

**ESSB 5732 - H AMD 585**

By Representative McDermott

ADOPTED 04/20/2005

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 sixteen members who are residents of the state of  
18 Washington:

19 (a) Seven shall be members representing the educational system, as  
20 follows:

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

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

28 (iii) The superintendent of public instruction;

1 (b) Seven members appointed by the governor; and

2 (c) Two students selected in a manner determined by the state board  
3 of education.

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

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

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

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

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

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

29 (4)(a) The chair of the board shall be elected by a majority vote  
30 of the members of the board. The chair of the board shall serve a term  
31 of two years, and may be reelected to an additional term. A member of  
32 the board may not serve as chair for more than two consecutive terms.

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

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

36 (5) Members of the board appointed by the governor who are not  
37 public employees shall be compensated in accordance with RCW 43.03.240

1 and shall be reimbursed for travel expenses incurred in carrying out  
2 the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

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

5 The election of state board of education members by school  
6 directors and private school board members shall be conducted by the  
7 office of the superintendent of public instruction for the members of  
8 the state board who begin serving on January 1, 2006, and thereafter.

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

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

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

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

35 (5) No person employed in any public or private school, college,  
36 university, or other educational institution or any educational service  
37 district superintendent's office or in the office of the superintendent

1 of public instruction is eligible for membership on the state board of  
2 education. No member of a board of directors of a local school  
3 district or private school may continue to serve in that capacity after  
4 having been elected to the state board.

5 NEW SECTION. **Sec. 103.** A new section is added to chapter 28A.305  
6 RCW to read as follows:

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

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

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

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

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

34 (3) Until January 1, 2006, investigate the character of the work  
35 required to be performed as a condition of entrance to and graduation  
36 from any institution of higher education in this state relative to such

1 certification as provided for in subsection (1) of this section, and  
2 prepare a list of accredited institutions of higher education of this  
3 and other states whose graduates may be awarded such certificates.

4 (4) Until January 1, 2006:

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

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

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

1       (6) Hold regularly scheduled meetings at such time and place within  
2 the state as the board shall determine and may hold such special  
3 meetings as may be deemed necessary for the transaction of public  
4 business.

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

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

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

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

33       (b) Identify the scores students must achieve in order to meet the  
34 standard on the Washington assessment of student learning and, for high  
35 school students, to obtain a certificate of academic achievement. The  
36 board shall also determine student scores that identify levels of  
37 student performance below and beyond the standard. The board shall  
38 consider the incorporation of the standard error of measurement into

1 the decision regarding the award of the certificates. The board shall  
2 set such performance standards and levels in consultation with the  
3 superintendent of public instruction and after consideration of any  
4 recommendations that may be developed by any advisory committees that  
5 may be established for this purpose. The initial performance standards  
6 and any changes recommended by the board in the performance standards  
7 for the tenth grade assessment shall be presented to the education  
8 committees of the house of representatives and the senate by November  
9 30th of the school year in which the changes will take place to permit  
10 the legislature to take statutory action before the changes are  
11 implemented if such action is deemed warranted by the legislature. The  
12 legislature shall be advised of the initial performance standards and  
13 any changes made to the elementary level performance standards and the  
14 middle school level performance standards;

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

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

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

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

35 (d) Adopt objective, systematic criteria to identify schools and  
36 school districts in need of assistance and those in which significant  
37 numbers of students persistently fail to meet state standards. In its

1 deliberations, the board shall consider the use of all statewide  
2 mandated criterion-referenced and norm-referenced standardized tests;

3 (e) Identify schools and school districts in which state  
4 intervention measures will be needed and a range of appropriate  
5 intervention strategies after the legislature has authorized a set of  
6 intervention strategies. After the legislature has authorized a set of  
7 intervention strategies, at the request of the board, the  
8 superintendent shall intervene in the school or school district and  
9 take corrective actions. This chapter does not provide additional  
10 authority for the board or the superintendent of public instruction to  
11 intervene in a school or school district;

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

14 (g) Annually review the assessment reporting system to ensure  
15 fairness, accuracy, timeliness, and equity of opportunity, especially  
16 with regard to schools with special circumstances and unique  
17 populations of students, and a recommendation to the superintendent of  
18 public instruction of any improvements needed to the system;

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

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

35 ((+7)) (11) Make rules and regulations governing the establishment  
36 in any existing nonhigh school district of any secondary program or any  
37 new grades in grades nine through twelve. Before any such program or



1 any new grades are established the district must obtain prior approval  
2 of the state board.

3 ~~((+8))~~ (12) Prepare such outline of study for the common schools  
4 as the board shall deem necessary, and in conformance with legislative  
5 requirements, and prescribe such rules for the general government of  
6 the common schools, as shall seek to secure regularity of attendance,  
7 prevent truancy, secure efficiency, and promote the true interest of  
8 the common schools.

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

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

16 ~~((+10))~~ (15) Carry out board powers and duties relating to the  
17 organization and reorganization of school districts ((under RCW  
18 28A.315.010 through 28A.315.680 and 28A.315.900)).

19 ~~((+11))~~ (16) Hear and decide appeals as otherwise provided by law.

20 ~~((The state board of education is given the authority to))~~ (17)  
21 Promulgate information and rules dealing with the prevention of child  
22 abuse for purposes of curriculum use in the common schools.

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

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

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

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

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

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

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

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

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

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

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

28 (2) Annually on or before May 1st, the school district board of  
29 directors shall meet at the time and place designated for the purpose  
30 of a public hearing on the proposed use of these funds to improve  
31 student achievement for the coming year. Any person may appear or by  
32 written submission have the opportunity to comment on the proposed plan  
33 for the use of these funds. No later than August 31st, as a part of  
34 the process under RCW 28A.505.060, each school district shall adopt a  
35 plan for the use of these funds for the upcoming school year.  
36 Annually, each school district shall provide to the citizens of their  
37 district a public accounting of the funds made available to the  
38 district during the previous school year under chapter 3, Laws of 2001,

1 how the funds were used, and the progress the district has made in  
2 increasing student achievement, as measured by required state  
3 assessments and other assessments deemed appropriate by the district.  
4 Copies of this report shall be provided to the superintendent of public  
5 instruction (~~and to the academic achievement and accountability~~  
6 ~~commission~~)).

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

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

17 (2) The superintendent of public instruction shall:

18 (a) Periodically revise the essential academic learning  
19 requirements, as needed, based on the student learning goals in RCW  
20 28A.150.210. Goals one and two shall be considered primary. To the  
21 maximum extent possible, the superintendent shall integrate goal four  
22 and the knowledge and skill areas in the other goals in the essential  
23 academic learning requirements; and

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

1 working days, shall post on its web site any grade level content  
2 expectations provided to an assessment vendor for use in constructing  
3 the Washington assessment of student learning.

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

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

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

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

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

1 (7) To assist parents and teachers in their efforts to provide  
2 educational support to individual students, the superintendent of  
3 public instruction shall provide as much individual student performance  
4 information as possible within the constraints of the assessment  
5 system's item bank. The superintendent shall also provide to school  
6 districts:

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

9 (b) A collection of diagnostic tools that educators may use to  
10 evaluate the academic status of individual students. The tools shall  
11 be designed to be inexpensive, easily administered, and quickly and  
12 easily scored, with results provided in a format that may be easily  
13 shared with parents and students.

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

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

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

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

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

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

## 32 PART 2

### 33 WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD

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

36 The purpose of the professional educator standards board is to

1 establish policies and requirements for the preparation and  
2 certification of educators that provide standards for competency in  
3 professional knowledge and practice in the areas of certification; a  
4 foundation of skills, knowledge, and attitudes necessary to help  
5 students with diverse needs, abilities, cultural experiences, and  
6 learning styles meet or exceed the learning goals outlined in RCW  
7 28A.150.210; knowledge of research-based practice; and professional  
8 development throughout a career. The Washington professional educator  
9 standards board shall:

10 (1) Establish policies and practices for the approval of programs  
11 of courses, requirements, and other activities leading to educator  
12 certification including teacher, school administrator, and educational  
13 staff associate certification;

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

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

26 (4) Establish policies for approval of nontraditional educator  
27 preparation programs;

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

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

35 (7) Hear and determine educator certification appeals as provided  
36 by RCW 28A.410.100;

37 (8) Apply for and receive federal or other funds on behalf of the  
38 state for purposes related to the duties of the board;

1 (9) Adopt rules under chapter 34.05 RCW that are necessary for the  
2 effective and efficient implementation of this chapter;

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

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

15 ~~((+2))~~ (12) Submit ((annual reports and recommendations, beginning  
16 December 1, 2000, to the governor, the education and fiscal committees  
17 of the legislature, the state board of education, and the  
18 superintendent of public instruction concerning duties and activities  
19 within the board's advisory capacity. The Washington professional  
20 educator standards board shall submit a separate report by December 1,  
21 2000, to the governor, the education and fiscal committees of the  
22 legislature, the state board of education, and the superintendent of  
23 public instruction providing recommendations for at least two high  
24 quality alternative routes to teacher certification. In its  
25 deliberations, the board shall consider at least one route that permits  
26 persons with substantial subject matter expertise to achieve residency  
27 certification through an on-the-job training program provided by a  
28 school district)), by October 15th of each even-numbered year, a joint  
29 report with the state board of education to the legislative education  
30 committees, the governor, and the superintendent of public instruction.  
31 The report shall address the progress the boards have made and the  
32 obstacles they have encountered, individually and collectively, in the  
33 work of achieving the goals set out in RCW 28A.150.210; ((and

34 ~~(+3))~~ (13) Establish the prospective teacher assessment system for  
35 basic skills and subject knowledge that shall be required to obtain  
36 residency certification pursuant to RCW 28A.410.220 through  
37 28A.410.240; and

38 (14) 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    220, 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 **585**  
By Representative McDermott

**ADOPTED 04/20/2005**

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."

--- END ---