

SENATE BILL REPORT

SHB 1113

As of March 8, 2023

Title: An act relating to reprimands for professional educators.

Brief Description: Reviewing reprimands for professional educators.

Sponsors: House Committee on Education (originally sponsored by Representatives Harris, Santos and Stonier).

Brief History: Passed House: 2/6/23, 93-0.

Committee Activity: Early Learning & K-12 Education: 3/09/23.

Brief Summary of Bill

- Requires the Professional Educator Standards Board to adopt rules providing for reviewing and vacating reprimands related to behavior that did not involve a student issued to certificated professional educators.
- Directs the Office of the Superintendent of Public Instruction to report to the Legislature data related to vacating eligible reprimands.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Benjamin Omdal (786-7442)

Background: Code of Professional Conduct. The Professional Educator Standards Board (PESB) is a statutorily created 12-member board whose duties include establishment and enforcement of rules determining eligibility for the certification or licensure of professional educators, such as teachers, administrators, and educational staff associates working in elementary and secondary schools. The Superintendent of Public Instruction (SPI) is the administrator of these rules and has the power to issue and revoke certificates in accordance with PESB rules.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Code of Professional Conduct is the PESB's rules for reprimand, suspension, and revocation actions related to certificated professional educators. A reprimand orders the certificate holder to not continue or repeat the unprofessional conduct or lack of good moral character or personal fitness that the certificate holder was found to have committed. The SPI may issue a reprimand order whenever they determine the certificated professional educator has:

- admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the SPI an agreed order to not continue or repeat the conduct described in the findings of fact;
- committed an act of unprofessional conduct but the evidence is probably insufficient to meet the clear and convincing proof standard for suspension or revocation; or
- committed an act of unprofessional conduct but the violation and the consequence was not serious and the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a reprimand.

If a reprimand order is issued, the certificated professional educator may appeal to an informal review committee or to an administrative law judge. Final disciplinary actions remain on a certificated professional educator's record permanently and are available through public disclosure requests.

Report on Educator Professional Practice in Washington. In 2020, as directed by legislation enacted in 2019, the Office of the Superintendent of Public Instruction (OSPI) and PESB submitted a report to the Legislature regarding the effect that discipline issued against certificated professional educators has on the recruitment and retention of educators in Washington. The legislation specifically required the report to recommend whether PESB should be authorized to establish a process for review and expungement of reprimands issued against the certificated professional educators.

The report recommends that PESB be provided the authority to vacate, rather than expunge reprimands. The report indicates that there is no definition of expunge within the Code of Professional Conduct, but that Washington courts use this term to mean the destruction of a record or file in a way to make it permanently irretrievable. The report instead suggests creation of a process to vacate, meaning cancel or render null and void, reprimands.

The report also recommends considering conversion of a reprimand to a letter of concern or vacating a reprimand after certain conditions are met or a certain amount of time has passed. The report recommends establishing a non-disciplinary letter of concern that could be issued in lieu of a reprimand.

Summary of Bill: By December 1, 2024, PESB must adopt rules that provide for reviewing and vacating reprimands related to behavior that did not involve a student issued to certificated professional educators. The rules must also describe the process for submitting a petition for vacating a reprimand related to behavior that did not involve a

student.

By July 1, 2026, OSPI must report to the Legislature with the number of certificated professional educators who submitted a petition to have a reprimand vacated under PESB rules, and the number who had a reprimand vacated under PESB rules.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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