

ESSB 5732 - H AMD 561

By Representatives McDermott, Quall, Talcott

ADOPTED 04/15/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. Sec. 1. The legislature intends to reconstitute the
4 state board of education and to refocus its purpose; to abolish the
5 academic achievement and accountability commission; to assign policy
6 and rule-making authority for educator preparation and certification to
7 the professional educator standards board and to clearly define its
8 purpose; and to align the missions of the state board of education and
9 the professional educator standards board to create a collaborative and
10 effective governance system that can accelerate progress towards
11 achieving the goals in RCW 28A.150.210.

12 **PART 1**

13 **STATE BOARD OF EDUCATION**

14 NEW SECTION. Sec. 101. A new section is added to chapter 28A.305
15 RCW to read as follows:

16 (1) The membership of the state board of education shall be
17 composed of the superintendent of public instruction and fifteen
18 members who are residents of the state of Washington as follows:

19 (a) Five members elected by school district directors. Three of
20 the members elected by school district directors shall be residents of
21 western Washington and two members shall be residents of eastern
22 Washington;

23 (b) Seven members appointed by the governor;

24 (c) One member elected at-large by the members of the boards of
25 directors of all private schools in the state meeting the requirements
26 of RCW 28A.195.010; and

27 (d) Two students selected in a manner determined by the state board
28 of education.

1 (2) Initial appointments shall be for terms from one to four years
2 in length, with the terms expiring on the second Monday of January of
3 the applicable year. As the terms of the first appointees expire or
4 vacancies on the board occur, the governor shall appoint or reappoint
5 members of the board to complete the initial terms or to four-year
6 terms, as appropriate.

7 (a) Appointees of the governor must be individuals who have
8 demonstrated interest in public schools and are supportive of
9 educational improvement, have a positive record of service, and who
10 will devote sufficient time to the responsibilities of the board.

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

13 (c) All appointments to the board made by the governor are subject
14 to confirmation by the senate.

15 (d) No person may serve as a member of the board, except the
16 superintendent of public instruction, for more than two consecutive
17 full four-year terms.

18 (3) The governor may remove an appointed member of the board for
19 neglect of duty, misconduct, malfeasance, or misfeasance in office, or
20 for incompetent or unprofessional conduct as defined in chapter 18.130
21 RCW. In such a case, the governor shall file with the secretary of
22 state a statement of the causes for and the order of removal from
23 office, and the secretary of state shall send a certified copy of the
24 statement of causes and order of removal to the last known post office
25 address of the member.

26 (4)(a) The chair of the board shall be elected by a majority vote
27 of the members of the board.

28 (b) Eight voting members of the board constitute a quorum for the
29 transaction of business.

30 (c) All members except the student members are voting members.

31 (5) Members of the board appointed by the governor who are not
32 public employees shall be compensated in accordance with RCW 43.03.240
33 and shall be reimbursed for travel expenses incurred in carrying out
34 the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

35 **NEW SECTION. Sec. 102.** A new section is added to chapter 28A.305
36 RCW to read as follows:

37 The election of state board of education members by school

1 directors and private school board members shall be conducted by the
2 office of the superintendent of public instruction for the members of
3 the state board who begin serving on January 1, 2006, and thereafter.

4 (1) The superintendent shall adopt rules for the conduct of
5 elections, which shall include, but need not be limited to: The
6 definition of the eastern Washington and western Washington geographic
7 regions of the state for the purpose of determining board member
8 positions; the weighting of votes cast by the number of students in the
9 school director's school district or board member's private school;
10 election and dispute resolution procedures; the process for filling
11 vacancies; and election timelines. The election timeline shall include
12 calling for elections no later than the twenty-fifth of August, and
13 notification of the election results no later than the fifteenth of
14 December.

15 (2) State board member positions one and two shall be filled by
16 residents of the eastern Washington region and positions three, four,
17 and five shall be filled by residents of the western Washington region.

18 (3) A school director shall be eligible to vote only for a
19 candidate for each position in the geographic region within which the
20 school director resides.

21 (4) Initial terms of the individuals elected by the school
22 directors shall be for terms of two to four years in length as follows:
23 Two members, one from eastern Washington and one from western
24 Washington, shall be elected to two-year terms; two members, one from
25 eastern Washington and one from western Washington, shall be elected to
26 four-year terms; and one member from western Washington shall be
27 elected to a three-year term. The term of the private school member
28 shall be two years. All terms shall expire on the second Monday of
29 January of the applicable year.

30 (5) No person employed in any public or private school, college,
31 university, or other educational institution or any educational service
32 district superintendent's office or in the office of the superintendent
33 of public instruction is eligible for membership on the state board of
34 education. No member of a board of directors of a local school
35 district or private school may continue to serve in that capacity after
36 having been elected to the state board.

1 NEW SECTION. **Sec. 103.** A new section is added to chapter 28A.305

2 RCW to read as follows:

3 By October 15th of each even-numbered year, the state board of
4 education and the professional educator standards board shall submit a
5 joint report to the legislative education committees, the governor, and
6 the superintendent of public instruction. The report shall address the
7 progress the boards have made and the obstacles they have encountered,
8 individually and collectively, in the work of achieving the goals in
9 RCW 28A.150.210.

10 **Sec. 104.** RCW 28A.305.130 and 2002 c 205 s 3 are each amended to
11 read as follows:

12 The purpose of the state board of education is to adopt statewide
13 policies that promote achievement of the goals of RCW 28A.150.210;
14 implement a standards-based accountability system; and provide
15 leadership in the creation of an education system that respects the
16 diverse cultures, abilities, and learning styles of all students. In
17 addition to any other powers and duties as provided by law, the state
18 board of education shall:

19 (1) Until January 1, 2006, approve or disapprove the program of
20 courses leading to teacher, school administrator, and school
21 specialized personnel certification offered by all institutions of
22 higher education within the state which may be accredited and whose
23 graduates may become entitled to receive such certification.

24 (2) Until January 1, 2006, conduct every five years a review of the
25 program approval standards, including the minimum standards for
26 teachers, administrators, and educational staff associates, to reflect
27 research findings and assure continued improvement of preparation
28 programs for teachers, administrators, and educational staff
29 associates.

30 (3) Until January 1, 2006, investigate the character of the work
31 required to be performed as a condition of entrance to and graduation
32 from any institution of higher education in this state relative to such
33 certification as provided for in subsection (1) of this section, and
34 prepare a list of accredited institutions of higher education of this
35 and other states whose graduates may be awarded such certificates.

36 (4) Until January 1, 2006:

1 (a) (~~The state board of education shall~~) Adopt rules to allow a
2 teacher certification candidate to fulfill, in part, teacher
3 preparation program requirements through work experience as a
4 classified teacher's aide in a public school or private school meeting
5 the requirements of RCW 28A.195.010. The rules shall include, but are
6 not limited to, limitations based upon the recency of the teacher
7 preparation candidate's teacher aide work experience, and limitations
8 based on the amount of work experience that may apply toward teacher
9 preparation program requirements under this chapter(~~-~~); and

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

30 (5) Until January 1, 2006, supervise the issuance of such
31 certificates as provided for in subsection (1) of this section and
32 specify the types and kinds of certificates necessary for the several
33 departments of the common schools by rule or regulation in accordance
34 with RCW 28A.410.010.

35 (6) Hold regularly scheduled meetings at such time and place within
36 the state as the board shall determine and may hold such special
37 meetings as may be deemed necessary for the transaction of public
38 business.

1 (7) Form committees as necessary to effectively and efficiently
2 conduct the work of the board.

3 (8) Seek advice from the public and interested parties regarding
4 the work of the board.

5 (9) For purposes of statewide accountability, the board shall:

6 (a) Adopt and revise performance improvement goals in reading,
7 writing, science, and mathematics, by subject and grade level, once
8 assessments in these subjects are required statewide; academic and
9 technical skills, as appropriate, in secondary career and technical
10 education programs; and student attendance, as the board deems
11 appropriate to improve student learning. The goals shall be consistent
12 with student privacy protection provisions of RCW 28A.655.090(7) and
13 shall not conflict with requirements contained in Title I of the
14 federal elementary and secondary education act of 1965, or the
15 requirements of the Carl D. Perkins vocational education act of 1998,
16 each as amended. The goals may be established for all students,
17 economically disadvantaged students, limited English proficient
18 students, students with disabilities, and students from
19 disproportionately academically underachieving racial and ethnic
20 backgrounds. The board may establish school and school district goals
21 addressing high school graduation rates and dropout reduction goals for
22 students in grades seven through twelve. The board shall adopt the
23 goals by rule. However, before each goal is implemented, the board
24 shall present the goal to the education committees of the house of
25 representatives and the senate for the committees' review and comment
26 in a time frame that will permit the legislature to take statutory
27 action on the goal if such action is deemed warranted by the
28 legislature;

29 (b) Identify the scores students must achieve in order to meet the
30 standard on the Washington assessment of student learning and, for high
31 school students, to obtain a certificate of academic achievement. The
32 board shall also determine student scores that identify levels of
33 student performance below and beyond the standard. The board shall
34 consider the incorporation of the standard error of measurement into
35 the decision regarding the award of the certificates. The board shall
36 set such performance standards and levels in consultation with the
37 superintendent of public instruction and after consideration of any
38 recommendations that may be developed by any advisory committees that

1 may be established for this purpose. The initial performance standards
2 and any changes recommended by the board in the performance standards
3 for the tenth grade assessment shall be presented to the education
4 committees of the house of representatives and the senate by November
5 30th of the school year in which the changes will take place to permit
6 the legislature to take statutory action before the changes are
7 implemented if such action is deemed warranted by the legislature. The
8 legislature shall be advised of the initial performance standards and
9 any changes made to the elementary level performance standards and the
10 middle school level performance standards;

11 (c) Adopt objective, systematic criteria to identify successful
12 schools and school districts and recommend to the superintendent of
13 public instruction schools and districts to be recognized for two types
14 of accomplishments, student achievement and improvements in student
15 achievement. Recognition for improvements in student achievement shall
16 include consideration of one or more of the following accomplishments:

17 (i) An increase in the percent of students meeting standards. The
18 level of achievement required for recognition may be based on the
19 achievement goals established by the legislature and by the board under
20 (a) of this subsection;

21 (ii) Positive progress on an improvement index that measures
22 improvement in all levels of the assessment; and

23 (iii) Improvements despite challenges such as high levels of
24 mobility, poverty, English as a second language learners, and large
25 numbers of students in special populations as measured by either the
26 percent of students meeting the standard, or the improvement index.
27 When determining the baseline year or years for recognizing individual
28 schools, the board may use the assessment results from the initial
29 years the assessments were administered, if doing so with individual
30 schools would be appropriate;

31 (d) Adopt objective, systematic criteria to identify schools and
32 school districts in need of assistance and those in which significant
33 numbers of students persistently fail to meet state standards. In its
34 deliberations, the board shall consider the use of all statewide
35 mandated criterion-referenced and norm-referenced standardized tests;

36 (e) Identify schools and school districts in which state
37 intervention measures will be needed and a range of appropriate
38 intervention strategies after the legislature has authorized a set of

1 intervention strategies. After the legislature has authorized a set of
2 intervention strategies, at the request of the board, the
3 superintendent shall intervene in the school or school district and
4 take corrective actions. This chapter does not provide additional
5 authority for the board or the superintendent of public instruction to
6 intervene in a school or school district;

7 (f) Identify performance incentive systems that have improved or
8 have the potential to improve student achievement;

9 (g) Annually review the assessment reporting system to ensure
10 fairness, accuracy, timeliness, and equity of opportunity, especially
11 with regard to schools with special circumstances and unique
12 populations of students, and a recommendation to the superintendent of
13 public instruction of any improvements needed to the system;

14 (h) Include in the biennial report required under section 103 of
15 this act, information on the progress that has been made in achieving
16 goals adopted by the board.

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

30 ~~((7))~~ (11) Make rules and regulations governing the establishment
31 in any existing nonhigh school district of any secondary program or any
32 new grades in grades nine through twelve. Before any such program or
33 any new grades are established the district must obtain prior approval
34 of the state board.

35 ~~((8))~~ (12) Prepare such outline of study for the common schools
36 as the board shall deem necessary, and in conformance with legislative
37 requirements, and prescribe such rules for the general government of

1 the common schools, as shall seek to secure regularity of attendance,
2 prevent truancy, secure efficiency, and promote the true interest of
3 the common schools.

4 ~~((+9))~~ (13) Continuously reevaluate courses and other requirements
5 and adopt and enforce regulations within the common schools so as to
6 meet the educational needs of students ~~((and))~~.

7 (14) Evaluate course of study requirements and articulate with the
8 institutions of higher education, work force representatives, and early
9 learning policymakers and providers to coordinate and unify the work of
10 the public school system.

11 ~~((+10))~~ (15) Carry out board powers and duties relating to the
12 organization and reorganization of school districts ~~((under RCW~~
13 ~~28A.315.010 through 28A.315.680 and 28A.315.900))~~.

14 ~~((+11))~~ (16) Hear and decide appeals as otherwise provided by law.
15 ~~((The state board of education is given the authority to))~~ (17)
16 Promulgate information and rules dealing with the prevention of child
17 abuse for purposes of curriculum use in the common schools.

18 (18) Hire an executive director and an administrative assistant to
19 reside in the office of the superintendent of public instruction for
20 administrative purposes. Any other personnel of the board shall be
21 appointed as provided by RCW 28A.300.020. The executive director,
22 administrative assistant, and all but one of the other personnel of the
23 board are exempt from civil service, together with other staff as now
24 or hereafter designated as exempt in accordance with chapter 41.06 RCW.

25 (19) Adopt a seal that shall be kept in the office of the
26 superintendent of public instruction.

27 **Sec. 105.** RCW 28A.505.210 and 2001 c 3 s 3 are each amended to
28 read as follows:

29 School districts shall have the authority to decide the best use of
30 student achievement funds to assist students in meeting and exceeding
31 the new, higher academic standards in each district consistent with the
32 provisions of chapter 3, Laws of 2001.

33 (1) Student achievement funds shall be allocated for the following
34 uses:

35 (a) To reduce class size by hiring certificated elementary
36 classroom teachers in grades K-4 and paying nonemployee-related costs
37 associated with those new teachers;

1 (b) To make selected reductions in class size in grades 5-12, such
2 as small high school writing classes;

3 (c) To provide extended learning opportunities to improve student
4 academic achievement in grades K-12, including, but not limited to,
5 extended school year, extended school day, before-and-after-school
6 programs, special tutoring programs, weekend school programs, summer
7 school, and all-day kindergarten;

8 (d) To provide additional professional development for educators,
9 including additional paid time for curriculum and lesson redesign and
10 alignment, training to ensure that instruction is aligned with state
11 standards and student needs, reimbursement for higher education costs
12 related to enhancing teaching skills and knowledge, and mentoring
13 programs to match teachers with skilled, master teachers. The funding
14 shall not be used for salary increases or additional compensation for
15 existing teaching duties, but may be used for extended year and
16 extended day teaching contracts;

17 (e) To provide early assistance for children who need
18 prekindergarten support in order to be successful in school;

19 (f) To provide improvements or additions to school building
20 facilities which are directly related to the class size reductions and
21 extended learning opportunities under (a) through (c) of this
22 subsection.

23 (2) Annually on or before May 1st, the school district board of
24 directors shall meet at the time and place designated for the purpose
25 of a public hearing on the proposed use of these funds to improve
26 student achievement for the coming year. Any person may appear or by
27 written submission have the opportunity to comment on the proposed plan
28 for the use of these funds. No later than August 31st, as a part of
29 the process under RCW 28A.505.060, each school district shall adopt a
30 plan for the use of these funds for the upcoming school year.
31 Annually, each school district shall provide to the citizens of their
32 district a public accounting of the funds made available to the
33 district during the previous school year under chapter 3, Laws of 2001,
34 how the funds were used, and the progress the district has made in
35 increasing student achievement, as measured by required state
36 assessments and other assessments deemed appropriate by the district.
37 Copies of this report shall be provided to the superintendent of public

1 instruction ((and to the academic achievement and accountability
2 commission)).

3 **Sec. 106.** RCW 28A.655.070 and 2004 c 19 s 204 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction shall develop
6 essential academic learning requirements that identify the knowledge
7 and skills all public school students need to know and be able to do
8 based on the student learning goals in RCW 28A.150.210, develop student
9 assessments, and implement the accountability recommendations and
10 requests regarding assistance, rewards, and recognition of the
11 ((academic achievement and accountability commission)) state board of
12 education.

13 (2) The superintendent of public instruction shall:

14 (a) Periodically revise the essential academic learning
15 requirements, as needed, based on the student learning goals in RCW
16 28A.150.210. Goals one and two shall be considered primary. To the
17 maximum extent possible, the superintendent shall integrate goal four
18 and the knowledge and skill areas in the other goals in the essential
19 academic learning requirements; and

20 (b) Review and prioritize the essential academic learning
21 requirements and identify, with clear and concise descriptions, the
22 grade level content expectations to be assessed on the Washington
23 assessment of student learning and used for state or federal
24 accountability purposes. The review, prioritization, and
25 identification shall result in more focus and targeting with an
26 emphasis on depth over breadth in the number of grade level content
27 expectations assessed at each grade level. Grade level content
28 expectations shall be articulated over the grades as a sequence of
29 expectations and performances that are logical, build with increasing
30 depth after foundational knowledge and skills are acquired, and
31 reflect, where appropriate, the sequential nature of the discipline.
32 The office of the superintendent of public instruction, within seven
33 working days, shall post on its web site any grade level content
34 expectations provided to an assessment vendor for use in constructing
35 the Washington assessment of student learning.

36 (3) In consultation with the ((academic achievement and
37 accountability commission)) state board of education, the

1 superintendent of public instruction shall maintain and continue to
2 develop and revise a statewide academic assessment system in the
3 content areas of reading, writing, mathematics, and science for use in
4 the elementary, middle, and high school years designed to determine if
5 each student has mastered the essential academic learning requirements
6 identified in subsection (1) of this section. School districts shall
7 administer the assessments under guidelines adopted by the
8 superintendent of public instruction. The academic assessment system
9 shall include a variety of assessment methods, including criterion-
10 referenced and performance-based measures.

11 (4) If the superintendent proposes any modification to the
12 essential academic learning requirements or the statewide assessments,
13 then the superintendent shall, upon request, provide opportunities for
14 the education committees of the house of representatives and the senate
15 to review the assessments and proposed modifications to the essential
16 academic learning requirements before the modifications are adopted.

17 (5)(a) The assessment system shall be designed so that the results
18 under the assessment system are used by educators as tools to evaluate
19 instructional practices, and to initiate appropriate educational
20 support for students who have not mastered the essential academic
21 learning requirements at the appropriate periods in the student's
22 educational development.

23 (b) Assessments measuring the essential academic learning
24 requirements in the content area of science shall be available for
25 mandatory use in middle schools and high schools by the 2003-04 school
26 year and for mandatory use in elementary schools by the 2004-05 school
27 year unless the legislature takes action to delay or prevent
28 implementation of the assessment.

29 (6) By September 2007, the results for reading and mathematics
30 shall be reported in a format that will allow parents and teachers to
31 determine the academic gain a student has acquired in those content
32 areas from one school year to the next.

33 (7) To assist parents and teachers in their efforts to provide
34 educational support to individual students, the superintendent of
35 public instruction shall provide as much individual student performance
36 information as possible within the constraints of the assessment
37 system's item bank. The superintendent shall also provide to school
38 districts:

1 (a) Information on classroom-based and other assessments that may
2 provide additional achievement information for individual students; and

3 (b) A collection of diagnostic tools that educators may use to
4 evaluate the academic status of individual students. The tools shall
5 be designed to be inexpensive, easily administered, and quickly and
6 easily scored, with results provided in a format that may be easily
7 shared with parents and students.

8 (8) To the maximum extent possible, the superintendent shall
9 integrate knowledge and skill areas in development of the assessments.

10 (9) Assessments for goals three and four of RCW 28A.150.210 shall
11 be integrated in the essential academic learning requirements and
12 assessments for goals one and two.

13 (10) The superintendent shall develop assessments that are directly
14 related to the essential academic learning requirements, and are not
15 biased toward persons with different learning styles, racial or ethnic
16 backgrounds, or on the basis of gender.

17 (11) The superintendent shall consider methods to address the
18 unique needs of special education students when developing the
19 assessments under this section.

20 (12) The superintendent shall consider methods to address the
21 unique needs of highly capable students when developing the assessments
22 under this section.

23 (13) The superintendent shall post on the superintendent's web site
24 lists of resources and model assessments in social studies, the arts,
25 and health and fitness.

26 **PART 2**

27 **WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD**

28 **Sec. 201.** RCW 28A.410.210 and 2000 c 39 s 103 are each amended to
29 read as follows:

30 The purpose of the professional educator standards board is to
31 establish policies and requirements for the preparation and
32 certification of educators that provide standards for competency in
33 professional knowledge and practice in the areas of certification; a
34 foundation of skills, knowledge, and attitudes necessary to help
35 students with diverse needs, abilities, cultural experiences, and
36 learning styles meet or exceed the learning goals outlined in RCW

1 28A.150.210; knowledge of research-based practice; and professional
2 development throughout a career. The Washington professional educator
3 standards board shall:

4 (1) Establish policies and practices for the approval of programs
5 of courses, requirements, and other activities leading to educator
6 certification including teacher, school administrator, and educational
7 staff associate certification;

8 (2) Establish policies and practices for the approval of the
9 character of work required to be performed as a condition of entrance
10 to and graduation from any educator preparation program including
11 teacher, school administrator, and educational staff associate
12 preparation program as provided in subsection (1) of this section;

13 (3) Establish a list of accredited institutions of higher education
14 of this and other states whose graduates may be awarded educator
15 certificates as teacher, school administrator, and educational staff
16 associate and establish criteria and enter into agreements with other
17 states to acquire reciprocal approval of educator preparation programs
18 and certification, including teacher certification from the national
19 board for professional teaching standards;

20 (4) Establish policies for approval of nontraditional educator
21 preparation programs;

22 (5) Conduct a review of educator program approval standards at
23 least every five years, beginning in 2006, to reflect research findings
24 and assure continued improvement of preparation programs for teachers,
25 administrators, and school specialized personnel;

26 (6) Specify the types and kinds of educator certificates to be
27 issued and conditions for certification in accordance with subsection
28 (1) of this section and RCW 28A.410.010;

29 (7) Establish prospective educator assessment systems as necessary,
30 including the prospective teacher assessment system for basic skills
31 and subject knowledge that shall be required to obtain residency
32 certification pursuant to RCW 28A.410.220 through 28A.410.240;

33 (8) Hear and determine educator certification appeals as provided
34 by RCW 28A.410.100;

35 (9) Apply for and receive federal or other funds on behalf of the
36 state for purposes related to the duties of the board;

37 (10) Adopt rules under chapter 34.05 RCW that are necessary for the
38 effective and efficient implementation of this chapter;

1 (11) Maintain data concerning educator preparation programs and
2 their quality, educator certification, educator employment trends and
3 needs, and other data deemed relevant by the board;

4 (12) Serve as an advisory body to the superintendent of public
5 instruction ((and as the sole advisory body to the state board of
6 education)) on issues related to educator recruitment, hiring,
7 ((preparation, certification including high quality alternative routes
8 to certification,)) mentoring and support, professional growth,
9 retention, ((governance, prospective teacher pedagogy assessment,
10 prospective principal assessment,)) educator evaluation including but
11 not limited to peer evaluation, and revocation and suspension of
12 licensure;

13 ~~((2))~~ (13) Submit ((annual reports and recommendations, beginning
14 December 1, 2000, to the governor, the education and fiscal committees
15 of the legislature, the state board of education, and the
16 superintendent of public instruction concerning duties and activities
17 within the board's advisory capacity. The Washington professional
18 educator standards board shall submit a separate report by December 1,
19 2000, to the governor, the education and fiscal committees of the
20 legislature, the state board of education, and the superintendent of
21 public instruction providing recommendations for at least two high
22 quality alternative routes to teacher certification. In its
23 deliberations, the board shall consider at least one route that permits
24 persons with substantial subject matter expertise to achieve residency
25 certification through an on the job training program provided by a
26 school district)), by October 15th of each even-numbered year, a joint
27 report with the state board of education to the legislative education
28 committees, the governor, and the superintendent of public instruction.
29 The report shall address the progress the boards have made and the
30 obstacles they have encountered, individually and collectively, in the
31 work of achieving the goals set out in RCW 28A.150.210; ((and

32 ~~(3))~~ (14) Establish the prospective teacher assessment system for
33 basic skills and subject knowledge that shall be required to obtain
34 residency certification pursuant to RCW 28A.410.220 through
35 28A.410.240; and

36 (15) Conduct meetings under the provisions of chapter 42.30 RCW.

1 **Sec. 202.** RCW 28A.410.200 and 2003 1st sp.s. c 22 s 1 are each
2 amended to read as follows:

3 (1)(a) The Washington professional educator standards board is
4 created, consisting of twenty members to be appointed by the governor
5 to four-year terms and the superintendent of public instruction(~~(, who~~
6 ~~shall be an ex officio, nonvoting member)~~)).

7 (b) As the four-year terms of the first appointees expire or
8 vacancies to the board occur for the first time, the governor shall
9 appoint or reappoint the members of the board to one-year to four-year
10 staggered terms. Once the one-year to three-year terms expire, all
11 subsequent terms shall be for four years, with the terms expiring on
12 June 30th of the applicable year. The terms shall be staggered in such
13 a way that, where possible, the terms of members representing a
14 specific group do not expire simultaneously.

15 (c) No person may serve as a member of the board for more than two
16 consecutive full four-year terms.

17 (d) The governor shall annually appoint the chair of the board from
18 among the teachers and principals on the board. No board member may
19 serve as chair for more than two 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 classified
24 employee who assists in public school student instruction, one shall be
25 a parent, and one shall be a member of the public.

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

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

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

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

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

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

37 (b) Be currently certificated and actively employed in a teaching
38 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) Public school classified employees appointed to the board must:

18 (a) Have at least three years of experience in assisting in the
19 instruction of students in a Washington public school; and

20 (b) Be currently employed in a position that requires the employee
21 to assist in the instruction of students.

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

30 (10) All appointments to the board made by the governor shall be
31 subject to confirmation by the senate.

32 (11) The governor shall appoint the members of the initial board no
33 later than June 1, 2000.

34 (12) In appointing board members, the governor shall consider the
35 diversity of the population of the state.

36 (13) Each member of the board shall be compensated in accordance
37 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred

1 in carrying out the duties of the board in accordance with RCW
2 43.03.050 and 43.03.060.

3 (14) The governor may remove a member of the board for neglect of
4 duty, misconduct, malfeasance or misfeasance in office, or for
5 incompetency or unprofessional conduct as defined in chapter 18.130
6 RCW. In such a case, the governor shall file with the secretary of
7 state a statement of the causes for and the order of removal from
8 office, and the secretary of state shall send a certified copy of the
9 statement of causes and order of removal to the last known post office
10 address of the member.

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

18 (16) Members of the board shall hire an executive director and an
19 administrative assistant to reside in the office of the superintendent
20 of public instruction for administrative purposes only.

21 **Sec. 203.** RCW 28A.410.010 and 2001 c 263 s 1 are each amended to
22 read as follows:

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

1 permit a holder of a lapsed certificate but not a revoked or suspended
2 certificate to be employed on a conditional basis by a school district
3 with the requirement that the holder must complete any certificate
4 renewal requirements established by the state board of education within
5 two years of initial reemployment.

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

11 The superintendent of public instruction shall act as the
12 administrator of any such rules ((and regulations)) and have the power
13 to issue any certificates or permits and revoke the same in accordance
14 with board rules ((and regulations)).

15 **Sec. 204.** RCW 28A.410.040 and 1992 c 141 s 101 are each amended to
16 read as follows:

17 The ((state board of education)) Washington professional educator
18 standards board shall adopt rules providing that, except as provided in
19 this section, all individuals qualifying for an initial-level teaching
20 certificate after August 31, 1992, shall possess a baccalaureate degree
21 in the arts, sciences, and/or humanities and have fulfilled the
22 requirements for teacher certification pursuant to RCW ((28A.305.130
23 (1) and (2))) 28A.410.210. However, candidates for grades preschool
24 through eight certificates shall have fulfilled the requirements for a
25 major as part of their baccalaureate degree. If the major is in early
26 childhood education, elementary education, or special education, the
27 candidate must have at least thirty quarter hours or twenty semester
28 hours in one academic field.

29 **Sec. 205.** RCW 28A.410.050 and 1992 c 141 s 102 are each amended to
30 read as follows:

31 The ((state board of education)) Washington professional educator
32 standards board shall develop and adopt rules establishing
33 baccalaureate and masters degree equivalency standards for vocational
34 instructors performing instructional duties and acquiring certification
35 after August 31, 1992.

1 **Sec. 206.** RCW 28A.410.060 and 1990 c 33 s 407 are each amended to
2 read as follows:

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

21 Such fees shall be used solely for the purpose of precertification
22 professional preparation, program evaluation, and professional in-
23 service training programs in accord with rules (~~and regulations~~) of
24 the (~~state board of education~~) Washington professional educator
25 standards board herein authorized.

26 **Sec. 207.** RCW 28A.410.100 and 1992 c 159 s 6 are each amended to
27 read as follows:

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

35 An appeal to the (~~state board of education~~) Washington
36 professional educator standards board within the time specified shall

1 operate as a stay of revocation proceedings until the next regular or
2 special meeting of said board and until the board's decision has been
3 rendered.

4 **Sec. 208.** RCW 28A.410.120 and 1990 c 33 s 411 are each amended to
5 read as follows:

6 Notwithstanding any other provision of this title, the ((state
7 board of education)) Washington professional educator standards board
8 or superintendent of public instruction shall not require any
9 professional certification or other qualifications of any person
10 elected superintendent of a local school district by that district's
11 board of directors, or any person hired in any manner to fill a
12 position designated as, or which is, in fact, deputy superintendent, or
13 assistant superintendent.

14 **Sec. 209.** RCW 28A.415.023 and 1997 c 90 s 1 are each amended to
15 read as follows:

16 (1) Credits earned by certificated instructional staff after
17 September 1, 1995, shall be eligible for application to the salary
18 schedule developed by the legislative evaluation and accountability
19 program committee only if the course content:

20 (a) Is consistent with a school-based plan for mastery of student
21 learning goals as referenced in RCW ((28A.320.205)) 28A.655.110, the
22 annual school performance report, for the school in which the
23 individual is assigned;

24 (b) Pertains to the individual's current assignment or expected
25 assignment for the subsequent school year;

26 (c) Is necessary to obtain an endorsement as prescribed by the
27 ((state board of education)) Washington professional educator standards
28 board;

29 (d) Is specifically required to obtain advanced levels of
30 certification; or

31 (e) Is included in a college or university degree program that
32 pertains to the individual's current assignment, or potential future
33 assignment, as a certified instructional staff.

34 (2) For the purpose of this section, "credits" mean college quarter
35 hour credits and equivalent credits for approved in-service, approved

1 continuing education, or approved internship hours computed in
2 accordance with RCW 28A.415.020.

3 (3) The superintendent of public instruction shall adopt rules and
4 standards consistent with the limits established by this section for
5 certificated instructional staff.

6 **Sec. 210.** RCW 28A.415.060 and 1991 c 155 s 1 are each amended to
7 read as follows:

8 The (~~state board of education~~) Washington professional educator
9 standards board rules for continuing education shall provide that
10 educational staff associates may use credits or clock hours that
11 satisfy the continuing education requirements for their state
12 professional licensure, if any, to fulfill the continuing education
13 requirements established by the (~~state board of education~~) Washington
14 professional educator standards board.

15 **Sec. 211.** RCW 28A.415.205 and 1991 c 238 s 75 are each amended to
16 read as follows:

17 (1) The Washington state minority teacher recruitment program is
18 established. The program shall be administered by the (~~state board of~~
19 ~~education~~) Washington professional educator standards board. The
20 (~~state board of education~~) Washington professional educator standards
21 board shall consult with the higher education coordinating board,
22 representatives of institutions of higher education, education
23 organizations having an interest in teacher recruitment issues, the
24 superintendent of public instruction, the state board for community and
25 technical colleges, the department of employment security, and the work
26 force training and education coordinating board. The program shall be
27 designed to recruit future teachers from students in the targeted
28 groups who are in the ninth through twelfth grades and from adults in
29 the targeted groups who have entered other occupations.

30 (2) The program shall include the following:

31 (a) Encouraging students in targeted groups in grades nine through
32 twelve to acquire the academic and related skills necessary to prepare
33 for the study of teaching at an institution of higher education;

34 (b) Promoting teaching career opportunities to develop an awareness
35 of opportunities in the education profession;

1 (c) Providing opportunities for students to experience the
2 application of regular high school course work to activities related to
3 a teaching career; and

4 (d) Providing for increased cooperation among institutions of
5 higher education including community colleges, the superintendent of
6 public instruction, the (~~state board of education~~) Washington
7 professional educator standards board, and local school districts in
8 working toward the goals of the program.

9 **Sec. 212.** RCW 28A.150.060 and 1990 c 33 s 102 are each amended to
10 read as follows:

11 The term "certificated employee" as used in RCW 28A.195.010,
12 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240,
13 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW,
14 shall include those persons who hold certificates as authorized by rule
15 (~~or regulation~~) of the (~~state board of education~~) Washington
16 professional educator standards board or the superintendent of public
17 instruction.

18 **Sec. 213.** RCW 28A.170.080 and 1990 c 33 s 157 are each amended to
19 read as follows:

20 (1) Grants provided under RCW 28A.170.090 may be used solely for
21 services provided by a substance abuse intervention specialist or for
22 dedicated staff time for counseling and intervention services provided
23 by any school district certificated employee who has been trained by
24 and has access to consultation with a substance abuse intervention
25 specialist. Services shall be directed at assisting students in
26 kindergarten through twelfth grade in overcoming problems of drug and
27 alcohol abuse, and in preventing abuse and addiction to such
28 substances, including nicotine. The grants shall require local
29 matching funds so that the grant amounts support a maximum of eighty
30 percent of the costs of the services funded. The services of a
31 substance abuse intervention specialist may be obtained by means of a
32 contract with a state or community services agency or a drug treatment
33 center. Services provided by a substance abuse intervention specialist
34 may include:

35 (a) Individual and family counseling, including preventive
36 counseling;

- 1 (b) Assessment and referral for treatment;
- 2 (c) Referral to peer support groups;
- 3 (d) Aftercare;
- 4 (e) Development and supervision of student mentor programs;
- 5 (f) Staff training, including training in the identification of
- 6 high-risk children and effective interaction with those children in the
- 7 classroom; and
- 8 (g) Development and coordination of school drug and alcohol core
- 9 teams, involving staff, students, parents, and community members.

10 (2) For the purposes of this section, "substance abuse intervention
11 specialist" means any one of the following, except that diagnosis and
12 assessment, counseling and aftercare specifically identified with
13 treatment of chemical dependency shall be performed only by personnel
14 who meet the same qualifications as are required of a qualified
15 chemical dependency counselor employed by an alcoholism or drug
16 treatment program approved by the department of social and health
17 services.

18 (a) An educational staff associate employed by a school district or
19 educational service district who holds certification as a school
20 counselor, school psychologist, school nurse, or school social worker
21 under (~~state board of education~~) Washington professional educator
22 standards board rules adopted pursuant to RCW (~~28A.305.130~~)
23 28A.410.210;

24 (b) An individual who meets the definition of a qualified drug or
25 alcohol counselor established by the bureau of alcohol and substance
26 abuse;

27 (c) A counselor, social worker, or other qualified professional
28 employed by the department of social and health services;

29 (d) A psychologist licensed under chapter 18.83 RCW; or

30 (e) A children's mental health specialist as defined in RCW
31 71.34.020.

32 **Sec. 214.** RCW 28A.205.010 and 1999 c 348 s 2 are each amended to
33 read as follows:

34 (1) As used in this chapter, unless the context thereof shall
35 clearly indicate to the contrary:

36 "Education center" means any private school operated on a profit or
37 nonprofit basis which does the following:

1 (a) Is devoted to the teaching of basic academic skills, including
2 specific attention to improvement of student motivation for achieving,
3 and employment orientation.

4 (b) Operates on a clinical, client centered basis. This shall
5 include, but not be limited to, performing diagnosis of individual
6 educational abilities, determination and setting of individual goals,
7 prescribing and providing individual courses of instruction therefor,
8 and evaluation of each individual client's progress in his or her
9 educational program.

10 (c) Conducts courses of instruction by professionally trained
11 personnel certificated by the (~~state board of education~~) Washington
12 professional educator standards board according to rules adopted for
13 the purposes of this chapter and providing, for certification purposes,
14 that a year's teaching experience in an education center shall be
15 deemed equal to a year's teaching experience in a common or private
16 school.

17 (2) For purposes of this chapter, basic academic skills shall
18 include the study of mathematics, speech, language, reading and
19 composition, science, history, literature and political science or
20 civics; it shall not include courses of a vocational training nature
21 and shall not include courses deemed nonessential to the accrediting of
22 the common schools or the approval of private schools under RCW
23 28A.305.130.

24 (3) The state board of education shall certify an education center
25 only upon application and (a) determination that such school comes
26 within the definition thereof as set forth in subsection (1) of this
27 section and (b) demonstration on the basis of actual educational
28 performance of such applicants' students which shows after
29 consideration of their students' backgrounds, educational gains that
30 are a direct result of the applicants' educational program. Such
31 certification may be withdrawn if the board finds that a center fails
32 to provide adequate instruction in basic academic skills. No education
33 center certified by the state board of education pursuant to this
34 section shall be deemed a common school under RCW 28A.150.020 or a
35 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

36 **Sec. 215.** RCW 28A.205.050 and 1995 c 335 s 201 are each amended to
37 read as follows:

1 In accordance with chapter 34.05 RCW, the administrative procedure
2 act, the (~~state board of education~~) Washington professional educator
3 standards board with respect to the matter of certification, and the
4 superintendent of public instruction with respect to all other matters,
5 shall have the power and duty to make the necessary rules to carry out
6 the purpose and intent of this chapter.

7 **Sec. 216.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
8 read as follows:

9 No teacher, principal, supervisor, superintendent, or other
10 certificated employee, holding a position as such with a school
11 district, hereinafter referred to as "employee", shall be employed
12 except by written order of a majority of the directors of the district
13 at a regular or special meeting thereof, nor unless he or she is the
14 holder of an effective teacher's certificate or other certificate
15 required by law or the (~~state board of education~~) Washington
16 professional educator standards board for the position for which the
17 employee is employed.

18 The board shall make with each employee employed by it a written
19 contract, which shall be in conformity with the laws of this state, and
20 except as otherwise provided by law, limited to a term of not more than
21 one year. Every such contract shall be made in duplicate, one copy to
22 be retained by the school district superintendent or secretary and one
23 copy to be delivered to the employee. No contract shall be offered by
24 any board for the employment of any employee who has previously signed
25 an employment contract for that same term in another school district of
26 the state of Washington unless such employee shall have been released
27 from his or her obligations under such previous contract by the board
28 of directors of the school district to which he or she was obligated.
29 Any contract signed in violation of this provision shall be void.

30 In the event it is determined that there is probable cause or
31 causes that the employment contract of an employee should not be
32 renewed by the district for the next ensuing term such employee shall
33 be notified in writing on or before May 15th preceding the commencement
34 of such term of that determination, or if the omnibus appropriations
35 act has not passed the legislature by May 15th, then notification shall
36 be no later than June 1st, which notification shall specify the cause
37 or causes for nonrenewal of contract. Such determination of probable

1 cause for certificated employees, other than the superintendent, shall
2 be made by the superintendent. Such notice shall be served upon the
3 employee personally, or by certified or registered mail, or by leaving
4 a copy of the notice at the house of his or her usual abode with some
5 person of suitable age and discretion then resident therein. Every
6 such employee so notified, at his or her request made in writing and
7 filed with the president, chair or secretary of the board of directors
8 of the district within ten days after receiving such notice, shall be
9 granted opportunity for hearing pursuant to RCW 28A.405.310 to
10 determine whether there is sufficient cause or causes for nonrenewal of
11 contract: PROVIDED, That any employee receiving notice of nonrenewal
12 of contract due to an enrollment decline or loss of revenue may, in his
13 or her request for a hearing, stipulate that initiation of the
14 arrangements for a hearing officer as provided for by RCW
15 28A.405.310(4) shall occur within ten days following July 15 rather
16 than the day that the employee submits the request for a hearing. If
17 any such notification or opportunity for hearing is not timely given,
18 the employee entitled thereto shall be conclusively presumed to have
19 been reemployed by the district for the next ensuing term upon
20 contractual terms identical with those which would have prevailed if
21 his or her employment had actually been renewed by the board of
22 directors for such ensuing term.

23 This section shall not be applicable to "provisional employees" as
24 so designated in RCW 28A.405.220; transfer to a subordinate
25 certificated position as that procedure is set forth in RCW 28A.405.230
26 shall not be construed as a nonrenewal of contract for the purposes of
27 this section.

28 **Sec. 217.** RCW 28B.10.140 and 2004 c 60 s 1 are each amended to
29 read as follows:

30 The University of Washington, Washington State University, Central
31 Washington University, Eastern Washington University, Western
32 Washington University, and The Evergreen State College are each
33 authorized to train teachers and other personnel for whom teaching
34 certificates or special credentials prescribed by the (~~state board of~~
35 ~~education~~) Washington professional educator standards board are
36 required, for any grade, level, department, or position of the public
37 schools of the state.

1 **Sec. 218.** RCW 18.118.010 and 1990 c 33 s 553 are each amended to
2 read as follows:

3 (1) The purpose of this chapter is to establish guidelines for the
4 regulation of the real estate profession and other business professions
5 which may seek legislation to substantially increase their scope of
6 practice or the level of regulation of the profession, and for the
7 regulation of business professions not licensed or regulated on July
8 26, 1987: PROVIDED, That the provisions of this chapter are not
9 intended and shall not be construed to: (a) Apply to any regulatory
10 entity created prior to July 26, 1987, except as provided in this
11 chapter; (b) affect the powers and responsibilities of the
12 superintendent of public instruction or (~~state board of education~~)
13 Washington professional educator standards board under RCW
14 (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or interfere
15 in any way with the practice of religion or to any kind of treatment by
16 prayer; (d) apply to any remedial or technical amendments to any
17 statutes which licensed or regulated activity before July 26, 1987; and
18 (e) apply to proposals relating solely to continuing education. The
19 legislature believes that all individuals should be permitted to enter
20 into a business profession unless there is an overwhelming need for the
21 state to protect the interests of the public by restricting entry into
22 the profession. Where such a need is identified, the regulation
23 adopted by the state should be set at the least restrictive level
24 consistent with the public interest to be protected.

25 (2) It is the intent of this chapter that no regulation shall be
26 imposed upon any business profession except for the exclusive purpose
27 of protecting the public interest. All bills introduced in the
28 legislature to regulate a business profession for the first time should
29 be reviewed according to the following criteria. A business profession
30 should be regulated by the state only when:

31 (a) Unregulated practice can clearly harm or endanger the health,
32 safety, or welfare of the public, and the potential for the harm is
33 easily recognizable and not remote or dependent upon tenuous argument;

34 (b) The public needs and can reasonably be expected to benefit from
35 an assurance of initial and continuing professional ability; and

36 (c) The public cannot be effectively protected by other means in a
37 more cost-beneficial manner.

1 (3) After evaluating the criteria in subsection (2) of this section
2 and considering governmental and societal costs and benefits, if the
3 legislature finds that it is necessary to regulate a business
4 profession not previously regulated by law, the least restrictive
5 alternative method of regulation should be implemented, consistent with
6 the public interest and this section:

7 (a) Where existing common law and statutory civil actions and
8 criminal prohibitions are not sufficient to eradicate existing harm,
9 the regulation should provide for stricter civil actions and criminal
10 prosecutions;

11 (b) Where a service is being performed for individuals involving a
12 hazard to the public health, safety, or welfare, the regulation should
13 impose inspection requirements and enable an appropriate state agency
14 to enforce violations by injunctive relief in court, including, but not
15 limited to, regulation of the business activity providing the service
16 rather than the employees of the business;

17 (c) Where the threat to the public health, safety, or economic
18 well-being is relatively small as a result of the operation of the
19 business profession, the regulation should implement a system of
20 registration;

21 (d) Where the consumer may have a substantial basis for relying on
22 the services of a practitioner, the regulation should implement a
23 system of certification; or

24 (e) Where apparent that adequate regulation cannot be achieved by
25 means other than licensing, the regulation should implement a system of
26 licensing.

27 **Sec. 219.** RCW 18.120.010 and 1990 c 33 s 554 are each amended to
28 read as follows:

29 (1) The purpose of this chapter is to establish guidelines for the
30 regulation of health professions not licensed or regulated prior to
31 July 24, 1983, and those licensed or regulated health professions which
32 seek to substantially increase their scope of practice: PROVIDED, That
33 the provisions of this chapter are not intended and shall not be
34 construed to: (a) Apply to any regulatory entity created prior to July
35 24, 1983, except as provided in this chapter; (b) affect the powers and
36 responsibilities of the superintendent of public instruction or (~~state
37 board of education~~) Washington professional educator standards board

1 under RCW ((~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or
2 interfere in any way with the practice of religion or to any kind of
3 treatment by prayer; and (d) apply to any remedial or technical
4 amendments to any statutes which licensed or regulated activity before
5 July 24, 1983. The legislature believes that all individuals should be
6 permitted to enter into a health profession unless there is an
7 overwhelming need for the state to protect the interests of the public
8 by restricting entry into the profession. Where such a need is
9 identified, the regulation adopted by the state should be set at the
10 least restrictive level consistent with the public interest to be
11 protected.

12 (2) It is the intent of this chapter that no regulation shall,
13 after July 24, 1983, be imposed upon any health profession except for
14 the exclusive purpose of protecting the public interest. All bills
15 introduced in the legislature to regulate a health profession for the
16 first time should be reviewed according to the following criteria. A
17 health profession should be regulated by the state only when:

18 (a) Unregulated practice can clearly harm or endanger the health,
19 safety, or welfare of the public, and the potential for the harm is
20 easily recognizable and not remote or dependent upon tenuous argument;

21 (b) The public needs and can reasonably be expected to benefit from
22 an assurance of initial and continuing professional ability; and

23 (c) The public cannot be effectively protected by other means in a
24 more cost-beneficial manner.

25 (3) After evaluating the criteria in subsection (2) of this section
26 and considering governmental and societal costs and benefits, if the
27 legislature finds that it is necessary to regulate a health profession
28 not previously regulated by law, the least restrictive alternative
29 method of regulation should be implemented, consistent with the public
30 interest and this section:

31 (a) Where existing common law and statutory civil actions and
32 criminal prohibitions are not sufficient to eradicate existing harm,
33 the regulation should provide for stricter civil actions and criminal
34 prosecutions;

35 (b) Where a service is being performed for individuals involving a
36 hazard to the public health, safety, or welfare, the regulation should
37 impose inspection requirements and enable an appropriate state agency

1 to enforce violations by injunctive relief in court, including, but not
2 limited to, regulation of the business activity providing the service
3 rather than the employees of the business;

4 (c) Where the threat to the public health, safety, or economic
5 well-being is relatively small as a result of the operation of the
6 health profession, the regulation should implement a system of
7 registration;

8 (d) Where the consumer may have a substantial basis for relying on
9 the services of a practitioner, the regulation should implement a
10 system of certification; or

11 (e) Where apparent that adequate regulation cannot be achieved by
12 means other than licensing, the regulation should implement a system of
13 licensing.

14 **Sec. 220.** RCW 28A.410.032 and 1996 c 135 s 4 are each amended to
15 read as follows:

16 Teachers of visually impaired students shall be qualified according
17 to rules adopted by the (~~state board of education~~) professional
18 educator standards board.

19 **PART 3**

20 **TRANSFER OF POWERS AND DUTIES**

21 NEW SECTION. **Sec. 301.** (1) The state board of education as
22 constituted prior to the effective date of this section is hereby
23 abolished and its powers, duties, and functions are hereby transferred
24 to the state board of education as specified in this act. All
25 references to the director or the state board of education as
26 constituted prior to the effective date of this section in the Revised
27 Code of Washington shall be construed to mean the director or the state
28 board of education as specified in this act.

29 (2)(a) All reports, documents, surveys, books, records, files,
30 papers, or written material in the possession of the state board of
31 education as constituted prior to the effective date of this section
32 shall be delivered to the custody of the state board of education as
33 specified in this act. All cabinets, furniture, office equipment,
34 motor vehicles, and other tangible property employed by the state board
35 of education as constituted prior to the effective date of this section

1 shall be made available to the state board of education as specified in
2 this act. All funds, credits, or other assets held by the state board
3 of education as constituted prior to the effective date of this section
4 shall be assigned to the state board of education as specified in this
5 act.

6 (b) Any appropriations made to the state board of education as
7 constituted prior to the effective date of this section shall, on the
8 effective date of this section, be transferred and credited to the
9 state board of education as specified in this act.

10 (c) If any question arises as to the transfer of any personnel,
11 funds, books, documents, records, papers, files, equipment, or other
12 tangible property used or held in the exercise of the powers and the
13 performance of the duties and functions transferred, the director of
14 financial management shall make a determination as to the proper
15 allocation and certify the same to the state agencies concerned.

16 (3) All employees of the state board of education as constituted
17 prior to the effective date of this section are transferred to the
18 jurisdiction of the state board of education as specified in this act.
19 All employees classified under chapter 41.06 RCW, the state civil
20 service law, are assigned to the state board of education as specified
21 in this act to perform their usual duties upon the same terms as
22 formerly, without any loss of rights, subject to any action that may be
23 appropriate thereafter in accordance with the laws and rules governing
24 state civil service.

25 (4) All rules and all pending business before the state board of
26 education as constituted prior to the effective date of this section
27 shall be continued and acted upon by the state board of education as
28 specified in this act. All existing contracts and obligations shall
29 remain in full force and shall be performed by the state board of
30 education as specified in this act.

31 (5) The transfer of the powers, duties, functions, and personnel of
32 the state board of education as constituted prior to the effective date
33 of this section shall not affect the validity of any act performed
34 before the effective date of this section.

35 (6) If apportionments of budgeted funds are required because of the
36 transfers directed by this section, the director of financial
37 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 (7) Nothing contained in this section may be construed to alter any
5 existing collective bargaining unit or the provisions of any existing
6 collective bargaining agreement until the agreement has expired or
7 until the bargaining unit has been modified by action of the personnel
8 resources board as provided by law.

9 NEW SECTION. **Sec. 302.** (1) The academic achievement and
10 accountability commission is hereby abolished and its powers, duties,
11 and functions are hereby transferred to the state board of education.
12 All references to the director or the academic achievement and
13 accountability commission in the Revised Code of Washington shall be
14 construed to mean the director or the state board of education.

15 (2)(a) All reports, documents, surveys, books, records, files,
16 papers, or written material in the possession of the academic
17 achievement and accountability commission shall be delivered to the
18 custody of the state board of education. All cabinets, furniture,
19 office equipment, motor vehicles, and other tangible property employed
20 by the academic achievement and accountability commission shall be made
21 available to the state board of education. All funds, credits, or
22 other assets held by the academic achievement and accountability
23 commission shall be assigned to the state board of education.

24 (b) Any appropriations made to the academic achievement and
25 accountability commission shall, on the effective date of this section,
26 be transferred and credited to the state board of education.

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

33 (3) All rules and all pending business before the academic
34 achievement and accountability commission shall be continued and acted
35 upon by the state board of education. All existing contracts and
36 obligations shall remain in full force and shall be performed by the
37 state board of education.

1 (4) The transfer of the powers, duties, and functions of the
2 academic achievement and accountability commission shall not affect the
3 validity of any act performed before the effective date of this
4 section.

5 (5) If apportionments of budgeted funds are required because of the
6 transfers directed by this section, the director of financial
7 management shall certify the apportionments to the agencies affected,
8 the state auditor, and the state treasurer. Each of these shall make
9 the appropriate transfer and adjustments in funds and appropriation
10 accounts and equipment records in accordance with the certification.

11 (6) Nothing contained in this section may be construed to alter any
12 existing collective bargaining unit or the provisions of any existing
13 collective bargaining agreement until the agreement has expired or
14 until the bargaining unit has been modified by action of the personnel
15 resources board as provided by law.

16 **PART 4**
17 **MISCELLANEOUS**

18 NEW SECTION. **Sec. 401.** The following acts or parts of acts as now
19 existing or hereafter amended, are each repealed:

20 (1) RCW 28A.305.010 (Composition of board) and 1992 c 56 s 1, 1990
21 c 33 s 257, 1988 c 255 s 1, 1980 c 179 s 1, & 1969 ex.s. c 223 s
22 28A.04.010;

23 (2) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s
24 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

25 (3) RCW 28A.305.030 (Elections in new congressional districts--Call
26 and conduct of--Member terms--Transitional measures to reduce number of
27 members from each district) and 1992 c 56 s 3, 1990 c 33 s 259, 1982
28 1st ex.s. c 7 s 1, & 1969 ex.s. c 223 s 28A.04.030;

29 (4) RCW 28A.305.040 (Declarations of candidacy--Qualifications of
30 candidates--Members restricted from service on local boards--Forfeiture
31 of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4,
32 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s
33 28A.04.040;

34 (5) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting
35 instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988
36 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

1 (6) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33
2 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283
3 s 25, & 1969 ex.s. c 223 s 28A.04.060;

4 (7) RCW 28A.305.070 (Action to contest election--Grounds--
5 Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1;

6 (8) RCW 28A.305.080 (Terms of office) and 1992 c 56 s 2, 1990 c 33
7 s 263, & 1969 ex.s. c 223 s 28A.04.070;

8 (9) RCW 28A.305.090 (Vacancies, filling) and 1990 c 33 s 264 & 1969
9 ex.s. c 223 s 28A.04.080;

10 (10) RCW 28A.305.100 (Superintendent as ex officio member and chief
11 executive officer of board) and 1982 c 160 s 1 & 1969 ex.s. c 223 s
12 28A.04.090;

13 (11) RCW 28A.305.110 (Executive director--Secretary of board) and
14 1996 c 25 s 1, 1990 c 33 s 265, 1982 c 160 s 3, & 1969 ex.s. c 223 s
15 28A.04.100;

16 (12) RCW 28A.305.120 (Meetings--Compensation and travel expenses of
17 members) and 1984 c 287 s 60, 1975-'76 2nd ex.s. c 34 s 67, 1973 c 106
18 s 13, & 1969 ex.s. c 223 s 28A.04.110;

19 (13) RCW 28A.305.200 (Seal) and 1969 ex.s. c 223 s 28A.04.140; and

20 (14) RCW 28A.300.130 (Center for the improvement of student
21 learning--Educational improvement and research--Clearinghouse for
22 academic achievement and accountability commission and for information
23 regarding educational improvement and parental involvement programs)
24 and 1999 c 388 s 401, 1996 c 273 s 5, 1993 c 336 s 501, & 1986 c 180 s
25 1.

26 NEW SECTION. **Sec. 402.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 28A.655.020 (Academic achievement and accountability
29 commission) and 1999 c 388 s 101;

30 (2) RCW 28A.655.030 (Essential academic learning requirements and
31 assessments--Duties of the academic achievement and accountability
32 commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102; and

33 (3) RCW 28A.655.900 (Transfer of powers, duties, and functions) and
34 1999 c 388 s 502.

35 **Sec. 403.** RCW 28A.300.020 and 1996 c 25 s 2 are each amended to
36 read as follows:

1 The superintendent of public instruction may appoint assistant
2 superintendents of public instruction, a deputy superintendent of
3 public instruction, and may employ such other assistants and clerical
4 help as are necessary to carry out the duties of the superintendent and
5 the state board of education. However, the superintendent shall employ
6 without undue delay the executive director of the state board of
7 education and other state board of education office assistants and
8 clerical help, appointed by the state board under RCW ((~~28A.305.110~~))
9 28A.305.130, whose positions are allotted and funded in accordance with
10 moneys appropriated exclusively for the operation of the state board of
11 education. The rate of compensation and termination of any such
12 executive director, state board office assistants, and clerical help
13 shall be subject to the prior consent of the state board of education.
14 The assistant superintendents, deputy superintendent, and such other
15 officers and employees as are exempted from the provisions of chapter
16 41.06 RCW, shall serve at the pleasure of the superintendent or at the
17 pleasure of the superintendent and the state board of education as
18 provided in this section. Expenditures by the superintendent of public
19 instruction for direct and indirect support of the state board of
20 education are valid operational expenditures by and in behalf of the
21 office of the superintendent of public instruction.

22 **Sec. 404.** RCW 28A.310.110 and 1990 c 33 s 272 are each amended to
23 read as follows:

24 Any common school district board member eligible to vote for a
25 candidate for membership on an educational service district or any
26 candidate for the position, within ten days after the secretary to the
27 state board of education's certification of election, may contest the
28 election of the candidate pursuant to chapter 29A.68 RCW
29 ((~~28A.305.070~~)).

30 **Sec. 405.** RCW 28A.315.085 and 1999 c 315 s 206 are each amended to
31 read as follows:

32 (1) The superintendent of public instruction shall furnish to the
33 state board and to regional committees the services of employed
34 personnel and the materials and supplies necessary to enable them to
35 perform the duties imposed upon them by this chapter and shall
36 reimburse the members thereof for expenses necessarily incurred by them

1 in the performance of their duties, such reimbursement for regional
2 committee members to be in accordance with RCW 28A.315.155, and such
3 reimbursement for state board members to be in accordance with ((RCW
4 ~~28A.305.120~~)) section 101 of this act.

5 (2) Costs that may be incurred by an educational service district
6 in association with school district negotiations under RCW 28A.315.195
7 and supporting the regional committee under RCW 28A.315.205 shall be
8 reimbursed by the state from such funds as are appropriated for these
9 purposes.

10 NEW SECTION. Sec. 406. The professional educator standards board
11 shall conduct a comprehensive analysis of the strengths and weaknesses
12 of Washington's educator and administrator certification and
13 preparation systems, and by December 1, 2005, transmit its findings and
14 any recommendations to the legislative committees on education, the
15 superintendent of public instruction, the state board of education, and
16 the governor. The board shall use the analysis to develop a planning
17 document to guide the assumption of policy and rule-making authority
18 responsibilities for educator and administrator preparation and
19 certification, consistent with the board's purpose.

20 NEW SECTION. Sec. 407. A joint subcommittee of the early
21 learning, K-12 and higher education committee of the senate and the
22 education committee of the house of representatives, in collaboration
23 with the state board of education, school directors, administrators,
24 principals, the superintendent of public instruction, parents,
25 teachers, and other interested parties, shall review the statutory
26 duties of the state board of education held before the effective date
27 of this section, except the duties for educator certification that have
28 been transferred to the professional educator standards board.
29 Recommendations shall be reported to the early learning, K-12 and
30 higher education committee of the senate and the education committee of
31 the house of representatives by December 15, 2005.

32 NEW SECTION. Sec. 408. Part headings used in this act are not any
33 part of the law.

1 NEW SECTION. **Sec. 409.** Sections 101, 103, 105, 106, 201 through
2 219, 301, 401, and 403 through 405 of this act take effect January 1,
3 2006.

4 NEW SECTION. **Sec. 410.** Sections 104, 302, 402, and 406 through
5 408 of this act are necessary for the immediate preservation of the
6 public peace, health, or safety, or support of the state government and
7 its existing public institutions, and take effect July 1, 2005.

8 NEW SECTION. **Sec. 411.** Section 102 of this act is necessary for
9 the immediate preservation of the public peace, health, or safety, or
10 support of the state government and its existing public institutions,
11 and takes effect immediately."

ESSB 5732 - H AMD **561**
By Representatives McDermott, Quall, Talcott

ADOPTED 04/15/2005

12 On page 1, line 4 of the title, after "commission;" strike the
13 remainder of the title and insert "amending RCW 28A.305.130,
14 28A.505.210, 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010,
15 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120,
16 28A.415.023, 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080,
17 28A.205.010, 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010,
18 18.120.010, 28A.410.032, 28A.300.020, 28A.310.110, and 28A.315.085;
19 adding new sections to chapter 28A.305 RCW; creating new sections;
20 repealing RCW 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040,
21 28A.305.050, 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090,
22 28A.305.100, 28A.305.110, 28A.305.120, 28A.305.200, 28A.300.130,
23 28A.655.020, 28A.655.030, and 28A.655.900; providing effective dates;
24 and declaring an emergency."

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