

# SENATE BILL REPORT

## ESB 5701

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As Passed Senate, March 4, 2013

**Title:** An act relating to authorizing the suspension or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators.

**Brief Description:** Authorizing the reprimand, suspension, or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators. **[REVISED FOR ENGROSSED:** Authorizing the reprimand, suspension, or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators.]

**Sponsors:** Senators Brown, Fain, Rivers, Dammeier and Cleveland.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/20/13 [DP].

Passed Senate: 3/01/13, 46-0; 3/04/13, 49-0.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

**Staff:** Eric Wolf (786-7405)

**Background:** Revocation of School Employee Certificates or Permits. Certificated school employees may have their certificate or permit revoked or suspended upon a criminal records request report authorized by law, or upon the complaint of any school district superintendent, Educational Service District superintendent, or private school administrator for immorality, a violation of written contract, unprofessional conduct, intemperance, or a crime against the law of the state. School district superintendents, Educational Service District superintendents, or private school administrators may file a complaint concerning a certificated employee containing a written complaint with the grounds and factual basis upon which they believe an investigation is warranted by the Office of Superintendent of Public Instruction (OSPI). The Office of Professional Practices (OPP) is the specific office within OSPI that investigates these complaints.

Once an investigation begins at OPP, investigators review the allegations, gather evidence, and present the case to an administrator for a decision. Outcomes of these investigations

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include the following: dismissal of the complaint; reprimand of the employee, which leaves the certificate valid, but does admonish the educator to not repeat the behavior or conduct; suspension of the employee, which invalidates the certificate for a specified period of time and may have some requirements for reinstatement; revocation of the certificate, which places the burden of proof on the employee to show good moral character and personal fitness to have their certificate reinstated.

Educators may appeal decision to OSPI's Informal Review Committee, which is comprised of nine educators: three teachers, three administrators, and three Educational Staff Associates. Further appeal can be made to an Administrative Law Judge and superior court.

**Summary of Engrossed Bill:** Revocation of Certificate or Permit for Fraudulent Test Submissions. The Professional Educator Standards Board (PESB) is added to the list of persons or organizations that may make a complaint to OSPI that could lead to the suspension or revocation of a certificated school employee's certificate or permit, or a reprimand.

Any certificated school employee may have their permit or certificate revoked or suspended based upon a complaint from PESB alleging unprofessional conduct in the form of a fraudulent submission of a test for educators, or they may alternatively be reprimanded. PESB must issue to OSPI a written complaint alleging the grounds and factual basis upon which PESB believes an investigation should be conducted. Any certificated school employee whose certificate is in question based on PESB's allegation must have the right to be heard and appeal.

Reprimand. Reprimand is added as a remedy PESB, OSPI, and OPP may pursue when investigating certificated school employees for submitting fraudulent test scores.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Technology now exists to detect fraudulent test submissions. This bill allows PESB to investigate and initiate action against teachers who submit fraudulent test scores. Because many teacher certifications are offered in a non-proctored setting, it is sometimes easy for people to cheat. This bill will reduce the chance that people will cheat.

**Persons Testifying:** PRO: Senator Brown, prime sponsor; Jennifer Wallace, PESB; Lucinda Young, WA Education Assn.