

ESSB 5269 - H AMD 546

By Representative Ormsby

ADOPTED 4/6/2007

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Teaching first peoples' languages, cultures, and oral
5 tribal traditions is a critical factor in fostering successful
6 educational experiences and promoting cultural sensitivity for all
7 students. Experience shows that such teaching dramatically raises
8 student achievement and that the effect is particularly strong for
9 Native American students;

10 (2) Native American students have the highest high school
11 dropout rate among all groups of students. Less than one-fourth of
12 Native American students in the class of 2008 are on track to
13 graduate based on the results of the Washington assessment of
14 student learning. Positive and supportive educational experiences
15 are critical for the success of Native American students;

16 (3) The sole expertise of sovereign tribal governments whose
17 traditional lands and territories lie within the borders of the
18 state of Washington in the transmission of their indigenous
19 languages, heritage, cultural knowledge, histories, customs, and
20 traditions should be honored;

21 (4) Government-to-government collaboration between the state
22 and the sovereign tribal governments whose traditional lands and
23 territories lie within the borders of the state of Washington
24 serves to implement the spirit of the 1989 centennial accord and
25 other similar government-to-government agreements, including the
26 2004 accord between the federally recognized Indian tribes with
27 treaty reserved rights in the state of Washington;

28 (5) Establishing a first peoples' language, culture, and oral
29 tribal traditions teacher certification program both achieves

1 educational objectives and models effective government-to-
2 government relationships;

3 (6) Establishing a first peoples' language, culture, and oral
4 tribal traditions certification program implements the following
5 policy objectives of the federal Native American languages act of
6 1990 (P.L. 101-477) in a tangible way:

7 (a) To preserve, protect, and promote the rights and freedom of
8 Native Americans to use, practice, and develop Native American
9 languages;

10 (b) To allow exceptions to teacher certification requirements
11 for federal programs and programs funded in whole or in part by the
12 federal government, for instruction in Native American languages
13 when such teacher certification requirements hinder the employment
14 of qualified teachers who teach in Native American languages, and
15 to encourage state and territorial governments to make similar
16 exceptions;

17 (c) To encourage and support the use of Native American
18 languages as a medium of instruction in order to encourage and
19 support Native American language survival, educational opportunity,
20 increased student success and performance, increased student
21 awareness and knowledge of their culture and history, and increased
22 student and community pride;

23 (d) To encourage state and local education programs to work
24 with Native American parents, educators, Indian tribes, and other
25 Native American governing bodies in the implementation of programs
26 to put this policy into effect; and

27 (e) To encourage all institutions of elementary, secondary, and
28 higher education, where appropriate, to include Native American
29 languages in the curriculum in the same manner as foreign languages
30 and to grant proficiency in Native American languages the same full
31 academic credit as proficiency in foreign languages;

32 (7) Establishing a first peoples' language, culture, and oral
33 tribal traditions certification program is consistent with the
34 intent of presidential executive order number 13336 from 2004,
35 entitled "American Indian and Alaska native education," to assist
36 students in meeting the challenging student academic standards of
37 the no child left behind act of 2001 (P.L. 107-110) in a manner
38 that is consistent with tribal traditions, languages, and cultures.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter
2 28A.410 RCW to read as follows:

3 (1) The Washington state first peoples' language, culture, and
4 oral tribal traditions teacher certification program is
5 established. The professional educator standards board shall adopt
6 rules to implement the program in collaboration with the sovereign
7 tribal governments whose traditional lands and territories lie
8 within the borders of the state of Washington, including the tribal
9 leader congress on education and the first peoples' language and
10 culture committee. The collaboration required under this section
11 shall be defined by a protocol for cogovernance in first peoples'
12 language, culture, and oral tribal traditions education developed
13 by the professional educator standards board, the office of the
14 superintendent of public instruction, and the sovereign tribal
15 governments whose traditional lands and territories lie within the
16 borders of the state of Washington.

17 (2) Any sovereign tribal government whose traditional lands and
18 territories lie within the borders of the state of Washington may
19 participate individually on a government-to-government basis in the
20 program.

21 (3) Under the first peoples' language, culture, and oral tribal
22 traditions teacher certification program:

23 (a) Only a participating sovereign tribal government may
24 certify individuals who meet the tribe's criteria for certification
25 as a teacher in the Washington state first peoples' language,
26 culture, and oral tribal traditions teacher certification program.
27 Tribal law enforcement agencies and the Washington state patrol
28 shall enter into government to government negotiations regarding
29 the exchange of background information on applicants for
30 certification. The office of the superintendent of public
31 instruction shall not authorize or accept a certificate or
32 endorsement in Washington state first peoples' language, culture,
33 and oral tribal traditions without certification from a
34 participating sovereign tribal government and without conducting a
35 record check of an individual applying for certification as
36 required under RCW 28A.410.010;

37 (b) For each teacher to be certified in the program, the
38 participating sovereign tribal government shall submit information
39 and documentation necessary for the issuance of a state

1 certificate, as defined by rule, to the office of the
2 superintendent of public instruction;

3 (c) A Washington state first peoples' language, culture, and
4 oral tribal traditions teacher certificate serves as a subject area
5 endorsement in first peoples' language, culture, and oral tribal
6 traditions. The holder of a Washington state first peoples'
7 language, culture, and oral tribal traditions teacher certificate
8 who does not also hold an initial, residency, continuing, or
9 professional teaching certificate authorized by the professional
10 educator standards board may be assigned to teach only the
11 languages, cultures, and oral tribal traditions designated on the
12 certificate and no other subject;

13 (d) In order to teach first peoples' language, culture, and
14 oral tribal traditions, teachers must hold certificates from both
15 the office of the superintendent of public instruction and the
16 sovereign tribal government; and

17 (e) The holder of a Washington state first peoples' language,
18 culture, and oral tribal traditions teacher certificate meets
19 Washington state's definition of a highly qualified teacher under
20 the no child left behind act of 2001 (P.L. 107-110) for the
21 purposes of teaching first peoples' language, culture, and oral
22 tribal traditions, subject to approval by the United States
23 department of education.

24 (4) First peoples' language/culture teacher certificates issued
25 before the effective date of this section under rules approved by
26 the state board of education or the professional educator standards
27 board under a pilot program remain valid as certificates under this
28 section, subject to the provisions of this chapter.

29 (5) Schools and school districts on or near tribal reservations
30 are encouraged to contract with sovereign tribal governments whose
31 traditional lands and territories lie within the borders of the
32 state of Washington and with first peoples' language, culture, and
33 oral tribal traditions teacher certification programs for in-
34 service teacher training and continuing education in the culture
35 and history appropriate for their geographic area, as well as
36 suggested pedagogy and instructional strategies.

37 **Sec. 3.** RCW 28A.415.020 and 2006 c 263 s 808 are each amended
38 to read as follows:

1 (1) Certificated personnel shall receive for each ten clock
2 hours of approved in-service training attended the equivalent of a
3 one credit college quarter course on the salary schedule developed
4 by the legislative evaluation and accountability program committee.

5 (2) Certificated personnel shall receive for each ten clock
6 hours of approved continuing education earned, as continuing
7 education is defined by rule adopted by the professional educator
8 standards board, the equivalent of a one credit college quarter
9 course on the salary schedule developed by the legislative
10 evaluation and accountability program committee.

11 (3) Certificated personnel shall receive for each forty clock
12 hours of participation in an approved internship with a business,
13 an industry, or government, as an internship is defined by rule of
14 the professional educator standards board in accordance with RCW
15 28A.415.025, the equivalent of a one credit college quarter course
16 on the salary schedule developed by the legislative evaluation and
17 accountability program committee.

18 (4) An approved in-service training program shall be a program
19 approved by a school district board of directors, which meet
20 standards adopted by the professional educator standards board, and
21 the development of said program has been participated in by an in-
22 service training task force whose membership is the same as
23 provided under RCW 28A.415.040, or a program offered by an
24 education agency approved to provide in-service for the purposes of
25 continuing education as provided for under rules adopted by the
26 professional educator standards board, or both.

27 (5) Clock hours eligible for application to the salary schedule
28 developed by the legislative evaluation and accountability program
29 committee as described in subsections (1) and (2) of this section,
30 shall be those hours acquired after August 31, 1987. Clock hours
31 eligible for application to the salary schedule as described in
32 subsection (3) of this section shall be those hours acquired after
33 December 31, 1995.

34 (6) In-service training or continuing education in first
35 peoples' language, culture, or oral tribal traditions provided by
36 a sovereign tribal government participating in the Washington state
37 first peoples' language, culture, and oral tribal traditions
38 teacher certification program authorized under section 2 of this

1 act shall be considered approved in-service training or approved
2 continuing education under this section and RCW 28A.415.023.

3 NEW SECTION. **Sec. 4.** This act may be known and cited as the
4 "First peoples' language, culture, and oral tribal traditions
5 teacher certification act: Honoring our ancestors."

EFFECT: Adds "oral tribal traditions" to the subject areas for teacher certification so that the certification program is for First Peoples' language, culture, and oral tribal traditions. Removes the requirement that tribal police departments shall provide a background check on applicants for certification. Requires tribal law enforcement agencies and the Washington State Patrol to enter into government to government negotiations regarding the exchange of background information on applicants for certification. Makes technical changes.