
SENATE BILL 6839

State of Washington 57th Legislature

2002 Regular Session

By Senator Roach

Read first time 03/04/2002. Referred to Committee on Education.

1 AN ACT Relating to ethics in educational service; amending RCW
2 42.52.160 and 42.52.180; and adding new sections to chapter 42.52 RCW.

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

4 **Sec. 1.** RCW 42.52.160 and 1996 c 213 s 7 are each amended to read
5 as follows:

6 (1) No state officer ((or)) state employee, or certificated
7 educational employee may employ or use any person, money, or property
8 under the officer's or employee's official control or direction, or in
9 his or her official custody, for the private benefit or gain of the
10 officer, employee, or another.

11 (2) This section does not prohibit the use of public resources to
12 benefit others as part of a state officer's ((or)) state employee's,
13 or certificated educational employee's official duties.

14 (3) The appropriate ethics boards may adopt rules providing
15 exceptions to this section for occasional use of the state officer
16 ((or)) state employee, or certificated educational employee, of de
17 minimis cost and value, if the activity does not result in interference
18 with the proper performance of public duties.

1 **Sec. 2.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
2 as follows:

3 (1) No state officer ((~~or~~)), state employee, or certificated
4 educational employee may use or authorize the use of facilities of an
5 agency, directly or indirectly, for the purpose of assisting a campaign
6 for election of a person to an office or for the promotion of or
7 opposition to a ballot proposition. Knowing acquiescence by a person
8 with authority to direct, control, or influence the actions of the
9 state officer ((~~or~~)), state employee, or certificated educational
10 employee using public resources in violation of this section
11 constitutes a violation of this section. Facilities of an agency
12 include, but are not limited to, use of stationery, postage, machines,
13 and equipment, use of state employees of the agency during working
14 hours, vehicles, office space, publications of the agency, and
15 clientele lists of persons served by the agency.

16 (2) This section shall not apply to the following activities:

17 (a) Action taken at an open public meeting by members of an elected
18 legislative body to express a collective decision, or to actually vote
19 upon a motion, proposal, resolution, order, or ordinance, or to support
20 or oppose a ballot proposition as long as (i) required notice of the
21 meeting includes the title and number of the ballot proposition, and
22 (ii) members of the legislative body or members of the public are
23 afforded an approximately equal opportunity for the expression of an
24 opposing view;

25 (b) A statement by an elected official in support of or in
26 opposition to any ballot proposition at an open press conference or in
27 response to a specific inquiry. For the purposes of this subsection,
28 it is not a violation of this section for an elected official to
29 respond to an inquiry regarding a ballot proposition, to make
30 incidental remarks concerning a ballot proposition in an official
31 communication, or otherwise comment on a ballot proposition without an
32 actual, measurable expenditure of public funds. The ethics boards
33 shall adopt by rule a definition of measurable expenditure;

34 (c) Activities that are part of the normal and regular conduct of
35 the office or agency; and

36 (d) De minimis use of public facilities by statewide elected
37 officials and legislators incidental to the preparation or delivery of
38 permissible communications, including written and verbal communications
39 initiated by them of their views on ballot propositions that

1 foreseeably may affect a matter that falls within their constitutional
2 or statutory responsibilities.

3 (3) As to state officers ((and)), state employees, and certificated
4 educational employees, this section operates to the exclusion of RCW
5 42.17.130.

6 NEW SECTION. Sec. 3. A new section is added to chapter 42.52 RCW
7 to read as follows:

8 (1) The teachers' ethics board is created, composed of seven
9 members, as follows:

10 (a) The superintendent of public instruction, or the
11 superintendent's designee;

12 (b) Three practicing teachers, appointed by the superintendent of
13 public instruction after consulting with one or more officers within
14 recognized professional associations regarding possible appointments;
15 and

16 (c) Three citizens who do not hold and have not held teaching
17 certificates, appointed by the governor.

18 (2) Except for initial members and members completing partial
19 terms, members shall serve a single five-year term.

20 (3) Except for the term of the superintendent of public instruction
21 or the superintendent's designee, terms of initial board members shall
22 be staggered.

23 (4) A vacancy on the board shall be filled in the same manner as
24 the original appointment.

25 (5) Each member shall serve for the term of his or her appointment
26 and until his or her successor is appointed.

27 (6) The members shall annually select a chair from among
28 themselves.

29 (7) Members of the board shall be reimbursed for travel expenses as
30 provided in RCW 43.03.050 and 43.03.060.

31 (8) Staff shall be provided by the office of the attorney general.

32 NEW SECTION. Sec. 4. A new section is added to chapter 42.52 RCW
33 to read as follows:

34 (1) The teachers' ethics board shall:

35 (a) Investigate violations of RCW 42.52.160 and 42.52.180 with
36 regard to certificated educational employees and report the results of

1 the investigation to the superintendent of public instruction and the
2 state board of education;

3 (b) Investigate, hear, and determine complaints by any person or on
4 its own motion;

5 (c) Recommend suspension or removal of a certificated educational
6 employee to the office of the superintendent of public instruction; and

7 (d) Develop educational materials and training with regard to
8 ethics for certificated educational employees.

9 (2) The teachers' ethics board may:

10 (a) Issue subpoenas for the attendance and testimony of witnesses
11 and the production of documentary evidence relating to any matter under
12 investigation by the board or involved in any hearing;

13 (b) Administer oaths and affirmations;

14 (c) Examine witnesses; and

15 (d) Receive evidence.

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