
SENATE BILL 5772

State of Washington

57th Legislature

2001 Regular Session

By Senators Kohl-Welles, McAuliffe, Eide, Winsley, Carlson and Rasmussen; by request of Governor Locke

Read first time 02/01/2001. Referred to Committee on Education.

1 AN ACT Relating to standards for educator quality; amending RCW
2 28A.410.200, 28A.410.210, 28A.410.020, 28A.410.040, 28A.410.050,
3 28A.410.060, 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and
4 amending RCW 28A.410.010; creating new sections; providing an effective
5 date; providing an expiration date; and declaring an emergency.

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

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

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

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

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

18 (4) The highest possible standards for all educators are essential
19 in ensuring attainment of high academic standards by all students; and

1 (5) Granting educators the authority to determine standards for
2 entry to or continuation in the profession of education could become an
3 important form of acknowledgment of the value of teachers and
4 administrators and would represent the high level of trust, as
5 professionals, that teachers and administrators have earned and to
6 which they are entitled.

7 **Sec. 2.** RCW 28A.410.200 and 2000 c 39 s 102 are each amended to
8 read as follows:

9 (1) The Washington professional educator standards board is
10 created, consisting of nineteen members to be appointed by the governor
11 to four-year terms and the superintendent of public instruction, who
12 shall be an ex officio, nonvoting member. No person may serve as a
13 member of the board for more than two consecutive full terms. Terms of
14 the initial board members shall be staggered. Of the initial members,
15 eight shall serve four-year terms, seven shall serve three-year terms,
16 and four shall serve two-year terms. The governor shall annually
17 appoint the chair of the board from among the teachers and principals
18 on the board. No board member may serve as chair for more than two
19 consecutive years.

20 (2) Seven of the members shall be public school teachers, one shall
21 be a private school teacher, three shall represent higher education
22 educator preparation programs, four shall be school administrators, two
23 shall be educational staff associates, one shall be a parent, and one
24 shall be a member of the public.

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

26 (a) Have at least three years of teaching experience in a
27 Washington public school;

28 (b) Be currently certificated and actively employed in a teaching
29 position; and

30 (c) Include one teacher currently teaching at the elementary school
31 level, one at the middle school level, one at the high school level,
32 and one vocationally certificated.

33 (4) Private school teachers appointed to the board must:

34 (a) Have at least three years of teaching experience in a
35 Washington approved private school; and

36 (b) Be currently certificated and actively employed in a teaching
37 position in an approved private school.

1 (5) Appointees from higher education educator preparation programs
2 must include two representatives from institutions of higher education
3 as defined in RCW 28B.10.016 and one representative from an institution
4 of higher education as defined in RCW 28B.07.020(4).

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

6 (a) Have at least three years of administrative experience in a
7 Washington public school district;

8 (b) Be currently certificated and actively employed in a school
9 administrator position; and

10 (c) Include two public school principals, one Washington approved
11 private school principal, and one superintendent.

12 (7) Educational staff associates appointed to the board must:

13 (a) Have at least three years of educational staff associate
14 experience in a Washington public school district; and

15 (b) Be currently certificated and actively employed in an
16 educational staff associate position.

17 (8) Each major caucus of the house of representatives and the
18 senate shall submit a list of at least one public school teacher. In
19 making the public school teacher appointments, the governor shall
20 select one nominee from each list provided by each caucus. The
21 governor shall appoint the remaining members of the board from a list
22 of qualified nominees submitted to the governor by organizations
23 representative of the constituencies of the board, from applications
24 from other qualified individuals, or from both nominees and applicants.

25 (9) All appointments to the board made by the governor shall be
26 subject to confirmation by the senate.

27 (10) The governor shall appoint the members of the initial board no
28 later than June 1, 2000.

29 (11) In appointing board members, the governor shall consider the
30 diversity of the population of the state.

31 (12) Each member of the board shall be compensated in accordance
32 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred
33 in carrying out the duties of the board in accordance with RCW
34 43.03.050 and 43.03.060.

35 (13) The governor may remove a member of the board for neglect of
36 duty, misconduct, malfeasance or misfeasance in office, or for
37 incompetency or unprofessional conduct as defined in chapter 18.130
38 RCW. In such a case, the governor shall file with the secretary of
39 state a statement of the causes for and the order of removal from

1 office, and the secretary of state shall send a certified copy of the
2 statement of causes and order of removal to the last known post office
3 address of the member.

4 (14) If a vacancy occurs on the board, the governor shall appoint
5 a replacement member from the nominees as specified in subsection (8)
6 of this section to fill the remainder of the unexpired term. When
7 filling a vacancy of a member nominated by a major caucus of the
8 legislature, the governor shall select the new member from a list of at
9 least one name submitted by the same caucus that provided the list from
10 which the retiring member was appointed.

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

14 **Sec. 3.** RCW 28A.410.210 and 2000 c 39 s 103 are each amended to
15 read as follows:

16 The Washington professional educator standards board shall:

17 (1) Serve as an advisory body to the superintendent of public
18 instruction (~~((and as the sole advisory body to the state board of~~
19 ~~education on issues related to educator recruitment, hiring,~~
20 ~~preparation, certification including high quality alternative routes to~~
21 ~~certification, mentoring and support, professional growth, retention,~~
22 ~~governance, prospective teacher pedagogy assessment, prospective~~
23 ~~principal assessment, educator evaluation including but not limited to~~
24 ~~peer evaluation, and revocation and suspension of licensure))~~ on issues
25 related to educators for which the superintendent of public instruction
26 has rule-making authority;

27 (2) Submit annual reports and recommendations, beginning December
28 1, 2000, to the governor, the education and fiscal committees of the
29 legislature, (~~(the state board of education,)~~) and the superintendent
30 of public instruction concerning duties and activities within the
31 board's (~~(advisory)~~) capacity(~~(. The Washington professional educator~~
32 ~~standards board shall submit a separate report by December 1, 2000, to~~
33 ~~the governor, the education and fiscal committees of the legislature,~~
34 ~~the state board of education, and the superintendent of public~~
35 ~~instruction providing recommendations for at least two high quality~~
36 ~~alternative routes to teacher certification. In its deliberations, the~~
37 ~~board shall consider at least one route that permits persons with~~
38 ~~substantial subject matter expertise to achieve residency certification~~

1 through an on-the-job training program provided by a school district));
2 ((and))

3 (3) Establish the prospective teacher assessment system for basic
4 skills and subject knowledge that shall be required to obtain residency
5 certification pursuant to RCW 28A.410.220 through 28A.410.240;

6 (4) 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 (5) 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 (6) 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 (4) 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 (7)(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 (8) Supervise the issuance of such certificates as provided for in
12 subsection (4) 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 (9) Apply for and receive federal or other funds on behalf of the
16 state for purposes related to the duties of the board; and

17 (10) Adopt any rules necessary to implement this chapter. Any
18 rules adopted by the board pertaining directly to the preparation,
19 assessment, certification, and standards of practice of administrators
20 shall require the approval of the majority of administrators on the
21 board.

22 NEW SECTION. Sec. 4. (1) All powers, duties, and functions of the
23 state board of education pertaining to establishing and maintaining
24 standards and processes for approving college, university, and school
25 district programs for the preparation of educators and administrators,
26 and educator and administrator assessment, certification, and standards
27 of practice are transferred to the Washington professional educator
28 standards board. All references to the state board of education in the
29 Revised Code of Washington shall be construed to mean the Washington
30 professional educator standards board when referring to the functions
31 transferred in this section.

32 (2)(a) All reports, documents, surveys, books, records, files,
33 papers, or written material in the possession of the state board of
34 education pertaining to the powers, functions, and duties transferred
35 shall be delivered to the custody of the Washington professional
36 educator standards board.

37 (b) Whenever any question arises as to the transfer of any funds,
38 books, documents, records, papers, files, equipment, or other tangible

1 property used or held in the exercise of the powers and the performance
2 of the duties and functions transferred, the director of financial
3 management shall make a determination as to the proper allocation and
4 certify the same to the state agencies concerned.

5 (3) All rules and all pending business before the state board of
6 education pertaining to the powers, functions, and duties transferred
7 shall be continued and acted upon by the Washington professional
8 educator standards board. All existing contracts and obligations shall
9 remain in full force and shall be performed by the Washington
10 professional educator standards board.

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

14 NEW SECTION. **Sec. 5.** In the 2001 budget for the 2001-2003
15 biennium, the budget for the state board of education shall be adjusted
16 by an appropriate amount that reflects the reduction in its duties as
17 a result of sections 3 and 4 of this act.

18 **Sec. 6.** RCW 28A.410.010 and 1992 c 159 s 3 and 1992 c 60 s 2 are
19 each reenacted and amended to read as follows:

20 The (~~state board of education~~) Washington professional educator
21 standards board shall establish, publish, and enforce rules (~~and~~
22 ~~regulations~~) determining eligibility for and certification of
23 personnel employed in the common schools of this state, including
24 certification for emergency or temporary, substitute or provisional
25 duty and under such certificates or permits as the board shall deem
26 proper or as otherwise prescribed by law. The rules shall require that
27 the initial application for certification shall require a record check
28 of the applicant through the Washington state patrol criminal
29 identification system and through the federal bureau of investigation
30 at the applicant's expense. The record check shall include a
31 fingerprint check using a complete Washington state criminal
32 identification fingerprint card. The superintendent of public
33 instruction may waive the record check for any applicant who has had a
34 record check within the two years before application.

35 In establishing rules pertaining to the qualifications of
36 instructors of American sign language the (~~state~~) board shall consult
37 with the national association of the deaf, "sign instructors guidance

1 network" (s.i.g.n.), and the Washington state association of the deaf
2 for evaluation and certification of sign language instructors.

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

7 **Sec. 7.** RCW 28A.410.020 and 1996 c 309 s 1 are each amended to
8 read as follows:

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

13 (a) Successful completion of an examination in the basic skills
14 required for oral and written communication, reading, and computation;
15 or

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

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

18 (d) Completion of two or more years of college level course work
19 and demonstrated basic skills competency through college level course
20 work and a written essay; or

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

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

27 (3) This section expires September 1, 2002.

28 **Sec. 8.** RCW 28A.410.040 and 1992 c 141 s 101 are each amended to
29 read as follows:

30 The (~~state board of education~~) Washington professional educator
31 standards board shall adopt rules providing that, except as provided in
32 this section, all individuals qualifying for an initial-level teaching
33 certificate (~~after August 31, 1992,~~) shall possess a baccalaureate
34 degree in the arts, sciences, and/or humanities and have fulfilled the
35 requirements for teacher certification pursuant to RCW 28A.305.130 (1)
36 and (2). However, candidates for grades preschool through eight
37 certificates shall have fulfilled the requirements for a major as part

1 of their baccalaureate degree. If the major is in early childhood
2 education, elementary education, or special education, the candidate
3 must have at least thirty quarter hours or twenty semester hours in one
4 academic field.

5 **Sec. 9.** RCW 28A.410.050 and 1992 c 141 s 102 are each amended to
6 read as follows:

7 The (~~state board of education~~) Washington professional educator
8 standards board shall develop and adopt rules establishing
9 baccalaureate and masters degree equivalency standards for vocational
10 instructors performing instructional duties and acquiring certification
11 (~~after August 31, 1992~~)).

12 **Sec. 10.** RCW 28A.410.060 and 1990 c 33 s 407 are each amended to
13 read as follows:

14 The fee for any certificate, or any renewal thereof, issued by the
15 authority of the state of Washington, and authorizing the holder to
16 teach or perform other professional duties in the public schools of the
17 state shall be not less than one dollar or such reasonable fee therefor
18 as the (~~state board of education~~) Washington professional educator
19 standards board by rule (~~or regulation~~) shall deem necessary
20 therefor. The fee must accompany the application and cannot be
21 refunded unless the application is withdrawn before it is finally
22 considered. The educational service district superintendent, or other
23 official authorized to receive such fee, shall within thirty days
24 transmit the same to the treasurer of the county in which the office of
25 the educational service district superintendent is located, to be by
26 him or her placed to the credit of said school district or educational
27 service district: PROVIDED, That if any school district collecting
28 fees for the certification of professional staff does not hold a
29 professional training institute separate from the educational service
30 district then all such moneys shall be placed to the credit of the
31 educational service district.

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

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

3 Any teacher whose certificate to teach has been questioned under
4 RCW 28A.410.090 shall have a right to be heard by the issuing authority
5 before his or her certificate is revoked. Any teacher whose
6 certificate to teach has been revoked shall have a right of appeal to
7 the ~~((state board of education))~~ Washington professional educator
8 standards board if notice of appeal is given by written affidavit to
9 the board within thirty days after the certificate is revoked.

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

15 **Sec. 12.** RCW 28A.410.120 and 1990 c 33 s 411 are each amended to
16 read as follows:

17 Notwithstanding any other provision of this title, the ~~((state~~
18 ~~board of education))~~ Washington professional educator standards board
19 or superintendent of public instruction shall not require any
20 professional certification or other qualifications of any person
21 elected superintendent of a local school district by that district's
22 board of directors, or any person hired in any manner to fill a
23 position designated as, or which is, in fact, deputy superintendent, or
24 assistant superintendent.

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

27 In addition to any other powers and duties as provided by law,
28 effective July 1, 2000, the state board of education shall:

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

34 (2) ~~Conduct every five years a review of the program approval~~
35 ~~standards, including the minimum standards for teachers,~~
36 ~~administrators, and educational staff associates, to reflect research~~

1 findings and assure continued improvement of preparation programs for
2 teachers, administrators, and educational staff associates.

3 (3) Investigate the character of the work required to be performed
4 as a condition of entrance to and graduation from any institution of
5 higher education in this state relative to such certification as
6 provided for in subsection (1) above, and prepare a list of accredited
7 institutions of higher education of this and other states whose
8 graduates may be awarded such certificates.

9 (4)(a) The state board of education shall adopt rules to allow a
10 teacher certification candidate to fulfill, in part, teacher
11 preparation program requirements through work experience as a
12 classified teacher's aide in a public school or private school meeting
13 the requirements of RCW 28A.195.010. The rules shall include, but are
14 not limited to, limitations based upon the recency of the teacher
15 preparation candidate's teacher aide work experience, and limitations
16 based on the amount of work experience that may apply toward teacher
17 preparation program requirements under this chapter.

18 (b) The state board of education shall require that at the time of
19 the individual's enrollment in a teacher preparation program, the
20 supervising teacher and the building principal shall jointly provide to
21 the teacher preparation program of the higher education institution at
22 which the teacher candidate is enrolled, a written assessment of the
23 performance of the teacher candidate. The assessment shall contain
24 such information as determined by the state board of education and
25 shall include: Evidence that at least fifty percent of the candidate's
26 work as a classified teacher's aide was involved in instructional
27 activities with children under the supervision of a certificated
28 teacher and that the candidate worked a minimum of six hundred thirty
29 hours for one school year; the type of work performed by the candidate;
30 and a recommendation of whether the candidate's work experience as a
31 classified teacher's aide should be substituted for teacher preparation
32 program requirements. In compliance with such rules as may be
33 established by the state board of education under this section, the
34 teacher preparation programs of the higher education institution where
35 the candidate is enrolled shall make the final determination as to what
36 teacher preparation program requirements may be fulfilled by teacher
37 aide work experience.

38 (5) Supervise the issuance of such certificates as provided for in
39 subsection (1) above and specify the types and kinds of certificates

1 necessary for the several departments of the common schools by rule or
2 regulation in accordance with RCW 28A.410.010.

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

16 ~~((7))~~ (2) Make rules ~~((and regulations))~~ governing the
17 establishment in any existing nonhigh school district of any secondary
18 program or any new grades in grades nine through twelve. Before any
19 such program or any new grades are established the district must obtain
20 prior approval of the state board.

21 ~~((8))~~ (3) Prepare such outline of study for the common schools as
22 the board shall deem necessary, and prescribe such rules for the
23 general government of the common schools, as shall seek to secure
24 regularity of attendance, prevent truancy, secure efficiency, and
25 promote the true interest of the common schools.

26 ~~((9))~~ (4) Continuously reevaluate courses and adopt and enforce
27 ~~((regulations))~~ rules within the common schools so as to meet the
28 educational needs of students and articulate with the institutions of
29 higher education and unify the work of the public school system.

30 ~~((10))~~ (5) Carry out board powers and duties relating to the
31 organization and reorganization of school districts under ~~((RCW
32 28A.315.010 through 28A.315.680 and 28A.315.900))~~ this title.

33 ~~((11))~~ (6) By rule ~~((or regulation promulgated))~~ adopted upon the
34 advice of the chief of the Washington state patrol, through the
35 director of fire protection, provide for instruction of pupils in the
36 public and private schools carrying out a K through 12 program, or any
37 part thereof, so that in case of sudden emergency they shall be able to
38 leave their particular school building in the shortest possible time or
39 take such other steps as the particular emergency demands, and without

1 confusion or panic; such rules (~~and regulations~~) shall be published
2 and distributed to certificated personnel throughout the state whose
3 duties shall include a familiarization therewith as well as the means
4 of implementation thereof at their particular school.

5 (~~(12)~~) (7) Hear and decide appeals as otherwise provided by law.

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

9 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and takes effect
12 June 1, 2001.

--- END ---