Part 660, Subparts D - F.

Name of Proponent: [WDFW], governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jessi Doeringhaus, 1111 Washington Street S.E., Olympia, WA, (360) 902-2675; and Enforcement: Chief Chris Anderson, 1111 Washington Street S.E., Olympia, WA, (360) 902-2938.

June 17, 2017

Scott Bird

Rules Coordinator

#### NEW SECTION

**WAC 220-314-050 Charter logbook required—Highly migratory species.** (1) It is unlawful for any vessel operator engaged in charter fishing for highly migratory species (HMS) in those areas as defined in Code of Federal Regulations (C.F.R.), Title 50, Part 660, Subpart K, to fail to:

(a) Possess an HMS logbook aboard the vessel while the vessel is engaged in HMS fishing or has HMS species on board;

(b) Submit the HMS logbook for inspection upon request by fish and wildlife officers.

(2) It is unlawful for any vessel operator engaged in charter fishing for HMS to fail to comply with the following methods and time frames of logbook submittal:

(a) Completed HMS log books must be submitted to the department or the National Oceanic Atmospheric Administration (NOAA) Fisheries, Southwest Fisheries Science Center.

(b) Completed HMS log book sheets must be signed and submitted within thirty days following any calendar month in which fishing activity occurred.

(c) Copies of all submitted HMS logbooks must be retained for up to three years after the fishing activity ended.

(3) It is unlawful for vessel operators engaged in charter fishing for or in possession of highly migratory species (HMS) to fail to permanently and legibly record in ink the following information within the following time constraints:

(a) For each logbook sheet, the operator shall record:

(i) The vessel operators name;

(ii) Vessel name;

(iii) Year;

(iv) Port; and

(v) HMS permit number.

(b) The vessel operator shall record within twenty-four hours after the completion of each charter trip the following information:

(i) Departure and return month and day;

(ii) General latitude and longitude fished;

(iii) Number of anglers;

(iv) Number of jig lines, number of bait poles;

(v) Number of albacore retained and released, including average weight in pounds; and

(vi) Number of other fish species retained or released.

(4) For the purposes of this section, HMS logbook means a charter logbook issued by the Washington department of wildlife available upon request from the following locations:

(a) Washington Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501

(b) Washington Department of Fish and Wildlife, 48 Devonshire Road, Montesano, WA 98563

(5) Violation of each subsection of this section is punishable as a separate infraction, under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-355-070 Coastal bottomfish gear.** (1)(a) It is unlawful to take, fish for, possess, transport through the waters of the state, or land in any Washington state ports, bottomfish taken for commercial purposes in violation of gear requirements published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, (~~Subpart G~~) Subparts D through F. This subpart provides requirements for commercial groundfish fishing in the Pacific Ocean. Additional regulations may be listed in the Federal Register, and these override the C.F.R. if there are any inconsistencies. Prior to using coastal bottomfish gear, a person must consult both the Federal Register and the C.F.R.. This chapter, chapter 220-355 WAC, adopts the federal regulations imposed by the C.F.R. and the Federal Register, and it incorporates those regulations by reference. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by going on the internet (~~at www.pconline.org~~) to the National Marine Fisheries Service West Coast Region Groundfish page. State regulations may apply that are more restrictive than federal regulations.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.520.

(2) Otter trawl and beam trawl.

(a) It is unlawful to use, operate, or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches anywhere in the net.

(b) It is unlawful to use or operate any bottom roller or bobbin trawl having meshes less than 4.5 inches anywhere in the net. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.

(c) It is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches anywhere in the net. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweep lines, including the bottom leg of the bridle, must be bare.

(d) It is unlawful to use or operate a pelagic trawl net unless bare rope or webbing with an individual mesh size no smaller than 16 inches completely encircles the net immediately behind the footrope or headrope for at least 20 feet. A band of mesh may encircle the net under transfer cables, or lifting or splitting straps (chokers), but the band must be: Over riblines and restraining straps; of the same mesh size, and coincide knot-to-knot with the net to which it is attached; and no wider than 16 meshes.

(e) It is unlawful to use or operate a trawl net that has chafing gear encircling more than 50 percent of the circumference of any bottom, roller, bobbin, or pelagic trawl, except as specified in (d) of this subsection. No section of chafing gear may be longer than 50 meshes of the body of the net to which it is attached. Except at the corners, the terminal end of each section of chafing gear must not be connected to the net. Chafing gear must be attached outside any rib lines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

(f) It is unlawful to use double-wall cod ends in any trawl gear.

(g) Licensing: A food fish trawl, non-Puget Sound fishery license is the license required to operate the gear provided for in this section. Additionally, a federal limited entry permit is required in Areas 59A-1, 59A-2, 59B, 60A-1, and 60A-2, and that portion of Area 58B within the Exclusive Economic Zone.

(h) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

(i) Violation of gear requirements under this subsection is punishable pursuant to RCW 77.15.520.

(3) Set lines.

(a) It is unlawful for the operator of set lines to leave such gear unattended, unless the following requirements are met:

(i) Gear must be marked with a buoy. The buoy must have affixed to it in a visible and legible manner a department-approved and registered buoy brand issued to the licensee. Set lines must also be marked at the surface at each terminal end with a pole and flag, light, and radar reflector.

(ii) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(iii) Set lines must be attended to no less than every seven days.

(b) Licensing: A food fish set line fishery license is the license required to operate the gear provided for in this section.

(c) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

(4) Bottomfish pots.

(a) It is unlawful for the operator of bottomfish pots to leave such gear unattended, unless the following requirements are met:

(i) Gear must be marked with a buoy. The buoy must have affixed to it, in a visible and legible manner, a department-approved and registered buoy brand issued to the licensee.

(ii) Bottomfish pots laid on a ground line must be marked at the surface with a pole and a flag, light, and radar reflector at each terminal end.

(iii) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(iv) Bottomfish pots must be attended to no less than every seven days.

(b) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

(c) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

(5) Commercial jig gear.

(a) Licensing: A bottomfish jig fishery license is the license required to operate the gear provided for in this section.

(b) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

(6) Troll lines.

(a) Licensing: A bottomfish troll fishery license is the license required to operate the gear provided for in this section.

(b) Violation of licensing requirements under this subsection is punishable pursuant to RCW 77.15.500.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-355-090 Coastal bottomfishing areas and seasons.** (1)(a) It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish in violation of any area or time closure or requirement as published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, (~~Subpart G~~) Subparts D through F. These federal regulations provide the requirements for commercial groundfish fishing in the Pacific Ocean. There may be additional regulations listed in the Federal Register, and these override the regulations in the C.F.R. if there are any inconsistencies between the two. Chapter 220-355 WAC incorporates the C.F.R. by reference and is based, in part, on the C.F.R. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by the internet at (~~www.pcouncil.org~~) the National Marine Fisheries Service West Coast Region Groundfish page. State regulations may apply that are more restrictive than federal regulations.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(2)(a) It is unlawful to use otter trawl or beam trawl gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 or 60A-2.

(b) Violation of gear requirements under this subsection is punishable pursuant to RCW 77.15.520.

(3)(a) It is unlawful for vessels using trawl gear to take and retain or possess groundfish within the trawl Rockfish Conservation Area (RCA) or Essential Fish Habitat (EFH) zones, except that:



(i) Trawl gear vessels may transit through the trawl RCA or EFH zones with groundfish onboard, as long as the vessel does not fish for any species within the RCA or EFH zone on the same trip; and

(ii) The activity is otherwise authorized under federal regulations.

(b) For purposes of this section, "trawl RCA and EFH zones" means those areas and boundaries defined as "trawl RCA" or "EFH zone" in the Code of Federal Regulations (C.F.R.), Title 50, Part ~~((600))~~ 660, Subpart ~~((G))~~ D. The C.F.R. lists the requirements for commercial groundfish fishing in the Pacific Ocean. Additional regulations may be enacted and listed in the Federal Register, and these regulations override those in the C.F.R. if there are any inconsistencies between the two.

(c) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(4)(a) It is unlawful for vessels using nontrawl gear to take and retain or possess groundfish within the nontrawl Rockfish Conservation Area (RCA), or to land such fish, except that:

(i) Nontrawl gear vessels may travel through the nontrawl RCA with groundfish onboard as long as the vessel does not fish for any species within the RCA on the same trip; and

(ii) The activity is otherwise authorized under federal regulations.

(b) For purposes of this section, "nontrawl RCA" means those areas and boundaries defined as "nontrawl RCA" in the Code of Federal Regulations (C.F.R.), Title 50, Part ~~((600))~~ 660, ~~((Subpart G))~~ Subparts E and F. The C.F.R. lists the requirements for commercial groundfish fishing in the Pacific Ocean. Additional regulations may be enacted and listed in the Federal Register, and these supersede the federal regulations in the C.F.R. if there are any inconsistencies between the two.

(c) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(5)(a) It is unlawful to use set line gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(6)(a) It is unlawful to use bottomfish pots in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(7)(a) It is unlawful to use commercial jig gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

(8)(a) It is unlawful to use bottomfish troll gear in state territorial waters (0-3 miles) within Areas 58B, 59A-1, 59A-2, 59B, 60A-1 and 60A-2, and in that portion of Area 58B within the Exclusive Economic Zone.

(b) Violation of catch requirements under this subsection is punishable pursuant to RCW 77.15.550.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-355-100 Coastal bottomfish catch limits.**

(1)(a) It is unlawful to possess, transport through the waters of the state, or land in any Washington state port, bottomfish taken in excess of the amounts or less than the minimum or maximum sizes, or in violation of any of the possession, landing, or sorting requirements published in the Code of Federal Regulations (C.F.R.), Title 50, Part 660, ~~((Subpart G))~~ Subparts D through F. These federal regulations provide the requirements for commercial groundfish fishing in the Pacific Ocean. Additional regulations may be enacted and listed in the Federal Register, and these regulations override those in the C.F.R. if there are any inconsistencies between the two. Therefore, persons must consult these federal regulations, which chapter 220-355 WAC incorporates by reference and is based on, in part. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by the internet at ([www.pcouncil.org](http://www.pcouncil.org)) the National Marine Fisheries Service West Coast Region Groundfish page. State regulations may apply that are more restrictive than federal regulations.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(2)(a) It is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.550.

(3)(a) It is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed ten thousand pounds.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(4)(a) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by NMFS through the department, unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(5)(a) It is unlawful to land thresher shark taken by any means from state and offshore waters of the Pacific Ocean

north of the Washington-Oregon boundary and south of the United States-Canada boundary. It is unlawful to land thresher shark taken south of the Washington-Oregon boundary unless each thresher shark landed is accompanied by a minimum of two swordfish.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(6)(a) It is unlawful to take salmon incidental to any lawful bottomfish fishery.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(7)(a) It is unlawful to retain sturgeon species, other than white sturgeon, taken incidental to any lawful bottomfish fishery. White sturgeon may be taken as long as the fisher complies with minimum and maximum size restrictions for commercial fisheries.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

(8)(a) It is unlawful to retain any species of shellfish taken incidental to any lawful bottomfish fishery, except that it is lawful to retain octopus and squid.

(b) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.550.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-355-130 Commercial Pacific halibut fishery—Seasons, gear, possession, and landing requirements.** (1) The commercial Pacific halibut fishery is jointly managed by the Washington department of fish and wildlife (WDFW), the National Marine Fisheries Service (NMFS), and the International Pacific Halibut Commission (IPHC). The Code of Federal Regulations (C.F.R.) 50 C.F.R. § ~~((300.60-300.67 and related appendices in))~~ 300, Subpart E provide federal requirements for this fishery including, but not limited to, the time, place, and manner of taking Pacific halibut. This section adopts the federal regulations on Pacific halibut imposed by 50 C.F.R. § ~~((300.60-300.67))~~ 300, Subpart E and the Federal Register, and it incorporates those federal regulations by reference. A copy of the federal regulations may be obtained by contacting the department at 360-902-2200, or accessing a copy on-line at ~~((www.pcouncil.org))~~ the National Marine Fisheries Service West Coast Region Pacific Halibut page.

(a) It is unlawful to take, fish for, possess, transport through the waters of the state, or land in any Washington state port Pacific halibut taken for commercial purposes in violation of the requirements published in 50 C.F.R. § ~~((300.60-300.67))~~ 300, Subpart E.

(b) Where the federal regulations refer to the fishery management area, that area is extended to include Washington state waters adjacent to the Exclusive Economic Zone.

(c) If state rules are more restrictive than federal regulations, the Washington Administrative Code takes precedence over the federal regulations.

(d) Additional regulations on Pacific halibut may be listed in the Federal Register. Other regulations on Pacific halibut in the Federal Register take precedence over the Pacific halibut fishery regulations in 50 C.F.R. § 300.60-

300.67 if the regulations conflict. The department recommends that a person consult the Federal Register and the C.F.R. prior to participating in the commercial Pacific halibut fishery.

(2) Violation of reporting requirements under this section is punishable under RCW 77.15.280.

(3) Violation of possession requirements under this section is punishable under RCW 77.15.550.

(4) Violation of gear requirements under this section is punishable under RCW 77.15.520.

## WSR 17-13-113

### EXPEDITED RULES

#### BUILDING CODE COUNCIL

[Filed June 20, 2017, 1:37 p.m.]

Title of Rule and Other Identifying Information: Clarifying changes to chapter 51-54A WAC, Washington state adoption and amendment of the 2015 International Fire Code.

#### 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 Steve Simpson, Chair, State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, AND RECEIVED BY August 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Clarifies the intent of the 2015 International Fire Code.** The 2015 edition of the International Fire Code (IFC) contained amendments to section 605.11 solar photovoltaic (PV) power systems. The state adoption in WAC 51-54A-0605 also contains amendments to clarify requirements for residential rooftop installation of PV panels. The model code revised the scope of this section so it was not compatible with the state amendment. The intent of the adoption of the 2015 edition of the IFC is to correlate the state amendment. This rule corrects the error and makes the state amendment compatible with the model code.

Reasons Supporting Proposal: The amendment provides a clear method of compliance for residential rooftop PV installation to meet the fire code.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, P.O. Box 41449, Olympia, WA 98504-1449, (360) 407-9277; and Enforcement: Local jurisdictions.

June 9, 2017  
Steve K. Simpson  
Council Chair

AMENDATORY SECTION (Amending WSR 17-10-028, filed 4/25/17, effective 5/26/17)

**WAC 51-54A-0605 Electrical equipment, wiring and hazards.**

**605.11 Solar photovoltaic power systems.** Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section. Due to the emerging technologies in the solar photovoltaic industry, it is understood fire code officials may need to amend prescriptive requirements of this section to meet the requirements for firefighter access and product installations. Section 104.9 Alternative materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code* and chapter 19.28 RCW.

**605.11.1.1 Roof access points.** Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

**605.11.1.2 Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code*.** Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code* shall comply with Sections 605.11.1.2.1 through 605.11.1.2.5.

EXCEPTIONS: ((1.)) ~~These requirements shall not apply to structures designed and constructed in accordance with the *International Residential Code*.~~  
2-)) 1. Residential dwellings with an approved automatic fire sprinkler system installed.  
((3.)) 2. Residential dwellings with approved mechanical or passive ventilation systems.  
((4.)) 3. Where the fire code official determines that the slope of the roof is too steep for emergency access.  
((5.)) 4. Where the fire code official determines that vertical ventilation tactics will not be utilized.  
((6.)) 5. These requirements shall not apply to roofs where the total combined area of the solar array does not exceed thirty-three percent as measured in plan view of the total roof area of the structure, where the solar array will measure 1,000 sq. ft. or less in area, and where a minimum eighteen inches unobstructed pathway shall be maintained along each side of any horizontal ridge.

**605.11.1.2.1 Size of solar photovoltaic array.**

1. Each photovoltaic array shall be limited to 150 feet (45,720 mm) by 150 feet (45,720 mm). Multiple arrays shall be separated by a 3-foot wide (914 mm) clear access pathway.

2. Panels/modules shall be located up to the roof ridge where an alternative ventilation method approved by the fire code official has determined vertical ventilation techniques will not be employed.

**605.11.1.2.5 Allowance for smoke ventilation operations.** Panels and modules installed on Group R-3 residential and buildings built under the *International Residential Code* shall be located not less than 18 inches (457 mm) from the ridge in order to allow for fire department smoke ventilation operations.

EXCEPTION: Panels and modules shall be permitted to be located up to the roof ridge where an alternative ventilation method approved by the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

**605.11.2 Ground-mounted photovoltaic arrays.** Ground-mounted photovoltaic arrays shall comply with Section 605.11 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays.

**WSR 17-13-129  
EXPEDITED RULES  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed June 21, 2017, 11:25 a.m.]

Title of Rule and Other Identifying Information: Adds a new chapter to Title 181 WAC. Chapter 181-80 WAC will contain language that was previously in statute, and the language will be exactly those section[s] the legislature amended or repealed.

**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 David Brenna, Professional Educator Standards Board (PESB), 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY August 22, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Creates a new chapter defining requirements for the alternative route program, taken from statute that has recently been altered.

Reasons Supporting Proposal: Provides clarity to the existing requirements. Legislation was passed that provided for more flexibility in the management of these programs through rule making. PESB commitment to the legislature was that the starting point for these changes would be to start the new chapter with the exact language that was contained in RCW 28A.660.020 (amended) and [28A.660.]040 (repealed).

Statutory Authority for Adoption: RCW 28A.410.210.

Statute Being Implemented: RCW 28A.660.020 (amended) and [28A.660.]040 (repealed).

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

Name of Proponent: PESB, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street South, Olympia, WA 98504, (360) 725-6238.

June 21, 2017

David Brenna

Senior Policy Analyst

## Chapter 181-80 WAC

### ALTERNATIVE ROUTES TO CERTIFICATION

#### NEW SECTION

**WAC 181-80-010 Basic requirements.** (1) The professional educator standards board shall transition the alternative route partnership grant program from a separate competitive grant program to a preparation program model to be expanded among approved preparation program providers. Alternative routes are partnerships between professional educator standards board-approved preparation programs, Washington school districts, and other partners as appropriate.

(2) Each prospective teacher preparation program provider, in cooperation with a Washington school district or consortia of school districts applying to operate an alternative route certification program shall include in its proposal to the Washington professional educator standards board:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The estimated number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs and partnering district or consortia of districts;

(d) An assurance that the district or approved preparation program provider will provide adequate training for mentor teachers specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040;

(g) A summary of procedures that provide flexible completion opportunities for candidates to achieve a residency certificate; and

(h) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship during field experience, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. Before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year;

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program; and

(vii) A description of how the district intends for the alternative route program to support its workforce development plan and how the presence of alternative route interns will advance its school improvement plans.

(3) To the extent funds are appropriated for this purpose, alternative route programs may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend provided by state funds shall not exceed five hundred dollars.

#### NEW SECTION

**WAC 181-80-020 Program types.** Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation program must both agree that the teacher candidate has successfully completed the program.

(1) Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements

for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Alternative route programs operating route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via videoconference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam.

(3) Alternative route programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts and approved preparation program providers shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam.

(4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam.

(5) Applicants for alternative route programs who are eligible veterans or National Guard members and who meet the entry requirements for the alternative route program for which application is made shall be given preference in admission.