

HOUSE BILL REPORT

2SHB 2212

As Passed Legislature

Title: An act relating to educator certification.

Brief Description: Relating to educator certification.

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

Brief History:

Committee Activity:

Education: 2/28/05, 3/1/05 [DPS];

Appropriations: 3/5/05 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 3/14/05, 94-3.

Senate Amended.

Passed Senate: 4/14/05, 41-0.

House Concurred.

Passed House: 4/19/05, 97-0.

Passed Legislature.

Brief Summary of Second Substitute Bill

- Adds a requirement that all courses earned toward a college or university degree must be obtained from an accredited educational institution if the credits are used to increase a teacher's earnings on the state salary schedule.
- Adopts a fine of \$300 for teachers and other certificated staff who submit degrees from unaccredited institutions in order to advance on the salary schedule and requires those teachers and staff to reimburse the district for any compensation they have received due to those degrees.
- Requires the suspension or revocation of a teacher's certification to teach if the teacher uses school equipment to intentionally access material that includes sexually explicit conduct or if the teacher has that type of material on school grounds, unless the material is part of an established curriculum.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

Staff: Susan Morrissey (786-7111).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 28 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Denise Graham (786-7137).

Background:

Educator Certification

Under current law, an individual's certification to teach or be an administrator in public or approved private schools may be suspended or revoked for a series of offenses. The certification must be suspended or revoked for the conviction of certain felonies. Certification is permanently revoked if the educator or administrator pleads guilty or is convicted of any felony crime against children. These crimes include: the neglect of a child, physical injury or death of a child; the sexual exploitation of a child; sexual offenses where a minor is the victim; promoting prostitution of a minor; the sale or purchase of a minor child; and the violation of similar laws of another jurisdiction. Each of the felonies listed is defined in the criminal code. A person whose certificate or permit has been revoked under this law must have his or her employment with the district terminated immediately. The person has certain rights under the law. He or must be given an opportunity to be heard and has the right to appeal the decision. An individual who has been terminated under these provisions remains terminated unless the person prevails on the appeal.

An employee whose certificate or permit is revoked under circumstances other than those listed above, is eligible to receive another certificate or permit after a period of twelve months from the date of the revocation.

Salary Schedule

The state salary schedule recognizes the credits that teachers earn for professional development. The schedule also recognizes and rewards the attainment of advanced degrees. Professional development courses are offered through colleges or universities, Educational Service Districts (ESDs), local school districts, and professional organizations, sometimes at a

cost to the participant. The Legislature also provides funding to the Office of the Superintendent of Public Instruction for professional development programs. Currently, documentation for professional development is audited by the Superintendent of Public Instruction (SPI) on a selective basis.

Summary of Second Substitute Bill:

Educator Certification

A school district employee must have his or her certificate or permit revoked or suspended upon a finding that the employee has engaged in any unauthorized use of school equipment to intentionally access any material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct. Reference to the current statutory definition of sexually explicit conduct is included. An exception for material used in conjunction with established curriculum is included. A first time offense can result in either suspension or revocation and a second offense results in mandatory revocation of the certificate. A person whose certificate is in question must be given the opportunity to be heard and has the right to appeal. These provisions are only applicable to findings that occur after the effective date of the act.

Salary Schedule

All courses earned toward a college or university degree must be obtained from an accredited educational institution if the credits are used to increase a teacher's earnings on the state salary schedule. The accrediting association by the State Board of Education must be recognized by the State Board of Education. The SPI must verify the accreditation status of degree granting institutions for school districts and provide training and resources to help the districts verify degrees. Teachers and other certificated staff who submit degrees from unaccredited institutions in order to advance on the salary schedule will be fined \$300 and required to reimburse their districts for any compensation they have received due to those degrees.

Appropriation: None.

Fiscal Note: Requested on March 16, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Education) (In support) The new process for professional certification leaves some teachers and administrators confused and frustrated. The process is intended to be performance-based but many participants are experiencing it as one of jumping through hoops, doing busy work, and paying huge tuition charges for work that doesn't improve teaching or learning. College programs leading to professional certification vary dramatically in quality, cost, and relevance. It is time to delay the professional certification requirement and allow the colleges time to refine their programs to meet the goals of professional certification. It is also time to move the responsibility for educator certification to the PESB, a board that has done an excellent job with the Alternative Routes to Certification program. This

legislation begins to address the problems with the current requirement. It is important to make the certification process work as it was intended and this bill is a step in the right direction.

(Concerns) Colleges and universities should be the only agencies that may nominate candidates for professional certification. The legislation should include a stipend of at least \$3,500 for teachers who earn professional certification. It may take more time than is allotted here to do a thorough review of college professional certification programs. Splitting authority between the PESB and the SBE on certification and program approval could be a problem. In addition, the state needs to be careful to send a consistent message that performance-based certification is here to stay.

Testimony For: (Appropriations) We strongly support the bill because it will help fix a process that is currently not working well.

Testimony Against: (Education) While some problems with the professional certification process have been identified, the OSPI and the colleges are working diligently and quickly to address them. They have already met once and will meet again every two to three weeks during the spring to improve the quality of the programs that lead to certification. They are also looking at ways to create low cost options for participants. This legislation is unnecessary since the SBE can change its rules to address some of the implementation issues that have been raised, and plans, in March, to adopt a rule change that will ease the timelines for candidates. Finally, the governance change contemplated in this legislation is unnecessary.

Testimony Against: (Appropriations) The governance bills that are moving through the Legislature should be settled before this bill moves forward. The PESB should continue to be an advisory body, and they should not conduct professional certification activities.

Persons Testifying: (Education) (In support) Representative Hunter, prime sponsor; Jeanne Harman, Center for Strengthening the Teaching Profession; and Lucinda Young, Washington Education Association.

(Concerns) Jennifer Wallace, Washington Professional Educators Standards Board; Megan Atkinson and Mary Jo Larsen, Office of the Superintendent of Public Instruction; and Rainer Houser, Association of Washington School Principals.

(Opposed) Larry Davis, State Board of Education; and Dan Bishop, Seattle Pacific University.

Persons Testifying: (Appropriations) (In support) Lucinda Young, Washington Education Association.

(Opposed) Barbara Mertens, Washington Association of School Administrators; and Jennifer Priddy, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: (Education) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.