

1 5306-S2 AMS ANDE S2488.1

2 2SSB 5306 - S AMD 000326

3 By Senator Anderson

4 NOT ADOPTED 3/17/93

5 On page 16, after line 36, insert the following:

6 NEW SECTION. **Sec. 702.** It is the intent of the legislature that
7 in an outcome-based education system, teachers must be professionals.
8 As any other professional, teachers must be able to analyze a problem,
9 in this case the reason for a particular student having difficulty
10 progressing toward an essential learning requirement standard, know how
11 to access information, and be able to apply the information to solve
12 the problem. In addition, in a decentralized system, teachers will
13 necessarily be involved in the management of their schools. The intent
14 of the legislature is to provide the vehicle for teachers truly to
15 become professionals.

16 NEW SECTION. **Sec. 703.** There is hereby created as an agency of
17 the state, for the purpose and with the powers set forth in this
18 chapter, an association to be known as the Washington state teachers'
19 association that shall have a common seal and may sue and be sued, and
20 that may, for the purpose of carrying into effect and promoting the
21 objects of the association, enter into contracts and acquire, hold,
22 encumber, and dispose of such real and personal property as is
23 necessary thereto.

24 NEW SECTION. **Sec. 704.** The first members of the Washington state
25 teachers' association shall be all persons certificated to teach in
26 this state on the effective date of this section.

27 NEW SECTION. **Sec. 705.** All persons who are certificated in
28 accordance with this chapter shall become active members of the
29 Washington state teachers' association.

30 NEW SECTION. **Sec. 706.** There is hereby constituted a board of
31 governors of the Washington state teachers' association which shall
32 consist of not more than fifteen members, to include: The president of

1 the state teachers' association elected as provided by the bylaws of
2 the association, one member from each congressional district now or
3 hereafter existing in the state elected by secret ballot by mail by the
4 active members residing therein, and such additional members elected as
5 provided by the bylaws of the association. The members of the board of
6 governors shall hold office for three years and until their successors
7 are elected and qualified. Any vacancies in the board of governors
8 shall be filled by the continuing members of the board until the next
9 election held in accordance with the bylaws of the association.

10 The board shall not be deemed to be unlawfully constituted and a
11 member of the board shall not be deemed ineligible to serve the
12 remainder of the member's unexpired term on the board solely by reason
13 of the establishment of new or revised boundaries for congressional
14 districts.

15 NEW SECTION. **Sec. 707.** The terms of office of members of the
16 board of governors of the Washington state teachers' association who
17 are elected from the various congressional districts shall not be
18 affected by the creation of either new boundaries for congressional
19 districts or additional districts. In such an event, each board member
20 so elected may continue to serve in office for the balance of the term
21 for which he or she was elected or appointed if the board member
22 continues to reside within the boundaries of the congressional district
23 as they existed at the time of his or her election or appointment.
24 Vacancies that occur in a board member position during the balance of
25 any such term shall be filled pursuant to section 705 of this act by a
26 successor who resides within the boundaries of the congressional
27 district from which the member whose office was vacated was elected as
28 they existed at the time of his or her election. At the election
29 immediately preceding expiration of the term of office of each board
30 member provided for in this section following the creation of either
31 new boundaries for congressional districts or additional districts, and
32 thereafter, a successor shall be elected from the congressional
33 district that corresponds in number with the congressional district
34 from which the incumbent was appointed or elected.

35 NEW SECTION. **Sec. 708.** The Washington state teachers' association
36 shall be governed by the board of governors which shall be charged with
37 the executive functions of the state teachers' association and the

1 enforcement of this chapter and all rules adopted under this chapter.
2 The members of the board of governors shall receive no salary by virtue
3 of their office.

4 NEW SECTION. **Sec. 709.** The board of governors shall have power,
5 in its discretion, from time to time to adopt rules:

6 (1) Concerning membership and the classification thereof into
7 active, inactive, and honorary members;

8 (2) Concerning the enrollment and privileges of membership;

9 (3) Defining the other officers of the Washington state teachers'
10 association, the time, place, and method of their selection, and their
11 respective powers, duties, terms of office, and compensation;

12 (4) Concerning annual and special meetings;

13 (5) Concerning the collection, the deposit, and the disbursement of
14 the membership and admission fees, penalties, and all other funds;

15 (6) Providing for the organization and government of district
16 and/or other local subdivisions of the state teachers' association;

17 (7) Providing for all other matters affecting in any way
18 whatsoever, the organization and functioning of the state teachers'
19 association. Any such rule may be modified, or rescinded, or a new
20 rule adopted, by a vote of the active members under rules prescribed by
21 the board of governors.

22 NEW SECTION. **Sec. 710.** The board of governors may adopt rules
23 fixing the qualifications, requirements and procedure for admission to
24 the practice of teaching; and, with such approval, to establish and
25 enforce rules of professional conduct for all members of the Washington
26 state teachers' association; and with such approval, to appoint boards
27 or committees to examine applicants for admission; and to investigate,
28 prosecute, and hear all causes involving discipline, suspension, or
29 reinstatement, and to prescribe rules establishing the procedure for
30 the investigation and hearing of such matters, and establishing county
31 or district agencies to assist therein to the extent provided by such
32 rules. No person who has participated in the investigation or
33 prosecution of any such cause may sit as a member of any board or
34 committee hearing the same.

35 NEW SECTION. **Sec. 711.** The annual membership fees for active
36 members shall be payable on or before February 1st of each year. The

1 board of governors may establish the amount of such annual membership
2 fee to be effective each year. Written notice of any proposed increase
3 in membership fee shall be sent to active members not less than sixty
4 days before the effective date of the increase. The board of governors
5 may establish the fee at a reduced rate for those who have been active
6 members for fewer than five years in this state or elsewhere.

7 NEW SECTION. **Sec. 712.** The annual membership fee for inactive
8 members shall be the sum of two dollars, payable on or before the first
9 day of February of each year.

10 NEW SECTION. **Sec. 713.** Applicants for admission to the Washington
11 teachers' association upon accredited certificates or upon examination,
12 not having been admitted to a teachers' association in another state or
13 territory, shall pay a fee of twenty-five dollars and all other
14 applicants a fee of fifty dollars. Admission fees shall be used to pay
15 the expenses incurred in connection with examining and admitting
16 applicants to the teachers' association, including salaries of
17 examiners, and any balance remaining at the close of each biennium
18 shall be paid to the state treasurer and be credited to the general
19 fund.

20 NEW SECTION. **Sec. 714.** Any member failing to pay any fees after
21 the same become due, and after two months' written notice of
22 delinquency, shall be suspended from membership in the Washington state
23 teachers' association, but may be reinstated upon payment of accrued
24 fees and such penalties as may be imposed by the board of governors,
25 not exceeding double the amount of the delinquent fee.

26 NEW SECTION. **Sec. 715.** No person may teach in this state after
27 the first meeting of the state teachers' association unless he or she
28 is an active member.

29 NEW SECTION. **Sec. 716.** Any person who, not being an active member
30 of the state teachers' association, or who after losing membership
31 rights or while suspended from membership in the state teachers'
32 association, as provided for in this chapter, teaches or holds himself
33 or herself out as entitled to teach is guilty of a misdemeanor. This

1 section does not in any way affect the power of the courts to grant
2 injunctive relief or to punish as for contempt.

3 NEW SECTION. **Sec. 717.** The board of governors shall adopt rules:

- 4 (1) Establishing requirements to teach in this state;
5 (2) For suspension or termination of membership in the Washington
6 state teachers' association; and
7 (3) For reinstatement into the state teachers' association.

8 NEW SECTION. **Sec. 718.** A new section is added to chapter 28A.305
9 RCW to read as follows:

10 The powers, duties, and functions of the state board of education
11 relating to teacher certification are hereby transferred to the
12 Washington state teachers' association. All references to the
13 president or state board of education in the Revised Code of Washington
14 relating to teacher certification shall be construed to mean the board
15 of governors or Washington state teachers' association.

16 NEW SECTION. **Sec. 719.** All reports, documents, surveys, books,
17 records, files, papers, or written material in the possession of the
18 state board of education relating to teacher certification shall be
19 delivered to the custody of the state teachers' association. All
20 cabinets, furniture, office equipment, motor vehicles, and other
21 tangible property employed by the state board of education relating to
22 teacher certification shall be made available to the state teachers'
23 association. All funds, credits, or other assets held by the state
24 board of education relating to teacher certification shall be assigned
25 to the state teachers' association.

26 Any appropriations made to the state board of education relating to
27 teacher certification shall, on the effective date of this section, be
28 transferred and credited to the state teachers' association.

29 Whenever any question arises as to the transfer of any personnel,
30 funds, books, documents, records, papers, files, equipment, or other
31 tangible property used or held in the exercise of the powers and the
32 performance of the duties and functions transferred, the director of
33 financial management shall make a determination as to the proper
34 allocation and certify the same to the state agencies concerned.

1 NEW SECTION. **Sec. 720.** All employees of the state board of
2 education relating to teacher certification are transferred to the
3 jurisdiction of the state teachers' association. All employees
4 classified under chapter 41.06 RCW, the state civil service law, who
5 are transferred under this section are assigned to the state teachers'
6 association to perform their usual duties upon the same terms as
7 formerly, without any loss of rights, subject to any action that may be
8 appropriate thereafter in accordance with the laws and rules governing
9 state civil service.

10 NEW SECTION. **Sec. 721.** All rules and all pending business before
11 the state board of education relating to teacher certification shall be
12 continued and acted upon by the state teachers' association. All
13 existing contracts and obligations relating to teacher certification
14 shall remain in full force and shall be performed by the state
15 teachers' association.

16 NEW SECTION. **Sec. 722.** The transfer of any powers, duties,
17 functions, and personnel of the state board of education shall not
18 affect the validity of any act performed prior to the effective date of
19 this section.

20 NEW SECTION. **Sec. 723.** If apportionments of budgeted funds are
21 required because of the transfers directed by sections 719 through 722
22 of this act, the director of financial management shall certify the
23 apportionments to the agencies affected, the state auditor, and the
24 state treasurer. Each of these shall make the appropriate transfer and
25 adjustments in funds and appropriation accounts and equipment records
26 in accordance with the certification.

27 NEW SECTION. **Sec. 724.** Nothing contained in sections 718 through
28 723 of this act may be construed to alter any existing collective
29 bargaining unit or the provisions of any existing collective bargaining
30 agreement until the agreement has expired or until the bargaining unit
31 has been modified by action of the personnel board as provided by law.

32 NEW SECTION. **Sec. 725.** Sections 703 through 717 of this act shall
33 constitute a new chapter in Title 28A RCW."

1 Renumber the remaining sections consecutively and correct internal
2 references accordingly.

3 **2SSB 5306** - S AMD
4 By Senator Anderson

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6 On page 1, line 11 of the title, after "28B.80 RCW;" insert "adding
7 a new chapter to Title 28A RCW;"

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