
SENATE BILL 5072

State of Washington

59th Legislature

2005 Regular Session

By Senators McAuliffe and Rasmussen; by request of Governor Locke

Read first time 01/12/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to the powers, duties, and membership of the state
2 board of education and the Washington professional educator standards
3 board and the elimination of the academic achievement and
4 accountability commission; amending RCW 28A.305.130, 28A.300.130,
5 28A.505.210, 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010,
6 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120,
7 28A.415.023, 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080,
8 28A.205.010, 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010,
9 18.120.010, 28A.300.020, 28A.310.110, and 28A.315.085; adding a new
10 section to chapter 28A.305 RCW; creating new sections; repealing RCW
11 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040, 28A.305.050,
12 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090, 28A.305.100,
13 28A.305.110, 28A.305.120, 28A.305.200, 28A.655.020, 28A.655.030,
14 28A.655.900, and 28A.660.901; and declaring an emergency.

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

16

PART 1

17

STATE BOARD OF EDUCATION

1 NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.305
2 RCW to read as follows:

3 (1) The state board of education is created, composed of the
4 superintendent of public instruction and ten members who are residents
5 of the state of Washington appointed by the governor as follows:

6 (a) Three individuals which shall include the following:

7 (i) One individual from a school district serving two thousand or
8 fewer students;

9 (ii) One individual from a school district serving at least two
10 thousand students and fewer than ten thousand students;

11 (iii) One individual from a school district serving ten thousand
12 students or more;

13 (b) One individual from a Washington state public four-year higher
14 education institution;

15 (c) One individual from a Washington state public community and
16 technical college; and

17 (d) Five at large members.

18 The members appointed by the governor shall be appointed for four-
19 year terms.

20 (2) Initial appointments shall be to terms from one to four years
21 in length, with the terms expiring on June 30th of the applicable year.
22 As the terms of the first appointees expire or vacancies on the board
23 occur, the governor shall appoint or reappoint members of the board to
24 complete the initial terms or to four-year terms, as appropriate.

25 (a) Appointees must be individuals who have demonstrated interest
26 in public schools and are supportive of educational improvement, have
27 a positive record of service, and will devote sufficient time to the
28 responsibilities of the board.

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

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

33 (d) No person may serve as a member of the board for more than two
34 consecutive full four-year terms.

35 (3) The governor may remove a member of the board for neglect of
36 duty, misconduct, malfeasance, or misfeasance in office, or for
37 incompetent or unprofessional conduct as defined in chapter 18.130 RCW.
38 In such a case, the governor shall file with the secretary of state a

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

5 (4)(a) The superintendent of public instruction shall serve as the
6 chair of the board.

7 (b) Five members of the board constitute a quorum for the
8 transaction of business.

9 (c) All members are voting members.

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

14 **Sec. 102.** RCW 28A.305.130 and 2002 c 205 s 3 are each amended to
15 read as follows:

16 In addition to any other powers and duties as provided by law, the
17 state board of education shall:

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

23 ~~(2) Conduct every five years a review of the program approval~~
24 ~~standards, including the minimum standards for teachers,~~
25 ~~administrators, and educational staff associates, to reflect research~~
26 ~~findings and assure continued improvement of preparation programs for~~
27 ~~teachers, administrators, and educational staff associates.~~

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

34 ~~(4)(a) The state board of education shall adopt rules to allow a~~
35 ~~teacher certification candidate to fulfill, in part, teacher~~
36 ~~preparation program requirements through work experience as a~~
37 ~~classified teacher's aide in a public school or private school meeting~~

1 the requirements of RCW 28A.195.010. The rules shall include, but are
2 not limited to, limitations based upon the recency of the teacher
3 preparation candidate's teacher aide work experience, and limitations
4 based on the amount of work experience that may apply toward teacher
5 preparation program requirements under this chapter.

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

26 (5) Supervise the issuance of such certificates as provided for in
27 subsection (1) of this section and specify the types and kinds of
28 certificates necessary for the several departments of the common
29 schools by rule or regulation in accordance with RCW 28A.410.010.)
30 Hold regularly scheduled meetings at such time and place within the
31 state as the board shall determine and may hold such special meetings
32 as may be deemed necessary for the transaction of public business.

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

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

37 (4) Recommend to the governor, the superintendent of public

1 instruction, the legislature, and school districts performance goals
2 for all schools, school districts, and groups of students as
3 appropriate for the improvement of student learning in:

4 (a) Reading, writing, mathematics, and science;

5 (b) Student attendance;

6 (c) High school graduation rates; and

7 (d) Other areas as may be identified.

8 Such goals shall be coordinated as reasonable and possible with the
9 requirements of Title I of the federal elementary and secondary
10 education act of 1965, as amended.

11 (5) Recommend to the legislature, when appropriate, performance
12 standard adjustments in the requirements for attaining a certificate of
13 academic achievement following thorough consultation with the
14 superintendent of public instruction.

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

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

33 (8) Prepare such outline of study for the common schools as the
34 board shall deem necessary, and in conformance with legislative
35 requirements, and prescribe such rules for the general government of
36 the common schools, as shall seek to secure regularity of attendance,
37 prevent truancy, secure efficiency, and promote the true interest of
38 the common schools.

1 (9) Continuously reevaluate courses and other requirements and
2 adopt and enforce regulations within the common schools so as to meet
3 the educational needs of students (~~(and)~~).

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

8 (~~(10)~~) (11) Carry out board powers and duties relating to the
9 organization and reorganization of school districts (~~(under RCW~~
10 ~~28A.315.010 through 28A.315.680 and 28A.315.900)~~).

11 (~~(11)~~) (12) Hear and decide appeals as otherwise provided by law.

12 (~~(The state board of education is given the authority to)~~) (13)
13 Promulgate information and rules dealing with the prevention of child
14 abuse for purposes of curriculum use in the common schools.

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

22 (15) Adopt a seal that shall be kept in the office of the
23 superintendent of public instruction.

24 **Sec. 103.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to
25 read as follows:

26 (1) Expanding activity in educational research, educational
27 restructuring, and educational improvement initiatives has produced and
28 continues to produce much valuable information. The legislature finds
29 that such information should be shared with the citizens and
30 educational community of the state as widely as possible. To
31 facilitate access to information and materials on educational
32 improvement and research, the superintendent of public instruction, to
33 the extent funds are appropriated, shall establish the center for the
34 improvement of student learning. The primary purpose of the center is
35 to provide assistance and advice to parents, school board members,
36 educators, and the public regarding strategies for assisting students
37 in learning the essential academic learning requirements pursuant to

1 RCW (~~(28A.630.885)~~) 28A.655.070. The center shall work in conjunction
2 with the (~~(academic achievement and accountability commission)~~) state
3 board of education, educational service districts, institutions of
4 higher education, and education, parent, community, and business
5 organizations.

6 (2) The center, in conjunction with other staff in the office of
7 the superintendent of public instruction, shall:

8 (~~(a) ((Serve as a clearinghouse for the completed work and~~
9 ~~activities of the academic achievement and accountability commission;~~

10 ~~(b))~~) Serve as a clearinghouse for information regarding successful
11 educational improvement and parental involvement programs in schools
12 and districts, and information about efforts within institutions of
13 higher education in the state to support educational improvement
14 initiatives in Washington schools and districts;

15 (~~(c)~~) (b) Provide best practices research and advice that can be
16 used to help schools develop and implement: Programs and practices to
17 improve instruction of the essential academic learning requirements
18 (~~(under section 701 of this act)~~); systems to analyze student
19 assessment data, with an emphasis on systems that will combine the use
20 of state and local data to monitor the academic progress of each and
21 every student in the school district; comprehensive, school-wide
22 improvement plans; school-based shared decision-making models; programs
23 to promote lifelong learning and community involvement in education;
24 school-to-work transition programs; programs to meet the needs of
25 highly capable students; programs and practices to meet the diverse
26 needs of students based on gender, racial, ethnic, economic, and
27 special needs status; research, information, and technology systems;
28 and other programs and practices that will assist educators in helping
29 students learn the essential academic learning requirements;

30 (~~(d)~~) (c) Develop and distribute(~~(, in conjunction with the~~
31 ~~academic achievement and accountability commission,)~~) parental
32 involvement materials, including instructional guides developed to
33 inform parents of the essential academic learning requirements. The
34 instructional guides also shall contain actions parents may take to
35 assist their children in meeting the requirements, and should focus on
36 reaching parents who have not previously been involved with their
37 children's education;

1 ((+e)) (d) Identify obstacles to greater parent and community
2 involvement in school shared decision-making processes and recommend
3 strategies for helping parents and community members to participate
4 effectively in school shared decision-making processes, including
5 understanding and respecting the roles of school building
6 administrators and staff;

7 ((+f)) (e) Develop and maintain an internet web site to increase
8 the availability of information, research, and other materials;

9 ((+g)) (f) Take other actions to increase public awareness of the
10 importance of parental and community involvement in education;

11 ((+h)) (g) Work with appropriate organizations to inform teachers,
12 district and school administrators, and school directors about the
13 waivers available and the broadened school board powers under RCW
14 28A.320.015;

15 ((+i)) (h) Provide training and consultation services, including
16 conducting regional summer institutes;

17 ((+j)) (i) Address methods for improving the success rates of
18 certain ethnic and racial student groups; and

19 ((+k)) (j) Perform other functions consistent with the purpose of
20 the center as prescribed in subsection (1) of this section.

21 (3) The superintendent of public instruction(~~(, after consultation~~
22 ~~with the academic achievement and accountability commission,)~~) shall
23 select and employ a director for the center.

24 (4) The superintendent may enter into contracts with individuals or
25 organizations including but not limited to: School districts;
26 educational service districts; educational organizations; teachers;
27 higher education faculty; institutions of higher education; state
28 agencies; business or community-based organizations; and other
29 individuals and organizations to accomplish the duties and
30 responsibilities of the center. In carrying out the duties and
31 responsibilities of the center, the superintendent, whenever possible,
32 shall use practitioners to assist agency staff as well as assist
33 educators and others in schools and districts.

34 **Sec. 104.** RCW 28A.505.210 and 2001 c 3 s 3 are each amended to
35 read as follows:

36 School districts shall have the authority to decide the best use of

1 student achievement funds to assist students in meeting and exceeding
2 the new, higher academic standards in each district consistent with the
3 provisions of chapter 3, Laws of 2001.

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

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

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

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

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

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

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

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

1 Annually, each school district shall provide to the citizens of their
2 district a public accounting of the funds made available to the
3 district during the previous school year under chapter 3, Laws of 2001,
4 how the funds were used, and the progress the district has made in
5 increasing student achievement, as measured by required state
6 assessments and other assessments deemed appropriate by the district.
7 Copies of this report shall be provided to the superintendent of public
8 instruction (~~and to the academic achievement and accountability~~
9 ~~commission~~)).

10 **Sec. 105.** RCW 28A.655.070 and 2004 c 19 s 204 are each amended to
11 read as follows:

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

20 (2) The superintendent of public instruction shall:

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

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

1 reflect, where appropriate, the sequential nature of the discipline.
2 The office of the superintendent of public instruction, within seven
3 working days, shall post on its web site any grade level content
4 expectations provided to an assessment vendor for use in constructing
5 the Washington assessment of student learning.

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

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

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

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

35 (6) By September 2007, the results for reading and mathematics
36 shall be reported in a format that will allow parents and teachers to
37 determine the academic gain a student has acquired in those content
38 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 Washington professional educator standards board shall:

- 1 (1) Establish policies and practices for the approval of programs
2 of courses, requirements, and other activities leading to educator
3 certification including teacher, school administrator, and educational
4 staff associate certification;
- 5 (2) Establish policies and practices for the approval of the
6 character of work required to be performed as a condition of entrance
7 to and graduation from any educator preparation program including
8 teacher, school administrator, and educational staff associate
9 preparation program as provided in subsection (1) of this section;
- 10 (3) Establish a list of accredited institutions of higher education
11 of this and other states whose graduates may be awarded educator
12 certificates as teacher, school administrator, and educational staff
13 associate and establish criteria and enter into agreements with other
14 states to acquire reciprocal approval of educator preparation programs
15 and certification, including teacher certification from the national
16 board for professional teaching standards;
- 17 (4) Establish policies for approval of nontraditional educator
18 preparation programs;
- 19 (5) Conduct a review of educator program approval standards at
20 least every five years, beginning in 2006, to reflect research findings
21 and assure continued improvement of preparation programs for teachers,
22 administrators, and school specialized personnel;
- 23 (6) Specify the types and kinds of educator certificates to be
24 issued and conditions for certification in accordance with subsection
25 (1) of this section and RCW 28A.410.010 and supervise the issuance of
26 such certificates;
- 27 (7) Establish prospective educator assessment systems as necessary,
28 including the prospective teacher assessment system for basic skills
29 and subject knowledge that shall be required to obtain residency
30 certification pursuant to RCW 28A.410.220 through 28A.410.240;
- 31 (8) Hear and determine educator certification appeals as provided
32 by RCW 28A.410.100;
- 33 (9) Apply for and receive federal or other funds on behalf of the
34 state for purposes related to the duties of the board;
- 35 (10) Adopt rules under chapter 34.05 RCW that are necessary for the
36 effective and efficient implementation of this chapter;
- 37 (11) Submit annual reports and recommendations to the governor, the

1 education and fiscal committees of the legislature, and the
2 superintendent of public instruction concerning the duties and
3 activities of the board;

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

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

16 ~~(2) Submit annual reports and recommendations, beginning December~~
17 ~~1, 2000, to the governor, the education and fiscal committees of the~~
18 ~~legislature, the state board of education, and the superintendent of~~
19 ~~public instruction concerning duties and activities within the board's~~
20 ~~advisory capacity. The Washington professional educator standards~~
21 ~~board shall submit a separate report by December 1, 2000, to the~~
22 ~~governor, the education and fiscal committees of the legislature, the~~
23 ~~state board of education, and the superintendent of public instruction~~
24 ~~providing recommendations for at least two high quality alternative~~
25 ~~routes to teacher certification. In its deliberations, the board shall~~
26 ~~consider at least one route that permits persons with substantial~~
27 ~~subject matter expertise to achieve residency certification through an~~
28 ~~on-the-job training program provided by a school district; and~~

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

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

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

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

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

11 (d) The governor shall annually appoint the chair of the board from
12 among the teachers and principals on the board. No board member may
13 serve as chair for more than two consecutive years.

14 (2) Seven of the members shall be public school teachers, one shall
15 be a private school teacher, three shall represent higher education
16 educator preparation programs, four shall be school administrators, two
17 shall be educational staff associates, one shall be a classified
18 employee who assists in public school student instruction, one shall be
19 a parent, and one shall be a member of the public.

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

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

23 (b) Be currently certificated and actively employed in a teaching
24 position; and

25 (c) Include one teacher currently teaching at the elementary school
26 level, one at the middle school level, one at the high school level,
27 and one vocationally certificated.

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

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

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

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

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

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

3 (b) Be currently certificated and actively employed in a school
4 administrator position; and

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

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

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

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

12 (8) Public school classified employees appointed to the board must:

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

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

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

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

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

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

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

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

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

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

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

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

17 The ((state board of education)) Washington professional educator
18 standards board shall establish, publish, and enforce rules ((and
19 regulations)) determining eligibility for and certification of
20 personnel employed in the common schools of this state, including
21 certification for emergency or temporary, substitute or provisional
22 duty and under such certificates or permits as the board shall deem
23 proper or as otherwise prescribed by law. The rules shall require that
24 the initial application for certification shall require a record check
25 of the applicant through the Washington state patrol criminal
26 identification system and through the federal bureau of investigation
27 at the applicant's expense. The record check shall include a
28 fingerprint check using a complete Washington state criminal
29 identification fingerprint card. The superintendent of public
30 instruction may waive the record check for any applicant who has had a
31 record check within the two years before application. The rules shall
32 permit a holder of a lapsed certificate but not a revoked or suspended
33 certificate to be employed on a conditional basis by a school district
34 with the requirement that the holder must complete any certificate
35 renewal requirements established by the state board of education within
36 two years of initial reemployment.

1 In establishing rules pertaining to the qualifications of
2 instructors of American sign language the ((state)) board shall consult
3 with the national association of the deaf, "sign instructors guidance
4 network" (s.i.g.n.), and the Washington state association of the deaf
5 for evaluation and certification of sign language instructors.

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

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

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

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

26 The ((state board of education)) Washington professional educator
27 standards board shall develop and adopt rules establishing
28 baccalaureate and masters degree equivalency standards for vocational
29 instructors performing instructional duties and acquiring certification
30 after August 31, 1992.

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

33 The fee for any certificate, or any renewal thereof, issued by the
34 authority of the state of Washington, and authorizing the holder to
35 teach or perform other professional duties in the public schools of the

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

16 Such fees shall be used solely for the purpose of precertification
17 professional preparation, program evaluation, and professional in-
18 service training programs in accord with rules (~~and regulations~~) of
19 the (~~state board of education~~) Washington professional educator
20 standards board herein authorized.

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

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

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

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

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

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

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

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

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

21 (c) Is necessary to obtain an endorsement as prescribed by the
22 ((state board of education)) Washington professional educator standards
23 board;

24 (d) Is specifically required to obtain advanced levels of
25 certification; or

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

29 (2) For the purpose of this section, "credits" mean college quarter
30 hour credits and equivalent credits for approved in-service, approved
31 continuing education, or approved internship hours computed in
32 accordance with RCW 28A.415.020.

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

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

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

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

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

25 (2) The program shall include the following:

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

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

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

34 (d) Providing for increased cooperation among institutions of
35 higher education including community colleges, the superintendent of
36 public instruction, the (~~state board of education~~) Washington

1 professional educator standards board, and local school districts in
2 working toward the goals of the program.

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

5 The term "certificated employee" as used in RCW 28A.195.010,
6 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240,
7 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW,
8 shall include those persons who hold certificates as authorized by rule
9 (~~or regulation~~) of the (~~state board of education~~) Washington
10 professional educator standards board or the superintendent of public
11 instruction.

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

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

29 (a) Individual and family counseling, including preventive
30 counseling;

31 (b) Assessment and referral for treatment;

32 (c) Referral to peer support groups;

33 (d) Aftercare;

34 (e) Development and supervision of student mentor programs;

35 (f) Staff training, including training in the identification of

1 high-risk children and effective interaction with those children in the
2 classroom; and

3 (g) Development and coordination of school drug and alcohol core
4 teams, involving staff, students, parents, and community members.

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

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

19 (b) An individual who meets the definition of a qualified drug or
20 alcohol counselor established by the bureau of alcohol and substance
21 abuse;

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

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

25 (e) A children's mental health specialist as defined in RCW
26 71.34.020.

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

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

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

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

36 (b) Operates on a clinical, client centered basis. This shall
37 include, but not be limited to, performing diagnosis of individual

1 educational abilities, determination and setting of individual goals,
2 prescribing and providing individual courses of instruction therefor,
3 and evaluation of each individual client's progress in his or her
4 educational program.

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

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

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

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

33 In accordance with chapter 34.05 RCW, the administrative procedure
34 act, the (~~state board of education~~) Washington professional educator
35 standards board with respect to the matter of certification, and the
36 superintendent of public instruction with respect to all other matters,

1 shall have the power and duty to make the necessary rules to carry out
2 the purpose and intent of this chapter.

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

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

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

26 In the event it is determined that there is probable cause or
27 causes that the employment contract of an employee should not be
28 renewed by the district for the next ensuing term such employee shall
29 be notified in writing on or before May 15th preceding the commencement
30 of such term of that determination, or if the omnibus appropriations
31 act has not passed the legislature by May 15th, then notification shall
32 be no later than June 1st, which notification shall specify the cause
33 or causes for nonrenewal of contract. Such determination of probable
34 cause for certificated employees, other than the superintendent, shall
35 be made by the superintendent. Such notice shall be served upon the
36 employee personally, or by certified or registered mail, or by leaving
37 a copy of the notice at the house of his or her usual abode with some

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

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

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

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

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

36 (1) The purpose of this chapter is to establish guidelines for the

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

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

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

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

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

35 (3) After evaluating the criteria in subsection (2) of this section
36 and considering governmental and societal costs and benefits, if the
37 legislature finds that it is necessary to regulate a business

1 profession not previously regulated by law, the least restrictive
2 alternative method of regulation should be implemented, consistent with
3 the public interest and this section:

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

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

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

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

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

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

26 (1) The purpose of this chapter is to establish guidelines for the
27 regulation of health professions not licensed or regulated prior to
28 July 24, 1983, and those licensed or regulated health professions which
29 seek to substantially increase their scope of practice: PROVIDED, That
30 the provisions of this chapter are not intended and shall not be
31 construed to: (a) Apply to any regulatory entity created prior to July
32 24, 1983, except as provided in this chapter; (b) affect the powers and
33 responsibilities of the superintendent of public instruction or (~~state~~
34 ~~board of education~~) Washington professional educator standards board
35 under RCW (~~(28A.305.130)~~) 28A.410.210 and 28A.410.010; (c) apply to or
36 interfere in any way with the practice of religion or to any kind of
37 treatment by prayer; and (d) apply to any remedial or technical

1 amendments to any statutes which licensed or regulated activity before
2 July 24, 1983. The legislature believes that all individuals should be
3 permitted to enter into a health profession unless there is an
4 overwhelming need for the state to protect the interests of the public
5 by restricting entry into the profession. Where such a need is
6 identified, the regulation adopted by the state should be set at the
7 least restrictive level consistent with the public interest to be
8 protected.

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

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

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

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

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

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

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

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

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

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

11 **PART 3**

12 **TRANSFER OF POWERS AND DUTIES**

13 NEW SECTION. **Sec. 301.** (1) The state board of education as
14 constituted prior to the effective date of this act is hereby abolished
15 and its powers, duties, and functions are hereby transferred to the
16 state board of education as specified in this act. All references to
17 the director or the state board of education as constituted prior to
18 the effective date of this act in the Revised Code of Washington shall
19 be construed to mean the director or the state board of education as
20 specified in this act.

21 (2)(a) All reports, documents, surveys, books, records, files,
22 papers, or written material in the possession of the state board of
23 education as constituted prior to the effective date of this act shall
24 be delivered to the custody of the state board of education as
25 specified in this act. All cabinets, furniture, office equipment,
26 motor vehicles, and other tangible property employed by the state board
27 of education as constituted prior to the effective date of this act
28 shall be made available to the state board of education as specified in
29 this act. All funds, credits, or other assets held by the state board
30 of education as constituted prior to the effective date of this act
31 shall be assigned to the state board of education as specified in this
32 act.

33 (b) Any appropriations made to the state board of education as
34 constituted prior to the effective date of this act shall, on the
35 effective date of this section, be transferred and credited to the
36 state board of education as specified in this act.

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

7 (3) All employees of the state board of education as constituted
8 prior to the effective date of this act are transferred to the
9 jurisdiction of the state board of education as specified in this act.
10 All employees classified under chapter 41.06 RCW, the state civil
11 service law, are assigned to the state board of education as specified
12 in this act to perform their usual duties upon the same terms as
13 formerly, without any loss of rights, subject to any action that may be
14 appropriate thereafter in accordance with the laws and rules governing
15 state civil service.

16 (4) All rules and all pending business before the state board of
17 education as constituted prior to the effective date of this act shall
18 be continued and acted upon by the state board of education as
19 specified in this act. All existing contracts and obligations shall
20 remain in full force and shall be performed by the state board of
21 education as specified in this act.

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

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

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

1 NEW SECTION. **Sec. 302.** (1) The academic achievement and
2 accountability commission is hereby abolished and its powers, duties,
3 and functions are hereby transferred to the state board of education.
4 All references to the director or the academic achievement and
5 accountability commission in the Revised Code of Washington shall be
6 construed to mean the director or the state board of education.

7 (2)(a) All reports, documents, surveys, books, records, files,
8 papers, or written material in the possession of the academic
9 achievement and accountability commission shall be delivered to the
10 custody of the state board of education. All cabinets, furniture,
11 office equipment, motor vehicles, and other tangible property employed
12 by the academic achievement and accountability commission shall be made
13 available to the state board of education. All funds, credits, or
14 other assets held by the academic achievement and accountability
15 commission shall be assigned to the state board of education.

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

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

25 (3) All employees of the academic achievement and accountability
26 commission are transferred to the jurisdiction of the state board of
27 education. All employees classified under chapter 41.06 RCW, the state
28 civil service law, are assigned to the state board of education to
29 perform their usual duties upon the same terms as formerly, without any
30 loss of rights, subject to any action that may be appropriate
31 thereafter in accordance with the laws and rules governing state civil
32 service.

33 (4) 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 (5) The transfer of the powers, duties, functions, and personnel of
2 the academic achievement and accountability commission shall not affect
3 the validity of any act performed before the effective date of this
4 section.

5 (6) 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 (7) 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 are
19 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;
- 20 (14) RCW 28A.655.020 (Academic achievement and accountability
21 commission) and 1999 c 388 s 101;
- 22 (15) RCW 28A.655.030 (Essential academic learning requirements and
23 assessments--Duties of the academic achievement and accountability
24 commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102;
- 25 (16) RCW 28A.655.900 (Transfer of powers, duties, and functions)
26 and 1999 c 388 s 502; and
- 27 (17) RCW 28A.660.901 (Program evaluations--Contingency) and 2004 c
28 23 s 6 & 2001 c 158 s 8.

29 **Sec. 402.** RCW 28A.300.020 and 1996 c 25 s 2 are each amended to
30 read as follows:

31 The superintendent of public instruction may appoint assistant
32 superintendents of public instruction, a deputy superintendent of
33 public instruction, and may employ such other assistants and clerical
34 help as are necessary to carry out the duties of the superintendent and
35 the state board of education. However, the superintendent shall employ
36 without undue delay the executive director of the state board of
37 education and other state board of education office assistants and

1 clerical help, appointed by the state board under RCW ((~~28A.305.110~~))
2 28A.305.130, whose positions are allotted and funded in accordance with
3 moneys appropriated exclusively for the operation of the state board of
4 education. The rate of compensation and termination of any such
5 executive director, state board office assistants, and clerical help
6 shall be subject to the prior consent of the state board of education.
7 The assistant superintendents, deputy superintendent, and such other
8 officers and employees as are exempted from the provisions of chapter
9 41.06 RCW, shall serve at the pleasure of the superintendent or at the
10 pleasure of the superintendent and the state board of education as
11 provided in this section. Expenditures by the superintendent of public
12 instruction for direct and indirect support of the state board of
13 education are valid operational expenditures by and in behalf of the
14 office of the superintendent of public instruction.

15 **Sec. 403.** RCW 28A.310.110 and 1990 c 33 s 272 are each amended to
16 read as follows:

17 Any common school district board member eligible to vote for a
18 candidate for membership on an educational service district or any
19 candidate for the position, within ten days after the secretary to the
20 state board of education's certification of election, may contest the
21 election of the candidate pursuant to chapter 29A.68 RCW
22 ((~~28A.305.070~~)).

23 **Sec. 404.** RCW 28A.315.085 and 1999 c 315 s 206 are each amended to
24 read as follows:

25 (1) The superintendent of public instruction shall furnish to the
26 state board and to regional committees the services of employed
27 personnel and the materials and supplies necessary to enable them to
28 perform the duties imposed upon them by this chapter and shall
29 reimburse the members thereof for expenses necessarily incurred by them
30 in the performance of their duties, such reimbursement for regional
31 committee members to be in accordance with RCW 28A.315.155, and such
32 reimbursement for state board members to be in accordance with ((RCW
33 ~~28A.305.120~~)) section 101 of this act.

34 (2) Costs that may be incurred by an educational service district
35 in association with school district negotiations under RCW 28A.315.195

1 and supporting the regional committee under RCW 28A.315.205 shall be
2 reimbursed by the state from such funds as are appropriated for these
3 purposes.

4 NEW SECTION. **Sec. 405.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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