

**RCW 28A.410.010 Certification—Duty of professional educator standards board—Rules—Record check—Lapsed certificates—Superintendent of public instruction as administrator.**

(1)(a) The Washington professional educator standards board shall establish, publish, and enforce rules determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require, at the applicant's expense, a criminal history record check of the applicant through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. An individual who holds a valid portable background check clearance card issued by the department of children, youth, and families consistent with RCW 43.216.270 is exempt from the office of the superintendent of public instruction fingerprint background check if the individual provides a true and accurate copy of his or her Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The superintendent of public instruction shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a certificate under this section. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

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

(c) The board shall develop rules consistent with RCW 18.340.020 for the certification of spouses of military personnel.

(2) The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any certificates or permits and revoke the same in accordance with board rules. [2017 3rd sp.s. c 33 s 3; 2017 3rd sp.s. c 6 s 221; 2014 c 50 s 2; 2011 2nd sp.s. c 5 s 4; 2005 c 497 s 203; 2001 c 263 s 1. Prior: 1992 c 159 s 3; 1992 c 60 s 2; prior: 1988 c 172 s 3; 1988 c 97 s 1; 1987 c 486 s 8; 1975-'76 2nd ex.s. c 92 s 2; 1969 ex.s. c 223 s 28A.70.005. Formerly RCW 28A.70.005.]

**Reviser's note:** This section was amended by 2017 3rd sp.s. c 6 s 221 and by 2017 3rd sp.s. c 33 s 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—2017 3rd sp.s. c 6 ss 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822:** See note following RCW 43.216.025.

**Conflict with federal requirements—2017 3rd sp.s. c 6:** See RCW 43.216.908.

**Implementation—2011 2nd sp.s. c 5:** See note following RCW 18.340.010.

**Intent—Part headings not law—Effective date—2005 c 497:** See notes following RCW 28A.305.011.

**Findings—1992 c 159:** See note following RCW 28A.400.303.

**Severability—1988 c 97:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 97 s 3.]

**Severability—1975-'76 2nd ex.s. c 92:** See note following RCW 28A.305.130.