

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 2212**

59th Legislature  
2005 Regular Session

Passed by the House April 19, 2005  
Yeas 97 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 14, 2005  
Yeas 41 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2212** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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SECOND SUBSTITUTE HOUSE BILL 2212

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AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington                      59th Legislature                      2005 Regular Session

By House Committee on Appropriations (originally sponsored by  
Representatives Hunter, Cox, Haigh, Talcott and Lantz)

READ FIRST TIME 03/07/05.

1            AN ACT Relating to educator certification; amending RCW  
2 28A.410.090; and adding a new section to chapter 28A.415 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28A.415  
5 RCW to read as follows:

6            (1) All credits earned in furtherance of degrees earned by  
7 certificated staff, that are used to increase earnings on the salary  
8 schedule consistent with RCW 28A.415.023, must be obtained from an  
9 educational institution accredited by an accrediting association  
10 recognized by rule of the state board of education.

11            (2) The office of the superintendent of public instruction shall  
12 verify for school districts the accreditation status of educational  
13 institutions granting degrees that are used by certificated staff to  
14 increase earnings on the salary schedule consistent with RCW  
15 28A.415.023.

16            (3) The office of the superintendent of public instruction shall  
17 provide school districts with training and additional resources to  
18 ensure they can verify that degrees earned by certificated staff, that  
19 are used to increase earnings on the salary schedule consistent with

1 RCW 28A.415.023, are obtained from an educational institution  
2 accredited by an accrediting association recognized by rule of the  
3 state board of education.

4 (4)(a) No school district may submit degree information before  
5 there has been verification of accreditation under subsection (3) of  
6 this section.

7 (b) Certificated staff who submit degrees received from an  
8 unaccredited educational institution for the purposes of receiving a  
9 salary increase shall be fined three hundred dollars. The fine shall  
10 be paid to the office of the superintendent of public instruction and  
11 used for costs of administering this section.

12 (c) In addition to the fine in (b) of this subsection, certificated  
13 staff who receive salary increases based upon degrees earned from  
14 educational institutions that have been verified to be unaccredited  
15 must reimburse the district for any compensation received based on  
16 these degrees.

17 **Sec. 2.** RCW 28A.410.090 and 2004 c 134 s 2 are each amended to  
18 read as follows:

19 (1) Any certificate or permit authorized under the provisions of  
20 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may  
21 be revoked or suspended by the authority authorized to grant the same  
22 based upon a criminal records report authorized by law, or upon the  
23 complaint of any school district superintendent, educational service  
24 district superintendent, or private school administrator for  
25 immorality, violation of written contract, unprofessional conduct,  
26 intemperance, or crime against the law of the state.

27 If the superintendent of public instruction has reasonable cause to  
28 believe that an alleged violation of this chapter or rules adopted  
29 under it has occurred based on a written complaint alleging physical  
30 abuse or sexual misconduct by a certificated school employee filed by  
31 a parent or another person, but no complaint has been forwarded to the  
32 superintendent by a school district superintendent, educational service  
33 district superintendent, or private school administrator, and that a  
34 school district superintendent, educational service district  
35 superintendent, or private school administrator has sufficient notice  
36 of the alleged violation and opportunity to file a complaint, the  
37 superintendent of public instruction may cause an investigation to be

1 made of the alleged violation, together with such other matters that  
2 may be disclosed in the course of the investigation related to  
3 certificated personnel.

4 (2) A parent or another person may file a written complaint with  
5 the superintendent of public instruction alleging physical abuse or  
6 sexual misconduct by a certificated school employee if:

7 (a) The parent or other person has already filed a written  
8 complaint with the educational service district superintendent  
9 concerning that employee;

10 (b) The educational service district superintendent has not caused  
11 an investigation of the allegations and has not forwarded the complaint  
12 to the superintendent of public instruction for investigation; and

13 (c) The written complaint states the grounds and factual basis upon  
14 which the parent or other person believes an investigation should be  
15 conducted.

16 (3) Any such certificate or permit authorized under this chapter or  
17 chapter 28A.405 RCW shall be revoked by the authority authorized to  
18 grant the certificate upon a guilty plea or the conviction of any  
19 felony crime involving the physical neglect of a child under chapter  
20 9A.42 RCW, the physical injury or death of a child under chapter 9A.32  
21 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61  
22 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual  
23 offenses under chapter 9A.44 RCW where a minor is the victim, promoting  
24 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase  
25 of a minor child under RCW 9A.64.030, or violation of similar laws of  
26 another jurisdiction. The person whose certificate is in question  
27 shall be given an opportunity to be heard. Mandatory permanent  
28 revocation upon a guilty plea or the conviction of felony crimes  
29 specified under this subsection shall apply to such convictions or  
30 guilty pleas which occur after July 23, 1989. Revocation of any  
31 certificate or permit authorized under this chapter or chapter 28A.405  
32 RCW for a guilty plea or criminal conviction occurring prior to July  
33 23, 1989, shall be subject to the provisions of subsection (1) of this  
34 section.

35 (4)(a) Any such certificate or permit authorized under this chapter  
36 or chapter 28A.405 RCW shall be suspended or revoked, according to the  
37 provisions of this subsection, by the authority authorized to grant the  
38 certificate upon a finding that an employee has engaged in an

1 unauthorized use of school equipment to intentionally access material  
2 depicting sexually explicit conduct or has intentionally possessed on  
3 school grounds any material depicting sexually explicit conduct; except  
4 for material used in conjunction with established curriculum. A first  
5 time violation of this subsection shall result in either suspension or  
6 revocation of the employee's certificate or permit as determined by the  
7 office of the superintendent of public instruction. A second violation  
8 shall result in a mandatory revocation of the certificate or permit.

9 (b) In all cases under this subsection (4), the person whose  
10 certificate is in question shall be given an opportunity to be heard  
11 and has the right to appeal as established in RCW 28A.410.100.  
12 Certificates or permits shall be suspended or revoked under this  
13 subsection only if findings are made on or after the effective date of  
14 this section. For the purposes of this subsection, "sexually explicit  
15 conduct" has the same definition as provided in RCW 9.68A.011.

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