

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 twelve members who are
5 residents of the state of Washington appointed by the governor as
6 follows:

7 (a) A superintendent from a school district of six thousand or
8 fewer students;

9 (b) A superintendent from a school district of more than six
10 thousand students;

11 (c) A public school principal;

12 (d) A public school teacher;

13 (e) One individual representing a statewide business organization;

14 (f) One parent of a child attending a public school;

15 (g) One individual from a Washington state public baccalaureate
16 institution of higher education;

17 (h) One individual from a Washington state public community and
18 technical college; and

19 (i) One member each from each of the two major caucuses in the
20 senate, recommended to the governor by the president of the senate; and
21 one member each from each of the two major caucuses of the house of
22 representatives, recommended to the governor by the speaker of the
23 house of representatives.

24 The members appointed by the governor shall be appointed for four-
25 year terms.

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

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

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

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

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

3 (3) The governor may remove a member of the board for neglect of
4 duty, misconduct, malfeasance, or misfeasance in office, or for
5 incompetent or unprofessional conduct as defined in chapter 18.130 RCW.
6 In such a case, the governor shall file with the secretary of state a
7 statement of the causes for and the order of removal from office, and
8 the secretary of state shall send a certified copy of the statement of
9 causes and order of removal to the last known post office address of
10 the member.

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

13 (b) Five members of the board constitute a quorum for the
14 transaction of business.

15 (c) All members are voting members.

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

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

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

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

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

34 ~~(3) Investigate the character of the work required to be performed~~
35 ~~as a condition of entrance to and graduation from any institution of~~
36 ~~higher education in this state relative to such certification as~~

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

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

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

33 (5) Supervise the issuance of such certificates as provided for in
34 subsection (1) of this section and specify the types and kinds of
35 certificates necessary for the several departments of the common
36 schools by rule or regulation in accordance with RCW 28A.410.010.))
37 Hold regularly scheduled meetings at such time and place within the

1 state as the board shall determine and may hold such special meetings
2 as may be deemed necessary for the transaction of public business.

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

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

7 (4) Recommend to the governor, the superintendent of public
8 instruction, the legislature, and school districts performance goals
9 for all schools, school districts, and groups of students as
10 appropriate for the improvement of student learning in:

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

12 (b) Student attendance;

13 (c) High school graduation rates; and

14 (d) Other areas as may be identified.

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

18 (5) Recommend to the legislature, when appropriate, performance
19 standard adjustments in the requirements for attaining a certificate of
20 academic achievement following thorough consultation with the
21 superintendent of public instruction.

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

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

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

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

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

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

16 (~~(10)~~) (11) Carry out board powers and duties relating to the
17 organization and reorganization of school districts (~~under RCW~~
18 ~~28A.315.010 through 28A.315.680 and 28A.315.900~~).

19 (~~(11)~~) (12) Hear and decide appeals as otherwise provided by law.

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

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

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

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

34 (1) Expanding activity in educational research, educational
35 restructuring, and educational improvement initiatives has produced and
36 continues to produce much valuable information. The legislature finds
37 that such information should be shared with the citizens and

1 educational community of the state as widely as possible. To
2 facilitate access to information and materials on educational
3 improvement and research, the superintendent of public instruction, to
4 the extent funds are appropriated, shall establish the center for the
5 improvement of student learning. The primary purpose of the center is
6 to provide assistance and advice to parents, school board members,
7 educators, and the public regarding strategies for assisting students
8 in learning the essential academic learning requirements pursuant to
9 RCW (~~(28A.630.885)~~) 28A.655.070. The center shall work in conjunction
10 with the (~~(academic achievement and accountability commission)~~) state
11 board of education, educational service districts, institutions of
12 higher education, and education, parent, community, and business
13 organizations.

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

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

18 ~~(b))~~) Serve as a clearinghouse for information regarding successful
19 educational improvement and parental involvement programs in schools
20 and districts, and information about efforts within institutions of
21 higher education in the state to support educational improvement
22 initiatives in Washington schools and districts;

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

1 ~~((d))~~ (c) Develop and distribute(~~(, in conjunction with the~~
2 ~~academic achievement and accountability commission,)~~) parental
3 involvement materials, including instructional guides developed to
4 inform parents of the essential academic learning requirements. The
5 instructional guides also shall contain actions parents may take to
6 assist their children in meeting the requirements, and should focus on
7 reaching parents who have not previously been involved with their
8 children's education;

9 ~~((e))~~ (d) Identify obstacles to greater parent and community
10 involvement in school shared decision-making processes and recommend
11 strategies for helping parents and community members to participate
12 effectively in school shared decision-making processes, including
13 understanding and respecting the roles of school building
14 administrators and staff;

15 ~~((f))~~ (e) Develop and maintain an internet web site to increase
16 the availability of information, research, and other materials;

17 ~~((g))~~ (f) Take other actions to increase public awareness of the
18 importance of parental and community involvement in education;

19 ~~((h))~~ (g) Work with appropriate organizations to inform teachers,
20 district and school administrators, and school directors about the
21 waivers available and the broadened school board powers under RCW
22 28A.320.015;

23 ~~((i))~~ (h) Provide training and consultation services, including
24 conducting regional summer institutes;

25 ~~((j))~~ (i) Address methods for improving the success rates of
26 certain ethnic and racial student groups; and

27 ~~((k))~~ (j) Perform other functions consistent with the purpose of
28 the center as prescribed in subsection (1) of this section.

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

32 (4) The superintendent may enter into contracts with individuals or
33 organizations including but not limited to: School districts;
34 educational service districts; educational organizations; teachers;
35 higher education faculty; institutions of higher education; state
36 agencies; business or community-based organizations; and other
37 individuals and organizations to accomplish the duties and
38 responsibilities of the center. In carrying out the duties and

1 responsibilities of the center, the superintendent, whenever possible,
2 shall use practitioners to assist agency staff as well as assist
3 educators and others in schools and districts.

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

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

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

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

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

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

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

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

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

1 (2) Annually on or before May 1st, the school district board of
2 directors shall meet at the time and place designated for the purpose
3 of a public hearing on the proposed use of these funds to improve
4 student achievement for the coming year. Any person may appear or by
5 written submission have the opportunity to comment on the proposed plan
6 for the use of these funds. No later than August 31st, as a part of
7 the process under RCW 28A.505.060, each school district shall adopt a
8 plan for the use of these funds for the upcoming school year.
9 Annually, each school district shall provide to the citizens of their
10 district a public accounting of the funds made available to the
11 district during the previous school year under chapter 3, Laws of 2001,
12 how the funds were used, and the progress the district has made in
13 increasing student achievement, as measured by required state
14 assessments and other assessments deemed appropriate by the district.
15 Copies of this report shall be provided to the superintendent of public
16 instruction (~~and to the academic achievement and accountability~~
17 ~~commission~~)).

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

20 (1) The superintendent of public instruction shall develop
21 essential academic learning requirements that identify the knowledge
22 and skills all public school students need to know and be able to do
23 based on the student learning goals in RCW 28A.150.210, develop student
24 assessments, and implement (~~the accountability recommendations and~~
25 ~~requests regarding assistance, rewards, and recognition of the academic~~
26 ~~achievement and accountability commission~~) assistance and recognition
27 activities related to improving academic achievement as authorized.

28 (2) The superintendent of public instruction shall:

29 (a) Periodically revise the essential academic learning
30 requirements, as needed, based on the student learning goals in RCW
31 28A.150.210. Goals one and two shall be considered primary. To the
32 maximum extent possible, the superintendent shall integrate goal four
33 and the knowledge and skill areas in the other goals in the essential
34 academic learning requirements; and

35 (b) Review and prioritize the essential academic learning
36 requirements and identify, with clear and concise descriptions, the
37 grade level content expectations to be assessed on the Washington

1 assessment of student learning and used for state or federal
2 accountability purposes. The review, prioritization, and
3 identification shall result in more focus and targeting with an
4 emphasis on depth over breadth in the number of grade level content
5 expectations assessed at each grade level. Grade level content
6 expectations shall be articulated over the grades as a sequence of
7 expectations and performances that are logical, build with increasing
8 depth after foundational knowledge and skills are acquired, and
9 reflect, where appropriate, the sequential nature of the discipline.
10 The office of the superintendent of public instruction, within seven
11 working days, shall post on its web site any grade level content
12 expectations provided to an assessment vendor for use in constructing
13 the Washington assessment of student learning.

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

25 (4) If the superintendent proposes any modification to the
26 essential academic learning requirements or the statewide assessments,
27 then the superintendent shall, upon request, provide opportunities for
28 the education committees of the house of representatives and the senate
29 to review the assessments and proposed modifications to the essential
30 academic learning requirements before the modifications are adopted.

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

37 (b) Assessments measuring the essential academic learning
38 requirements in the content area of science shall be available for

1 mandatory use in middle schools and high schools by the 2003-04 school
2 year and for mandatory use in elementary schools by the 2004-05 school
3 year unless the legislature takes action to delay or prevent
4 implementation of the assessment.

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

9 (7) To assist parents and teachers in their efforts to provide
10 educational support to individual students, the superintendent of
11 public instruction shall provide as much individual student performance
12 information as possible within the constraints of the assessment
13 system's item bank. The superintendent shall also provide to school
14 districts:

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

17 (b) A collection of diagnostic tools that educators may use to
18 evaluate the academic status of individual students. The tools shall
19 be designed to be inexpensive, easily administered, and quickly and
20 easily scored, with results provided in a format that may be easily
21 shared with parents and students.

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

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

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

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

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

37 (13) The superintendent shall post on the superintendent's web site

1 lists of resources and model assessments in social studies, the arts,
2 and health and fitness.

3 **PART 2**

4 **WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD**

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

7 The Washington professional educator standards board shall:

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

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

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

24 (4) Establish policies for approval of nontraditional educator
25 preparation programs;

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

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

34 (7) Establish prospective educator assessment systems as necessary,
35 including the prospective teacher assessment system for basic skills

1 and subject knowledge that shall be required to obtain residency
2 certification pursuant to RCW 28A.410.220 through 28A.410.240;

3 (8) Hear and determine educator certification appeals as provided
4 by RCW 28A.410.100;

5 (9) Apply for and receive federal or other funds on behalf of the
6 state for purposes related to the duties of the board;

7 (10) Adopt rules under chapter 34.05 RCW that are necessary for the
8 effective and efficient implementation of this chapter;

9 (11) Submit annual reports and recommendations to the governor, the
10 education and fiscal committees of the legislature, and the
11 superintendent of public instruction concerning the duties and
12 activities of the board;

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

16 (13) Serve as an advisory body to the superintendent of public
17 instruction ((and as the sole advisory body to the state board of
18 education)) on issues related to educator recruitment, hiring,
19 ((preparation, certification including high quality alternative routes
20 to certification,)) mentoring and support, professional growth,
21 retention, governance, ((prospective teacher pedagogy assessment,
22 prospective principal assessment,)) and educator evaluation including
23 but not limited to peer evaluation((, and revocation and suspension of
24 licensure;

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

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

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

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

10 (b) As the four-year terms of the first appointees expire or
11 vacancies to the board occur for the first time, the governor shall
12 appoint or reappoint the members of the board to one-year to four-year
13 staggered terms. Once the one-year to three-year terms expire, all
14 subsequent terms shall be for four years, with the terms expiring on
15 June 30th of the applicable year. The terms shall be staggered in such
16 a way that, where possible, the terms of members representing a
17 specific group do not expire simultaneously.

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

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

23 (2) Seven of the members shall be public school teachers, one shall
24 be a private school teacher, three shall represent higher education
25 educator preparation programs, four shall be school administrators, two
26 shall be educational staff associates, one shall be a classified
27 employee who assists in public school student instruction, one shall be
28 a parent, and one shall be a member of the public.

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

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

32 (b) Be currently certificated and actively employed in a teaching
33 position; and

34 (c) Include one teacher currently teaching at the elementary school
35 level, one at the middle school level, one at the high school level,
36 and one vocationally certificated.

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

- 1 (a) Have at least three years of teaching experience in a
2 Washington approved private school; and
- 3 (b) Be currently certificated and actively employed in a teaching
4 position in an approved private school.
- 5 (5) Appointees from higher education educator preparation programs
6 must include two representatives from institutions of higher education
7 as defined in RCW 28B.10.016 and one representative from an institution
8 of higher education as defined in RCW 28B.07.020(4).
- 9 (6) School administrators appointed to the board must:
- 10 (a) Have at least three years of administrative experience in a
11 Washington public school district;
- 12 (b) Be currently certificated and actively employed in a school
13 administrator position; and
- 14 (c) Include two public school principals, one Washington approved
15 private school principal, and one superintendent.
- 16 (7) Educational staff associates appointed to the board must:
- 17 (a) Have at least three years of educational staff associate
18 experience in a Washington public school district; and
- 19 (b) Be currently certificated and actively employed in an
20 educational staff associate position.
- 21 (8) Public school classified employees appointed to the board must:
- 22 (a) Have at least three years of experience in assisting in the
23 instruction of students in a Washington public school; and
- 24 (b) Be currently employed in a position that requires the employee
25 to assist in the instruction of students.
- 26 (9) Each major caucus of the house of representatives and the
27 senate shall submit a list of at least one public school teacher. In
28 making the public school teacher appointments, the governor shall
29 select one nominee from each list provided by each caucus. The
30 governor shall appoint the remaining members of the board from a list
31 of qualified nominees submitted to the governor by organizations
32 representative of the constituencies of the board, from applications
33 from other qualified individuals, or from both nominees and applicants.
- 34 (10) All appointments to the board made by the governor shall be
35 subject to confirmation by the senate.
- 36 (11) The governor shall appoint the members of the initial board no
37 later than June 1, 2000.

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

3 (13) Each member of the board shall be compensated in accordance
4 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred
5 in carrying out the duties of the board in accordance with RCW
6 43.03.050 and 43.03.060.

7 (14) The governor may remove a member of the board for neglect of
8 duty, misconduct, malfeasance or misfeasance in office, or for
9 incompetency or unprofessional conduct as defined in chapter 18.130
10 RCW. In such a case, the governor shall file with the secretary of
11 state a statement of the causes for and the order of removal from
12 office, and the secretary of state shall send a certified copy of the
13 statement of causes and order of removal to the last known post office
14 address of the member.

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

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

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

27 The (~~state board of education~~) Washington professional educator
28 standards board shall establish, publish, and enforce rules (~~and~~
29 ~~regulations~~) determining eligibility for and certification of
30 personnel employed in the common schools of this state, including
31 certification for emergency or temporary, substitute or provisional
32 duty and under such certificates or permits as the board shall deem
33 proper or as otherwise prescribed by law. The rules shall require that
34 the initial application for certification shall require a record check
35 of the applicant through the Washington state patrol criminal
36 identification system and through the federal bureau of investigation
37 at the applicant's expense. The record check shall include a

1 fingerprint check using a complete Washington state criminal
2 identification fingerprint card. The superintendent of public
3 instruction may waive the record check for any applicant who has had a
4 record check within the two years before application. The rules shall
5 permit a holder of a lapsed certificate but not a revoked or suspended
6 certificate to be employed on a conditional basis by a school district
7 with the requirement that the holder must complete any certificate
8 renewal requirements established by the state board of education within
9 two years of initial reemployment.

10 In establishing rules pertaining to the qualifications of
11 instructors of American sign language the ((state)) board shall consult
12 with the national association of the deaf, "sign instructors guidance
13 network" (s.i.g.n.), and the Washington state association of the deaf
14 for evaluation and certification of sign language instructors.

15 The superintendent of public instruction shall act as the
16 administrator of any such rules ((and regulations)) and have the power
17 to issue any certificates or permits and revoke the same in accordance
18 with board rules ((and regulations)).

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

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

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

35 The ((state board of education)) Washington professional educator
36 standards board shall develop and adopt rules establishing

1 baccalaureate and masters degree equivalency standards for vocational
2 instructors performing instructional duties and acquiring certification
3 after August 31, 1992.

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

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

24 Such fees shall be used solely for the purpose of precertification
25 professional preparation, program evaluation, and professional in-
26 service training programs in accord with rules (~~and regulations~~) of
27 the (~~state board of education~~) Washington professional educator
28 standards board herein authorized.

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

31 Any teacher whose certificate to teach has been questioned under
32 RCW 28A.410.090 shall have a right to be heard by the issuing authority
33 before his or her certificate is revoked. Any teacher whose
34 certificate to teach has been revoked shall have a right of appeal to
35 the (~~state board of education~~) Washington professional educator

1 standards board if notice of appeal is given by written affidavit to
2 the board within thirty days after the certificate is revoked.

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

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

10 Notwithstanding any other provision of this title, the (~~state~~
11 ~~board of education~~) Washington professional educator standards board
12 or superintendent of public instruction shall not require any
13 professional certification or other qualifications of any person
14 elected superintendent of a local school district by that district's
15 board of directors, or any person hired in any manner to fill a
16 position designated as, or which is, in fact, deputy superintendent, or
17 assistant superintendent.

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

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

24 (a) Is consistent with a school-based plan for mastery of student
25 learning goals as referenced in RCW (~~28A.320.205~~) 28A.655.110, the
26 annual school performance report, for the school in which the
27 individual is assigned;

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

30 (c) Is necessary to obtain an endorsement as prescribed by the
31 (~~state board of education~~) Washington professional educator standards
32 board;

33 (d) Is specifically required to obtain advanced levels of
34 certification; or

35 (e) Is included in a college or university degree program that

1 pertains to the individual's current assignment, or potential future
2 assignment, as a certified instructional staff.

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

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

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

12 The (~~state board of education~~) Washington professional educator
13 standards board rules for continuing education shall provide that
14 educational staff associates may use credits or clock hours that
15 satisfy the continuing education requirements for their state
16 professional licensure, if any, to fulfill the continuing education
17 requirements established by the (~~state board of education~~) Washington
18 professional educator standards board.

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

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

34 (2) The program shall include the following:

35 (a) Encouraging students in targeted groups in grades nine through

1 twelve to acquire the academic and related skills necessary to prepare
2 for the study of teaching at an institution of higher education;

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

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

8 (d) Providing for increased cooperation among institutions of
9 higher education including community colleges, the superintendent of
10 public instruction, the (~~state board of education~~) Washington
11 professional educator standards board, and local school districts in
12 working toward the goals of the program.

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

15 The term "certificated employee" as used in RCW 28A.195.010,
16 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240,
17 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW,
18 shall include those persons who hold certificates as authorized by rule
19 (~~or regulation~~) of the (~~state board of education~~) Washington
20 professional educator standards board or the superintendent of public
21 instruction.

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

24 (1) Grants provided under RCW 28A.170.090 may be used solely for
25 services provided by a substance abuse intervention specialist or for
26 dedicated staff time for counseling and intervention services provided
27 by any school district certificated employee who has been trained by
28 and has access to consultation with a substance abuse intervention
29 specialist. Services shall be directed at assisting students in
30 kindergarten through twelfth grade in overcoming problems of drug and
31 alcohol abuse, and in preventing abuse and addiction to such
32 substances, including nicotine. The grants shall require local
33 matching funds so that the grant amounts support a maximum of eighty
34 percent of the costs of the services funded. The services of a
35 substance abuse intervention specialist may be obtained by means of a

1 contract with a state or community services agency or a drug treatment
2 center. Services provided by a substance abuse intervention specialist
3 may include:

4 (a) Individual and family counseling, including preventive
5 counseling;

6 (b) Assessment and referral for treatment;

7 (c) Referral to peer support groups;

8 (d) Aftercare;

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

10 (f) Staff training, including training in the identification of
11 high-risk children and effective interaction with those children in the
12 classroom; and

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

15 (2) For the purposes of this section, "substance abuse intervention
16 specialist" means any one of the following, except that diagnosis and
17 assessment, counseling and aftercare specifically identified with
18 treatment of chemical dependency shall be performed only by personnel
19 who meet the same qualifications as are required of a qualified
20 chemical dependency counselor employed by an alcoholism or drug
21 treatment program approved by the department of social and health
22 services.

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

29 (b) An individual who meets the definition of a qualified drug or
30 alcohol counselor established by the bureau of alcohol and substance
31 abuse;

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

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

35 (e) A children's mental health specialist as defined in RCW
36 71.34.020.

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

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

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

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

10 (b) Operates on a clinical, client centered basis. This shall
11 include, but not be limited to, performing diagnosis of individual
12 educational abilities, determination and setting of individual goals,
13 prescribing and providing individual courses of instruction therefor,
14 and evaluation of each individual client's progress in his or her
15 educational program.

16 (c) Conducts courses of instruction by professionally trained
17 personnel certificated by the (~~(state board of education)~~) Washington
18 professional educator standards board according to rules adopted for
19 the purposes of this chapter and providing, for certification purposes,
20 that a year's teaching experience in an education center shall be
21 deemed equal to a year's teaching experience in a common or private
22 school.

23 (2) For purposes of this chapter, basic academic skills shall
24 include the study of mathematics, speech, language, reading and
25 composition, science, history, literature and political science or
26 civics; it shall not include courses of a vocational training nature
27 and shall not include courses deemed nonessential to the accrediting of
28 the common schools or the approval of private schools under RCW
29 28A.305.130.

30 (3) The state board of education shall certify an education center
31 only upon application and (a) determination that such school comes
32 within the definition thereof as set forth in subsection (1) of this
33 section and (b) demonstration on the basis of actual educational
34 performance of such applicants' students which shows after
35 consideration of their students' backgrounds, educational gains that
36 are a direct result of the applicants' educational program. Such
37 certification may be withdrawn if the board finds that a center fails
38 to provide adequate instruction in basic academic skills. No education

1 center certified by the state board of education pursuant to this
2 section shall be deemed a common school under RCW 28A.150.020 or a
3 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

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

6 In accordance with chapter 34.05 RCW, the administrative procedure
7 act, the ((state board of education)) Washington professional educator
8 standards board with respect to the matter of certification, and the
9 superintendent of public instruction with respect to all other matters,
10 shall have the power and duty to make the necessary rules to carry out
11 the purpose and intent of this chapter.

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

14 No teacher, principal, supervisor, superintendent, or other
15 certificated employee, holding a position as such with a school
16 district, hereinafter referred to as "employee", shall be employed
17 except by written order of a majority of the directors of the district
18 at a regular or special meeting thereof, nor unless he or she is the
19 holder of an effective teacher's certificate or other certificate
20 required by law or the ((state board of education)) Washington
21 professional educator standards board for the position for which the
22 employee is employed.

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

35 In the event it is determined that there is probable cause or
36 causes that the employment contract of an employee should not be

1 renewed by the district for the next ensuing term such employee shall
2 be notified in writing on or before May 15th preceding the commencement
3 of such term of that determination, or if the omnibus appropriations
4 act has not passed the legislature by May 15th, then notification shall
5 be no later than June 1st, which notification shall specify the cause
6 or causes for nonrenewal of contract. Such determination of probable
7 cause for certificated employees, other than the superintendent, shall
8 be made by the superintendent. Such notice shall be served upon the
9 employee personally, or by certified or registered mail, or by leaving
10 a copy of the notice at the house of his or her usual abode with some
11 person of suitable age and discretion then resident therein. Every
12 such employee so notified, at his or her request made in writing and
13 filed with the president, chair or secretary of the board of directors
14 of the district within ten days after receiving such notice, shall be
15 granted opportunity for hearing pursuant to RCW 28A.405.310 to
16 determine whether there is sufficient cause or causes for nonrenewal of
17 contract: PROVIDED, That any employee receiving notice of nonrenewal
18 of contract due to an enrollment decline or loss of revenue may, in his
19 or her request for a hearing, stipulate that initiation of the
20 arrangements for a hearing officer as provided for by RCW
21 28A.405.310(4) shall occur within ten days following July 15 rather
22 than the day that the employee submits the request for a hearing. If
23 any such notification or opportunity for hearing is not timely given,
24 the employee entitled thereto shall be conclusively presumed to have
25 been reemployed by the district for the next ensuing term upon
26 contractual terms identical with those which would have prevailed if
27 his or her employment had actually been renewed by the board of
28 directors for such ensuing term.

29 This section shall not be applicable to "provisional employees" as
30 so designated in RCW 28A.405.220; transfer to a subordinate
31 certificated position as that procedure is set forth in RCW 28A.405.230
32 shall not be construed as a nonrenewal of contract for the purposes of
33 this section.

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

36 The University of Washington, Washington State University, Central
37 Washington University, Eastern Washington University, Western

1 Washington University, and The Evergreen State College are each
2 authorized to train teachers and other personnel for whom teaching
3 certificates or special credentials prescribed by the (~~state board of~~
4 ~~education~~) Washington professional educator standards board are
5 required, for any grade, level, department, or position of the public
6 schools of the state.

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

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

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

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

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

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

8 (3) After evaluating the criteria in subsection (2) of this section
9 and considering governmental and societal costs and benefits, if the
10 legislature finds that it is necessary to regulate a business
11 profession not previously regulated by law, the least restrictive
12 alternative method of regulation should be implemented, consistent with
13 the public interest and this section:

14 (a) Where existing common law and statutory civil actions and
15 criminal prohibitions are not sufficient to eradicate existing harm,
16 the regulation should provide for stricter civil actions and criminal
17 prosecutions;

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

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

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

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

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

36 (1) The purpose of this chapter is to establish guidelines for the
37 regulation of health professions not licensed or regulated prior to

1 July 24, 1983, and those licensed or regulated health professions which
2 seek to substantially increase their scope of practice: PROVIDED, That
3 the provisions of this chapter are not intended and shall not be
4 construed to: (a) Apply to any regulatory entity created prior to July
5 24, 1983, except as provided in this chapter; (b) affect the powers and
6 responsibilities of the superintendent of public instruction or (~~state~~
7 ~~board of education~~) Washington professional educator standards board
8 under RCW (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or
9 interfere in any way with the practice of religion or to any kind of
10 treatment by prayer; and (d) apply to any remedial or technical
11 amendments to any statutes which licensed or regulated activity before
12 July 24, 1983. The legislature believes that all individuals should be
13 permitted to enter into a health profession unless there is an
14 overwhelming need for the state to protect the interests of the public
15 by restricting entry into the profession. Where such a need is
16 identified, the regulation adopted by the state should be set at the
17 least restrictive level consistent with the public interest to be
18 protected.

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

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

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

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

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

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

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

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

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

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

21 **PART 3**

22 **TRANSFER OF POWERS AND DUTIES**

23 NEW SECTION. **Sec. 301.** (1) The state board of education as
24 constituted prior to the effective date of this act is hereby abolished
25 and its powers, duties, and functions are hereby transferred to the
26 state board of education as specified in this act. All references to
27 the director or the state board of education as constituted prior to
28 the effective date of this act in the Revised Code of Washington shall
29 be construed to mean the director or the state board of education as
30 specified in this act.

31 (2)(a) All reports, documents, surveys, books, records, files,
32 papers, or written material in the possession of the state board of
33 education as constituted prior to the effective date of this act shall
34 be delivered to the custody of the state board of education as
35 specified in this act. All cabinets, furniture, office equipment,
36 motor vehicles, and other tangible property employed by the state board

1 of education as constituted prior to the effective date of this act
2 shall be made available to the state board of education as specified in
3 this act. All funds, credits, or other assets held by the state board
4 of education as constituted prior to the effective date of this act
5 shall be assigned to the state board of education as specified in this
6 act.

7 (b) Any appropriations made to the state board of education as
8 constituted prior to the effective date of this act shall, on the
9 effective date of this section, be transferred and credited to the
10 state board of education as specified in this act.

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

17 (3) All employees of the state board of education as constituted
18 prior to the effective date of this act are transferred to the
19 jurisdiction of the state board of education as specified in this act.
20 All employees classified under chapter 41.06 RCW, the state civil
21 service law, are assigned to the state board of education as specified
22 in this act to perform their usual duties upon the same terms as
23 formerly, without any loss of rights, subject to any action that may be
24 appropriate thereafter in accordance with the laws and rules governing
25 state civil service.

26 (4) All rules and all pending business before the state board of
27 education as constituted prior to the effective date of this act shall
28 be continued and acted upon by the state board of education as
29 specified in this act. All existing contracts and obligations shall
30 remain in full force and shall be performed by the state board of
31 education as specified in this act.

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

36 (6) If apportionments of budgeted funds are required because of the
37 transfers directed by this section, the director of financial
38 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

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

9 NEW SECTION. **Sec. 302.** (1) The academic achievement and
10 accountability commission is hereby abolished and its powers, duties,
11 and functions are hereby transferred to the state board of education.
12 All references to the director or the academic achievement and
13 accountability commission in the Revised Code of Washington shall be
14 construed to mean the director or the state board of education.

15 (2)(a) All reports, documents, surveys, books, records, files,
16 papers, or written material in the possession of the academic
17 achievement and accountability commission shall be delivered to the
18 custody of the state board of education. All cabinets, furniture,
19 office equipment, motor vehicles, and other tangible property employed
20 by the academic achievement and accountability commission shall be made
21 available to the state board of education. All funds, credits, or
22 other assets held by the academic achievement and accountability
23 commission shall be assigned to the state board of education.

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

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

33 (3) All employees of the academic achievement and accountability
34 commission are transferred to the jurisdiction of the state board of
35 education. All employees classified under chapter 41.06 RCW, the state
36 civil service law, are assigned to the state board of education to
37 perform their usual duties upon the same terms as formerly, without any

1 loss of rights, subject to any action that may be appropriate
2 thereafter in accordance with the laws and rules governing state civil
3 service.

4 (4) All rules and all pending business before the academic
5 achievement and accountability commission shall be continued and acted
6 upon by the state board of education. All existing contracts and
7 obligations shall remain in full force and shall be performed by the
8 state board of education.

9 (5) The transfer of the powers, duties, functions, and personnel of
10 the academic achievement and accountability commission shall not affect
11 the validity of any act performed before the effective date of this
12 section.

13 (6) If apportionments of budgeted funds are required because of the
14 transfers directed by this section, the director of financial
15 management shall certify the apportionments to the agencies affected,
16 the state auditor, and the state treasurer. Each of these shall make
17 the appropriate transfer and adjustments in funds and appropriation
18 accounts and equipment records in accordance with the certification.

19 (7) Nothing contained in this section may be construed to alter any
20 existing collective bargaining unit or the provisions of any existing
21 collective bargaining agreement until the agreement has expired or
22 until the bargaining unit has been modified by action of the personnel
23 resources board as provided by law.

24 **PART 4**
25 **MISCELLANEOUS**

26 NEW SECTION. **Sec. 401.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 28A.305.010 (Composition of board) and 1992 c 56 s 1, 1990
29 c 33 s 257, 1988 c 255 s 1, 1980 c 179 s 1, & 1969 ex.s. c 223 s
30 28A.04.010;

31 (2) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s
32 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

33 (3) RCW 28A.305.030 (Elections in new congressional districts--Call
34 and conduct of--Member terms--Transitional measures to reduce number of
35 members from each district) and 1992 c 56 s 3, 1990 c 33 s 259, 1982
36 1st ex.s. c 7 s 1, & 1969 ex.s. c 223 s 28A.04.030;

1 (4) RCW 28A.305.040 (Declarations of candidacy--Qualifications of
2 candidates--Members restricted from service on local boards--Forfeiture
3 of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4,
4 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s
5 28A.04.040;

6 (5) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting
7 instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988
8 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

9 (6) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33
10 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283
11 s 25, & 1969 ex.s. c 223 s 28A.04.060;

12 (7) RCW 28A.305.070 (Action to contest election--Grounds--
13 Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1;

14 (8) RCW 28A.305.080 (Terms of office) and 1992 c 56 s 2, 1990 c 33
15 s 263, & 1969 ex.s. c 223 s 28A.04.070;

16 (9) RCW 28A.305.090 (Vacancies, filling) and 1990 c 33 s 264 & 1969
17 ex.s. c 223 s 28A.04.080;

18 (10) RCW 28A.305.100 (Superintendent as ex officio member and chief
19 executive officer of board) and 1982 c 160 s 1 & 1969 ex.s. c 223 s
20 28A.04.090;

21 (11) RCW 28A.305.110 (Executive director--Secretary of board) and
22 1996 c 25 s 1, 1990 c 33 s 265, 1982 c 160 s 3, & 1969 ex.s. c 223 s
23 28A.04.100;

24 (12) RCW 28A.305.120 (Meetings--Compensation and travel expenses of
25 members) and 1984 c 287 s 60, 1975-'76 2nd ex.s. c 34 s 67, 1973 c 106
26 s 13, & 1969 ex.s. c 223 s 28A.04.110;

27 (13) RCW 28A.305.200 (Seal) and 1969 ex.s. c 223 s 28A.04.140;

28 (14) RCW 28A.655.020 (Academic achievement and accountability
29 commission) and 1999 c 388 s 101;

30 (15) RCW 28A.655.030 (Essential academic learning requirements and
31 assessments--Duties of the academic achievement and accountability
32 commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102;

33 (16) RCW 28A.655.900 (Transfer of powers, duties, and functions)
34 and 1999 c 388 s 502; and

35 (17) RCW 28A.660.901 (Program evaluations--Contingency) and 2004 c
36 23 s 6 & 2001 c 158 s 8.

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

3 The superintendent of public instruction may appoint assistant
4 superintendents of public instruction, a deputy superintendent of
5 public instruction, and may employ such other assistants and clerical
6 help as are necessary to carry out the duties of the superintendent and
7 the state board of education. However, the superintendent shall employ
8 without undue delay the executive director of the state board of
9 education and other state board of education office assistants and
10 clerical help, appointed by the state board under RCW (~~(28A.305.110)~~)
11 28A.305.130, whose positions are allotted and funded in accordance with
12 moneys appropriated exclusively for the operation of the state board of
13 education. The rate of compensation and termination of any such
14 executive director, state board office assistants, and clerical help
15 shall be subject to the prior consent of the state board of education.
16 The assistant superintendents, deputy superintendent, and such other
17 officers and employees as are exempted from the provisions of chapter
18 41.06 RCW, shall serve at the pleasure of the superintendent or at the
19 pleasure of the superintendent and the state board of education as
20 provided in this section. Expenditures by the superintendent of public
21 instruction for direct and indirect support of the state board of
22 education are valid operational expenditures by and in behalf of the
23 office of the superintendent of public instruction.

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

26 Any common school district board member eligible to vote for a
27 candidate for membership on an educational service district or any
28 candidate for the position, within ten days after the secretary to the
29 state board of education's certification of election, may contest the
30 election of the candidate pursuant to chapter 29A.68 RCW
31 (~~(28A.305.070)~~).

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

34 (1) The superintendent of public instruction shall furnish to the
35 state board and to regional committees the services of employed
36 personnel and the materials and supplies necessary to enable them to

1 perform the duties imposed upon them by this chapter and shall
2 reimburse the members thereof for expenses necessarily incurred by them
3 in the performance of their duties, such reimbursement for regional
4 committee members to be in accordance with RCW 28A.315.155, and such
5 reimbursement for state board members to be in accordance with ((RCW
6 ~~28A.305.120~~)) section 101 of this act.

7 (2) Costs that may be incurred by an educational service district
8 in association with school district negotiations under RCW 28A.315.195
9 and supporting the regional committee under RCW 28A.315.205 shall be
10 reimbursed by the state from such funds as are appropriated for these
11 purposes.

12 NEW SECTION. **Sec. 405.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

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