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SENATE BILL 5593

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State of Washington

56th Legislature

1999 Regular Session

By Senators McAuliffe, Eide, Loveland, Rasmussen, B. Sheldon and Winsley; by request of Governor Locke

Read first time . Referred to Committee on .

1 AN ACT Relating to the Washington professional educator standards  
2 board; amending RCW 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060,  
3 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and amending RCW  
4 28A.410.010; adding new sections to chapter 28A.410 RCW; and creating  
5 new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** INTENT. The legislature finds and declares:

8 (1) Public school educators and administrators should be afforded  
9 the decision-making authority over preparation, licensing, and  
10 standards of their practice, a responsibility long held by members of  
11 other professions including law, medicine, nursing, engineering, and  
12 real estate;

13 (2) Creation of a public, rule-making body whose sole focus is  
14 educator preparation, licensure, assessment, and standards of practice  
15 will bring greater public focus and attention to the profession;

16 (3) Professional educator standards boards are consumer protection  
17 boards, establishing policies to ensure the public that its  
18 practitioners are competent;

1 (4) The highest possible standards for all educators are essential  
2 in ensuring attainment of high standards by all students;

3 (5) Professional educator standards boards in other states have  
4 increased the rigor of standards for preparation, admission to, and  
5 continuation in the profession; and

6 (6) Professional educator standards boards are responsible to their  
7 state legislatures, and thus to all citizens.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.410  
9 RCW to read as follows:

10 WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD. (1) The  
11 Washington professional educator standards board is created, consisting  
12 of fourteen members to be appointed by the governor to four-year terms.  
13 No person may serve as a member of the board for more than two  
14 consecutive full terms.

15 (2) Seven of the members shall be public school teachers, two shall  
16 represent higher education educator preparation programs, three shall  
17 be public school administrators, and one shall be a member of the  
18 public. The superintendent of public instruction shall be an ex  
19 officio, nonvoting member.

20 (3) Public school teachers appointed to the board must:

21 (a) Have at least three years' teaching experience in a Washington  
22 public school;

23 (b) Be currently certificated and actively employed in a teaching  
24 position; and

25 (c) Include one teacher currently teaching at the elementary school  
26 level, one at the middle school level, and one at the high school  
27 level.

28 (4) Appointees from higher education educator preparation programs  
29 must include one representative from an institution of higher education  
30 as defined in RCW 28B.10.016 and one representative from a Washington  
31 private institution of higher education.

32 (5) School administrators appointed to the board must:

33 (a) Have at least three years' administrative experience in a  
34 Washington public school district;

35 (b) Be currently certificated and actively employed in a school  
36 administrator position; and

37 (c) Include at least two school principals.

1 (6) In appointing the initial members of the board, it is the  
2 intent of the legislature that, to the extent possible, the governor  
3 appoint the existing members of the Washington advisory council for  
4 professional teaching standards. The governor may appoint initial  
5 members of the board to staggered terms of from one to four years.  
6 Thereafter, all members shall be appointed to four-year terms. Members  
7 of the board shall hold office until their successors are appointed.

8 (7) The governor shall appoint the members of the board from a list  
9 of qualified nominees submitted to the governor by the organizations  
10 representative of the constituencies of the board. The Washington  
11 education association shall submit nominations to the governor for  
12 qualified teachers to serve on the board. The association of  
13 Washington school principals and the Washington association of school  
14 principals shall nominate school administrators. The Washington  
15 association of colleges of teacher education shall nominate  
16 representatives from teacher preparation institutions.

17 (8) Board members shall represent the racial, geographic, and  
18 gender diversity of the state.

19 (9) Each member of the board shall be compensated in accordance  
20 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred  
21 in carrying out the duties of the board in accordance with RCW  
22 43.03.050 and 43.030.060.

23 (10) The governor may remove a member of the board for neglect of  
24 duty, misconduct, malfeasance or misfeasance in office, or for  
25 incompetency or unprofessional conduct as defined in chapter 18.130  
26 RCW. In such a case, the governor shall file with the secretary of  
27 state a statement of the causes for and the order of removal from  
28 office, and the secretary of state shall send a certified copy of the  
29 statement of causes and order of removal to the last known post office  
30 address of the member.

31 (11) If a vacancy occurs on the board, the governor shall appoint  
32 a replacement member from nominees as specified in subsection (7) of  
33 this section to fill the remainder of the unexpired term.

34 (12) Members of the board shall hire an executive director and an  
35 administrative assistant to reside in the office of the superintendent  
36 of public instruction for administrative purposes only.

37 (13) Members of the board are immune from suit in an action, civil  
38 or criminal, based on its disciplinary proceedings or other official  
39 acts performed in good faith as members of the board.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28A.410  
2 RCW to read as follows:

3        POWERS AND DUTIES OF THE BOARD.    In addition to any other powers  
4 and duties as provided by law, the Washington professional educator  
5 standards board shall:

6        (1) Approve or disapprove the program of courses leading to  
7 teacher, school administrator, and school specialized personnel  
8 certification offered by all institutions of higher education in  
9 Washington state that may be accredited and whose graduates may become  
10 entitled to receive such certification;

11        (2) Every five years beginning in 2004, conduct a review of the  
12 program approval standards, including the minimum standards for  
13 teachers, administrators, and educational staff associates, to reflect  
14 research findings and assure continued improvement of preparation  
15 programs for teachers, administrators, and educational staff  
16 associates;

17        (3) Investigate the character of the work required to be performed  
18 as a condition of entrance to and graduation from any institution of  
19 higher education as defined in RCW 28B.10.016 relative to such  
20 certification as provided for in subsection (1) of this section, and  
21 prepare a list of accredited institutions of higher education of this  
22 and other states whose graduates may be awarded such certificates;

23        (4)(a) Adopt rules to allow a teacher certification candidate to  
24 fulfill, in part, teacher preparation program requirements through work  
25 experience as a classified teacher's aide in a public school or private  
26 school meeting the requirements of RCW 28A.195.010. The rules shall  
27 include, but are not limited to, limitations based upon the recency of  
28 the teacher preparation candidate's teacher aide work experience, and  
29 limitations based on the amount of work experience that may apply  
30 toward teacher preparation program requirements under this chapter;

31        (b) Require that at the time of the individual's enrollment in a  
32 teacher preparation program, the supervising teacher and the building  
33 principal shall jointly provide to the teacher preparation program of  
34 the institution of higher education at which the teacher candidate is  
35 enrolled, a written assessment of the performance of the teacher  
36 candidate. The assessment shall contain such information as determined  
37 by the Washington professional educator standards board and shall  
38 include: Evidence that at least fifty percent of the candidate's work  
39 as a classified teacher's aide was involved in instructional activities

1 with children under the supervision of a certificated teacher and that  
2 the candidate worked a minimum of six hundred thirty hours for one  
3 school year; the type of work performed by the candidate; and a  
4 recommendation of whether the candidate's work experience as a  
5 classified teacher's aide should be substituted for teacher preparation  
6 program requirements. In compliance with such rules as may be  
7 established under this section, the teacher preparation programs of the  
8 institution of higher education where the candidate is enrolled shall  
9 make the final determination as to what teacher preparation program  
10 requirements may be fulfilled by teacher aide work experience;

11 (5) Supervise the issuance of such certificates as provided for in  
12 subsection (1) of this section and specify the types and kinds of  
13 certificates necessary for the several departments of the common  
14 schools by rule in accordance with RCW 28A.410.010.

15 (6) Adopt rules for nontraditional educator preparation programs;

16 (7) Issue and renew teaching certificates;

17 (8) Adopt a professional code of ethics;

18 (9) Select and evaluate the executive director and administrative  
19 assistant to the board;

20 (10) Establish criteria and enter into agreements with other states  
21 to acquire reciprocal approval of teacher preparation programs and  
22 certification, including certification from the national board for  
23 professional teaching standards;

24 (11) Apply for and receive federal or other funds on behalf of the  
25 state for purposes related to the duties of the board;

26 (12) Adopt any rules necessary to implement this chapter. Any  
27 rules adopted by the board pertaining directly to the preparation,  
28 assessment, certification, and standards of practice of administrators  
29 shall require the approval of the majority of administrators on the  
30 board;

31 (13) Maintain data and submit annual reports to the governor, the  
32 legislature, and the superintendent of public instruction concerning  
33 employment trends, teacher supply and demand data by certificate, the  
34 quality of the professional preparation programs, and other data deemed  
35 relevant by the board; and

36 (14) Submit to the governor, the legislature, and the  
37 superintendent of public instruction each year a report detailing the  
38 findings and activities of the board and including any recommendations  
39 developed by the board.

1        NEW SECTION.    **Sec. 4.**    (1) All powers, duties, and functions of the  
2 state board of education pertaining to establishing and maintaining  
3 standards and processes for approving college, university, and school  
4 district programs for the preparation of educators and administrators,  
5 and educator and administrator assessment, certification, and standards  
6 of practice are transferred to the Washington professional educator  
7 standards board. All references to the state board of education in the  
8 Revised Code of Washington shall be construed to mean the Washington  
9 professional educator standards board when referring to the functions  
10 transferred in this section.

11        (2)(a) All reports, documents, surveys, books, records, files,  
12 papers, or written material in the possession of the state board of  
13 education pertaining to the powers, functions, and duties transferred  
14 shall be delivered to the custody of the Washington professional  
15 educator standards board.

16        (b) Whenever any question arises as to the transfer of any funds,  
17 books, documents, records, papers, files, equipment, or other tangible  
18 property used or held in the exercise of the powers and the performance  
19 of the duties and functions transferred, the director of financial  
20 management shall make a determination as to the proper allocation and  
21 certify the same to the state agencies concerned.

22        (3) All rules and all pending business before the state board of  
23 education pertaining to the powers, functions, and duties transferred  
24 shall be continued and acted upon by the Washington professional  
25 educator standards board. All existing contracts and obligations shall  
26 remain in full force and shall be performed by the Washington  
27 professional educator standards board.

28        (4) The transfer of the powers, duties, and functions of the state  
29 board of education shall not affect the validity of any act performed  
30 before the effective date of this section.

31        **Sec. 5.**    RCW 28A.410.010 and 1992 c 159 s 3 and 1992 c 60 s 2 are  
32 each reenacted and amended to read as follows:

33        The ((state board of education)) Washington professional educator  
34 standards board shall establish, publish, and enforce rules ((and  
35 regulations)) determining eligibility for and certification of  
36 personnel employed in the common schools of this state, including  
37 certification for emergency or temporary, substitute or provisional  
38 duty and under such certificates or permits as the board shall deem

1 proper or as otherwise prescribed by law. The rules shall require that  
2 the initial application for certification shall require a record check  
3 of the applicant through the Washington state patrol criminal  
4 identification system and through the federal bureau of investigation  
5 at the applicant's expense. The record check shall include a  
6 fingerprint check using a complete Washington state criminal  
7 identification fingerprint card. The superintendent of public  
8 instruction may waive the record check for any applicant who has had a  
9 record check within the two years before application.

10 In establishing rules pertaining to the qualifications of  
11 instructors of American sign language the (~~state~~) board shall consult  
12 with the national association of the deaf, "sign instructors guidance  
13 network" (s.i.g.n.), and the Washington state association of the deaf  
14 for evaluation and certification of sign language instructors.

15 The superintendent of public instruction shall act as the  
16 administrator of any such rules (~~and regulations~~) and have the power  
17 to issue any certificates or permits and revoke the same in accordance  
18 with board rules (~~and regulations~~).

19 **Sec. 6.** RCW 28A.410.020 and 1996 c 309 s 1 are each amended to  
20 read as follows:

21 (1) No person may be admitted to a professional teacher preparation  
22 program within Washington state without first demonstrating by one of  
23 the following options that he or she is competent in the basic skills  
24 required for oral and written communication, reading, and computation:

25 (a) Successful completion of an examination in the basic skills  
26 required for oral and written communication, reading, and computation;  
27 or

28 (b) Completion of a baccalaureate degree program; or

29 (c) Completion of a graduate degree program; or

30 (d) Completion of two or more years of college level course work  
31 and demonstrated basic skills competency through college level course  
32 work and a written essay; or

33 (e) Earning a combined score of more than the state-wide median  
34 score for the prior school year scored by all persons taking tests of  
35 general achievement selected by the (~~state board of education~~)  
36 Washington professional educator standards board.

37 (2) The (~~state board of education~~) Washington professional  
38 educator standards board shall adopt rules to implement this section.

1       **Sec. 7.** RCW 28A.410.040 and 1992 c 141 s 101 are each amended to  
2 read as follows:

3       The (~~state board of education~~) Washington professional educator  
4 standards board shall adopt rules providing that, except as provided in  
5 this section, all individuals qualifying for an initial-level teaching  
6 certificate after August 31, 1992, shall possess a baccalaureate degree  
7 in the arts, sciences, and/or humanities and have fulfilled the  
8 requirements for teacher certification pursuant to RCW 28A.305.130 (1)  
9 and (2). However, candidates for grades preschool through eight  
10 certificates shall have fulfilled the requirements for a major as part  
11 of their baccalaureate degree. If the major is in early childhood  
12 education, elementary education, or special education, the candidate  
13 must have at least thirty quarter hours or twenty semester hours in one  
14 academic field.

15       **Sec. 8.** RCW 28A.410.050 and 1992 c 141 s 102 are each amended to  
16 read as follows:

17       The (~~state board of education~~) Washington professional educator  
18 standards board shall develop and adopt rules establishing  
19 baccalaureate and masters degree equivalency standards for vocational  
20 instructors performing instructional duties and acquiring certification  
21 after August 31, 1992.

22       **Sec. 9.** RCW 28A.410.060 and 1990 c 33 s 407 are each amended to  
23 read as follows:

24       The fee for any certificate, or any renewal thereof, issued by the  
25 authority of the state of Washington, and authorizing the holder to  
26 teach or perform other professional duties in the public schools of the  
27 state shall be not less than one dollar or such reasonable fee therefor  
28 as the (~~state board of education~~) Washington professional educator  
29 standards board by rule (~~or regulation~~) shall deem necessary  
30 therefor. The fee must accompany the application and cannot be  
31 refunded unless the application is withdrawn before it is finally  
32 considered. The educational service district superintendent, or other  
33 official authorized to receive such fee, shall within thirty days  
34 transmit the same to the treasurer of the county in which the office of  
35 the educational service district superintendent is located, to be by  
36 him or her placed to the credit of said school district or educational  
37 service district: PROVIDED, That if any school district collecting



1 fees for the certification of professional staff does not hold a  
2 professional training institute separate from the educational service  
3 district then all such moneys shall be placed to the credit of the  
4 educational service district.

5 Such fees shall be used solely for the purpose of precertification  
6 professional preparation, program evaluation, and professional in-  
7 service training programs in accord with rules (~~and regulations~~) of  
8 the (~~state board of education herein~~) Washington professional  
9 educator standards board authorized under this chapter.

10 **Sec. 10.** RCW 28A.410.100 and 1992 c 159 s 6 are each amended to  
11 read as follows:

12 Any teacher whose certificate to teach has been questioned under  
13 RCW 28A.410.090 shall have a right to be heard by the issuing authority  
14 before his or her certificate is revoked. Any teacher whose  
15 certificate to teach has been revoked shall have a right of appeal to  
16 the (~~state board of education~~) Washington professional educator  
17 standards board if notice of appeal is given by written affidavit to  
18 the board within thirty days after the certificate is revoked.

19 An appeal to the (~~state board of education~~) Washington  
20 professional educator standards board within the time specified shall  
21 operate as a stay of revocation proceedings until the next regular or  
22 special meeting of (~~said~~) the board and until the board's decision  
23 has been rendered.

24 **Sec. 11.** RCW 28A.410.120 and 1990 c 33 s 411 are each amended to  
25 read as follows:

26 Notwithstanding any other provision of this title, the (~~state~~  
27 ~~board of education~~) Washington professional educator standards board  
28 or superintendent of public instruction shall not require any  
29 professional certification or other qualifications of any person  
30 elected superintendent of a local school district by that district's  
31 board of directors, or any person hired in any manner to fill a  
32 position designated as, or which is, in fact, deputy superintendent, or  
33 assistant superintendent.

34 **Sec. 12.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to  
35 read as follows:

1 In addition to any other powers and duties as provided by law, the  
2 state board of education shall:

3 ~~(1) ((Approve or disapprove the program of courses leading to~~  
4 ~~teacher, school administrator, and school specialized personnel~~  
5 ~~certification offered by all institutions of higher education within~~  
6 ~~the state which may be accredited and whose graduates may become~~  
7 ~~entitled to receive such certification.~~

8 ~~(2) Conduct every five years a review of the program approval~~  
9 ~~standards, including the minimum standards for teachers,~~  
10 ~~administrators, and educational staff associates, to reflect research~~  
11 ~~findings and assure continued improvement of preparation programs for~~  
12 ~~teachers, administrators, and educational staff associates.~~

13 ~~(3) Investigate the character of the work required to be performed~~  
14 ~~as a condition of entrance to and graduation from any institution of~~  
15 ~~higher education in this state relative to such certification as~~  
16 ~~provided for in subsection (1) above, and prepare a list of accredited~~  
17 ~~institutions of higher education of this and other states whose~~  
18 ~~graduates may be awarded such certificates.~~

19 ~~(4)(a) The state board of education shall adopt rules to allow a~~  
20 ~~teacher certification candidate to fulfill, in part, teacher~~  
21 ~~preparation program requirements through work experience as a~~  
22 ~~classified teacher's aide in a public school or private school meeting~~  
23 ~~the requirements of RCW 28A.195.010. The rules shall include, but are~~  
24 ~~not limited to, limitations based upon the recency of the teacher~~  
25 ~~preparation candidate's teacher aide work experience, and limitations~~  
26 ~~based on the amount of work experience that may apply toward teacher~~  
27 ~~preparation program requirements under this chapter.~~

28 ~~(b) The state board of education shall require that at the time of~~  
29 ~~the individual's enrollment in a teacher preparation program, the~~  
30 ~~supervising teacher and the building principal shall jointly provide to~~  
31 ~~the teacher preparation program of the higher education institution at~~  
32 ~~which the teacher candidate is enrolled, a written assessment of the~~  
33 ~~performance of the teacher candidate. The assessment shall contain~~  
34 ~~such information as determined by the state board of education and~~  
35 ~~shall include: Evidence that at least fifty percent of the candidate's~~  
36 ~~work as a classified teacher's aide was involved in instructional~~  
37 ~~activities with children under the supervision of a certificated~~  
38 ~~teacher and that the candidate worked a minimum of six hundred thirty~~  
39 ~~hours for one school year; the type of work performed by the candidate;~~

1 and a recommendation of whether the candidate's work experience as a  
2 classified teacher's aide should be substituted for teacher preparation  
3 program requirements. In compliance with such rules as may be  
4 established by the state board of education under this section, the  
5 teacher preparation programs of the higher education institution where  
6 the candidate is enrolled shall make the final determination as to what  
7 teacher preparation program requirements may be fulfilled by teacher  
8 aide work experience.

9 (5) Supervise the issuance of such certificates as provided for in  
10 subsection (1) above and specify the types and kinds of certificates  
11 necessary for the several departments of the common schools by rule or  
12 regulation in accordance with RCW 28A.410.010.

13 (6)) Accredit, subject to such accreditation standards and  
14 procedures as may be established by the state board of education, all  
15 schools that apply for accreditation, and approve, subject to the  
16 provisions of RCW 28A.195.010, private schools carrying out a program  
17 for any or all of the grades kindergarten through twelve: PROVIDED,  
18 That no private school may be approved that operates a kindergarten  
19 program only: PROVIDED FURTHER, That no public or private schools  
20 shall be placed upon the list of accredited schools so long as secret  
21 societies are knowingly allowed to exist among its students by school  
22 officials: PROVIDED FURTHER, That the state board may elect to require  
23 all or certain classifications of the public schools to conduct and  
24 participate in such preaccreditation examination and evaluation  
25 processes as may now or hereafter be established by the board.

26 ((+7)) (2) Make rules ((and regulations)) governing the  
27 establishment in any existing nonhigh school district of any secondary  
28 program or any new grades in grades nine through twelve. Before any  
29 such program or any new grades are established the district must obtain  
30 prior approval of the state board.

31 ((+8)) (3) Prepare such outline of study for the common schools as  
32 the board shall deem necessary, and prescribe such rules for the  
33 general government of the common schools, as shall seek to secure  
34 regularity of attendance, prevent truancy, secure efficiency, and  
35 promote the true interest of the common schools.

36 ((+9)) (4) Continuously reevaluate courses and adopt and enforce  
37 ((regulations)) rules within the common schools so as to meet the  
38 educational needs of students and articulate with the institutions of  
39 higher education and unify the work of the public school system.

1       (~~(10)~~) (5) Carry out board powers and duties relating to the  
2 organization and reorganization of school districts under RCW  
3 28A.315.010 through 28A.315.680 and 28A.315.900.

4       (~~(11)~~) (6) By rule (~~(or regulation promulgated)~~) adopted upon the  
5 advice of the chief of the Washington state patrol, through the  
6 director of fire protection, provide for instruction of pupils in the  
7 public and private schools carrying out a K through 12 program, or any  
8 part thereof, so that in case of sudden emergency they shall be able to  
9 leave their particular school building in the shortest possible time or  
10 take such other steps as the particular emergency demands, and without  
11 confusion or panic; such rules (~~(and regulations)~~) shall be published  
12 and distributed to certificated personnel throughout the state whose  
13 duties shall include a familiarization therewith as well as the means  
14 of implementation thereof at their particular school.

15       (~~(12)~~) (7) Hear and decide appeals as otherwise provided by law.

16       The state board of education is given the authority to promulgate  
17 information and rules dealing with the prevention of child abuse for  
18 purposes of curriculum use in the common schools.

19       NEW SECTION.   **Sec. 13.**   CAPTIONS NOT LAW.   Captions used in this  
20 act are not any part of the law.

--- END ---