
ENGROSSED SUBSTITUTE SENATE BILL 5593 - CC

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Loveland, Rasmussen, B. Sheldon and Winsley; by request of Governor Locke)

Read first time 03/03/1999.

1 AN ACT Relating to the Washington professional educator standards
2 board; amending RCW 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060,
3 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and amending RCW
4 28A.410.010; adding new sections to chapter 28A.410 RCW; creating new
5 sections; and providing effective dates.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** INTENT. The legislature finds and declares:

8 (1) Public school educators and administrators should be afforded
9 the decision-making authority over preparation, licensing, and
10 standards of their practice, a responsibility long held by members of
11 other professions including law, medicine, nursing, engineering, and
12 real estate;

13 (2) Creation of a public, rule-making body whose sole focus is
14 educator preparation, licensure, assessment, and standards of practice
15 will bring greater public focus and attention to the profession;

16 (3) Professional educator standards boards are consumer protection
17 boards, establishing policies to ensure the public that its
18 practitioners are competent;

1 (4) The highest possible standards for all educators are essential
2 in ensuring attainment of high standards by all students;

3 (5) Professional educator standards boards in other states have
4 increased the rigor of standards for preparation, admission to, and
5 continuation in the profession; and

6 (6) Professional educator standards boards are responsible to their
7 state legislatures, and thus to all citizens.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.410
9 RCW to read as follows:

10 WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD. (1) The
11 Washington professional educator standards board is created, consisting
12 of sixteen members to be appointed by the governor to four-year terms.
13 No person may serve as a member of the board for more than two
14 consecutive full terms.

15 (2) Seven of the members shall be public school teachers, one shall
16 be a private school teacher, two shall represent higher education
17 educator preparation programs, three shall be public school
18 administrators, one shall be a parent, and one shall be a member of the
19 public. The superintendent of public instruction shall be an ex
20 officio, nonvoting member.

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

22 (a) Have at least three years' teaching experience in a Washington
23 public school;

24 (b) Be currently certificated and actively employed in a teaching
25 position; and

26 (c) Include one teacher currently teaching at the elementary school
27 level, one at the middle school level, and one at the high school
28 level.

29 (4) Appointees from higher education educator preparation programs
30 must include one representative from an institution of higher education
31 as defined in RCW 28B.10.016 and one representative from a Washington
32 private institution of higher education.

33 (5) School administrators appointed to the board must:

34 (a) Have at least three years' administrative experience in a
35 Washington public school district;

36 (b) Be currently certificated and actively employed in a school
37 administrator position; and

38 (c) Include at least two school principals.

1 (6) In appointing the initial members of the board, it is the
2 intent of the legislature that, to the extent possible, the governor
3 appoint the existing members of the Washington advisory council for
4 professional teaching standards. The governor may appoint initial
5 members of the board to staggered terms of from one to four years.
6 Thereafter, all members shall be appointed to four-year terms. Members
7 of the board shall hold office until their successors are appointed.

8 (7) The governor shall appoint the members of the board from a list
9 of qualified nominees submitted to the governor by the organizations
10 representative of the constituencies of the board. The Washington
11 education association shall submit nominations to the governor for
12 qualified teachers to serve on the board. The association of
13 Washington school principals and the Washington association of school
14 administrators shall nominate school administrators. The Washington
15 association of colleges of teacher education shall nominate
16 representatives from teacher preparation institutions.

17 (8) Board members shall represent the racial, geographic, and
18 gender diversity of the state.

19 (9) Each member of the board shall be compensated in accordance
20 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred
21 in carrying out the duties of the board in accordance with RCW
22 43.03.050 and 43.030.060.

23 (10) The governor may remove a member of the board for neglect of
24 duty, misconduct, malfeasance or misfeasance in office, or for
25 incompetency or unprofessional conduct as defined in chapter 18.130
26 RCW. In such a case, the governor shall file with the secretary of
27 state a statement of the causes for and the order of removal from
28 office, and the secretary of state shall send a certified copy of the
29 statement of causes and order of removal to the last known post office
30 address of the member.

31 (11) If a vacancy occurs on the board, the governor shall appoint
32 a replacement member from nominees as specified in subsection (7) of
33 this section to fill the remainder of the unexpired term.

34 (12) Members of the board shall hire an executive director and an
35 administrative assistant to reside in the office of the superintendent
36 of public instruction for administrative purposes only.

37 (13) Members of the board are immune from suit in an action, civil
38 or criminal, based on its disciplinary proceedings or other official
39 acts performed in good faith as members of the board.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.410
2 RCW to read as follows:

3 POWERS AND DUTIES OF THE BOARD. In addition to any other powers
4 and duties as provided by law, the Washington professional educator
5 standards board shall:

6 (1) Approve or disapprove the program of courses leading to
7 teacher, school administrator, and school specialized personnel
8 certification offered by all institutions of higher education in
9 Washington state that may be accredited and whose graduates may become
10 entitled to receive such certification;

11 (2) Every five years beginning in 2004, conduct a review of the
12 program approval standards, including the minimum standards for
13 teachers, administrators, and educational staff associates, to reflect
14 research findings and assure continued improvement of preparation
15 programs for teachers, administrators, and educational staff
16 associates;

17 (3) Investigate the character of the work required to be performed
18 as a condition of entrance to and graduation from any institution of
19 higher education as defined in RCW 28B.10.016 relative to such
20 certification as provided for in subsection (1) of this section, and
21 prepare a list of accredited institutions of higher education of this
22 and other states whose graduates may be awarded such certificates;

23 (4)(a) Adopt rules to allow a teacher certification candidate to
24 fulfill, in part, teacher preparation program requirements through work
25 experience as a classified teacher's aide in a public school or private
26 school meeting the requirements of RCW 28A.195.010. The rules shall
27 include, but are not limited to, limitations based upon the recency of
28 the teacher preparation candidate's teacher aide work experience, and
29 limitations based on the amount of work experience that may apply
30 toward teacher preparation program requirements under this chapter;

31 (b) Require that at the time of the individual's enrollment in a
32 teacher preparation program, the supervising teacher and the building
33 principal shall jointly provide to the teacher preparation program of
34 the institution of higher education at which the teacher candidate is
35 enrolled, a written assessment of the performance of the teacher
36 candidate. The assessment shall contain such information as determined
37 by the Washington professional educator standards board and shall
38 include: Evidence that at least fifty percent of the candidate's work
39 as a classified teacher's aide was involved in instructional activities

1 with children under the supervision of a certificated teacher and that
2 the candidate worked a minimum of six hundred thirty hours for one
3 school year; the type of work performed by the candidate; and a
4 recommendation of whether the candidate's work experience as a
5 classified teacher's aide should be substituted for teacher preparation
6 program requirements. In compliance with such rules as may be
7 established under this section, the teacher preparation programs of the
8 institution of higher education where the candidate is enrolled shall
9 make the final determination as to what teacher preparation program
10 requirements may be fulfilled by teacher aide work experience;

11 (5) Supervise the issuance of such certificates as provided for in
12 subsection (1) of this section and specify the types and kinds of
13 certificates necessary for the several departments of the common
14 schools by rule in accordance with RCW 28A.410.010.

15 (6) Adopt rules for nontraditional educator preparation programs;

16 (7) Issue and renew teaching certificates;

17 (8) Adopt a professional code of ethics;

18 (9) Select and evaluate the executive director and administrative
19 assistant to the board;

20 (10) Establish criteria and enter into agreements with other states
21 to acquire reciprocal approval of teacher preparation programs and
22 certification, including certification from the national board for
23 professional teaching standards;

24 (11) Apply for and receive federal or other funds on behalf of the
25 state for purposes related to the duties of the board;

26 (12) Adopt any rules necessary to implement this chapter. Any
27 rules adopted by the board pertaining directly to the preparation,
28 assessment, certification, and standards of practice of administrators
29 shall require the approval of the majority of administrators on the
30 board;

31 (13) Maintain data and submit annual reports to the governor, the
32 legislature, and the superintendent of public instruction concerning
33 employment trends, teacher supply and demand data by certificate, the
34 quality of the professional preparation programs, and other data deemed
35 relevant by the board; and

36 (14) Submit to the governor, the legislature, and the
37 superintendent of public instruction each year a report detailing the
38 findings and activities of the board and including any recommendations
39 developed by the board.

1 NEW SECTION. **Sec. 4.** (1) All powers, duties, and functions of the
2 state board of education pertaining to establishing and maintaining
3 standards and processes for approving college, university, and school
4 district programs for the preparation of educators and administrators,
5 and educator and administrator assessment, certification, and standards
6 of practice are transferred to the Washington professional educator
7 standards board. All references to the state board of education in the
8 Revised Code of Washington shall be construed to mean the Washington
9 professional educator standards board when referring to the functions
10 transferred in this section.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the state board of
13 education pertaining to the powers, functions, and duties transferred
14 shall be delivered to the custody of the Washington professional
15 educator standards board.

16 (b) Whenever any question arises as to the transfer of any funds,
17 books, documents, records, papers, files, equipment, or other tangible
18 property used or held in the exercise of the powers and the performance
19 of the duties and functions transferred, the director of financial
20 management shall make a determination as to the proper allocation and
21 certify the same to the state agencies concerned.

22 (3) All rules and all pending business before the state board of
23 education pertaining to the powers, functions, and duties transferred
24 shall be continued and acted upon by the Washington professional
25 educator standards board. All existing contracts and obligations shall
26 remain in full force and shall be performed by the Washington
27 professional educator standards board.

28 (4) The transfer of the powers, duties, and functions of the state
29 board of education shall not affect the validity of any act performed
30 before the effective date of this section.

31 NEW SECTION. **Sec. 5.** In the 2000 supplemental budget for the
32 1999-2001 biennium, the budget for the state board of education shall
33 be adjusted by an appropriate amount that reflects the reduction in its
34 duties as a result of sections 3 and 4 of this act.

35 **Sec. 6.** RCW 28A.410.010 and 1992 c 159 s 3 and 1992 c 60 s 2 are
36 each reenacted and amended to read as follows:

1 The (~~state board of education~~) Washington professional educator
2 standards board shall establish, publish, and enforce rules (~~and~~
3 ~~regulations~~) determining eligibility for and certification of
4 personnel employed in the common schools of this state, including
5 certification for emergency or temporary, substitute or provisional
6 duty and under such certificates or permits as the board shall deem
7 proper or as otherwise prescribed by law. The rules shall require that
8 the initial application for certification shall require a record check
9 of the applicant through the Washington state patrol criminal
10 identification system and through the federal bureau of investigation
11 at the applicant's expense. The record check shall include a
12 fingerprint check using a complete Washington state criminal
13 identification fingerprint card. The superintendent of public
14 instruction may waive the record check for any applicant who has had a
15 record check within the two years before application.

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

21 The superintendent of public instruction shall act as the
22 administrator of any such rules (~~and regulations~~) and have the power
23 to issue any certificates or permits and revoke the same in accordance
24 with board rules (~~and regulations~~).

25 **Sec. 7.** RCW 28A.410.020 and 1996 c 309 s 1 are each amended to
26 read as follows:

27 (1) No person may be admitted to a professional teacher preparation
28 program within Washington state without first demonstrating by one of
29 the following options that he or she is competent in the basic skills
30 required for oral and written communication, reading, and computation:

31 (a) Successful completion of an examination in the basic skills
32 required for oral and written communication, reading, and computation;
33 or

34 (b) Completion of a baccalaureate degree program; or

35 (c) Completion of a graduate degree program; or

36 (d) Completion of two or more years of college level course work
37 and demonstrated basic skills competency through college level course
38 work and a written essay; or

1 (e) Earning a combined score of more than the state-wide median
2 score for the prior school year scored by all persons taking tests of
3 general achievement selected by the (~~state board of education~~)
4 Washington professional educator standards board.

5 (2) The (~~state board of education~~) Washington professional
6 educator standards board shall adopt rules to implement this section.

7 **Sec. 8.** RCW 28A.410.040 and 1992 c 141 s 101 are each amended to
8 read as follows:

9 The (~~state board of education~~) Washington professional educator
10 standards board shall adopt rules providing that, except as provided in
11 this section, all individuals qualifying for an initial-level teaching
12 certificate (~~after August 31, 1992,~~) shall possess a baccalaureate
13 degree in the arts, sciences, and/or humanities and have fulfilled the
14 requirements for teacher certification pursuant to RCW 28A.305.130 (1)
15 and (2). However, candidates for grades preschool through eight
16 certificates shall have fulfilled the requirements for a major as part
17 of their baccalaureate degree. If the major is in early childhood
18 education, elementary education, or special education, the candidate
19 must have at least thirty quarter hours or twenty semester hours in one
20 academic field.

21 **Sec. 9.** RCW 28A.410.050 and 1992 c 141 s 102 are each amended to
22 read as follows:

23 The (~~state board of education~~) Washington professional educator
24 standards board shall develop and adopt rules establishing
25 baccalaureate and masters degree equivalency standards for vocational
26 instructors performing instructional duties and acquiring certification
27 (~~after August 31, 1992~~).

28 **Sec. 10.** RCW 28A.410.060 and 1990 c 33 s 407 are each amended to
29 read as follows:

30 The fee for any certificate, or any renewal thereof, issued by the
31 authority of the state of Washington, and authorizing the holder to
32 teach or perform other professional duties in the public schools of the
33 state shall be not less than one dollar or such reasonable fee therefor
34 as the (~~state board of education~~) Washington professional educator
35 standards board by rule (~~or regulation~~) shall deem necessary
36 therefor. The fee must accompany the application and cannot be

1 refunded unless the application is withdrawn before it is finally
2 considered. The educational service district superintendent, or other
3 official authorized to receive such fee, shall within thirty days
4 transmit the same to the treasurer of the county in which the office of
5 the educational service district superintendent is located, to be by
6 him or her placed to the credit of said school district or educational
7 service district: PROVIDED, That if any school district collecting
8 fees for the certification of professional staff does not hold a
9 professional training institute separate from the educational service
10 district then all such moneys shall be placed to the credit of the
11 educational service district.

12 Such fees shall be used solely for the purpose of precertification
13 professional preparation, program evaluation, and professional in-
14 service training programs in accord with rules (~~and regulations~~) of
15 the (~~state board of education herein~~) Washington professional
16 educator standards board authorized under this chapter.

17 **Sec. 11.** RCW 28A.410.100 and 1992 c 159 s 6 are each amended to
18 read as follows:

19 Any teacher whose certificate to teach has been questioned under
20 RCW 28A.410.090 shall have a right to be heard by the issuing authority
21 before his or her certificate is revoked. Any teacher whose
22 certificate to teach has been revoked shall have a right of appeal to
23 the (~~state board of education~~) Washington professional educator
24 standards board if notice of appeal is given by written affidavit to
25 the board within thirty days after the certificate is revoked.

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

31 **Sec. 12.** RCW 28A.410.120 and 1990 c 33 s 411 are each amended to
32 read as follows:

33 Notwithstanding any other provision of this title, the (~~state~~
34 ~~board of education~~) Washington professional educator standards board
35 or superintendent of public instruction shall not require any
36 professional certification or other qualifications of any person
37 elected superintendent of a local school district by that district's

1 board of directors, or any person hired in any manner to fill a
2 position designated as, or which is, in fact, deputy superintendent, or
3 assistant superintendent.

4 **Sec. 13.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to
5 read as follows:

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

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

13 (2) ~~Conduct every five years a review of the program approval~~
14 ~~standards, including the minimum standards for teachers,~~
15 ~~administrators, and educational staff associates, to reflect research~~
16 ~~findings and assure continued improvement of preparation programs for~~
17 ~~teachers, administrators, and educational staff associates.~~

18 (3) ~~Investigate the character of the work required to be performed~~
19 ~~as a condition of entrance to and graduation from any institution of~~
20 ~~higher education in this state relative to such certification as~~
21 ~~provided for in subsection (1) above, and prepare a list of accredited~~
22 ~~institutions of higher education of this and other states whose~~
23 ~~graduates may be awarded such certificates.~~

24 (4)(a) ~~The state board of education shall adopt rules to allow a~~
25 ~~teacher certification candidate to fulfill, in part, teacher~~
26 ~~preparation program requirements through work experience as a~~
27 ~~classified teacher's aide in a public school or private school meeting~~
28 ~~the requirements of RCW 28A.195.010. The rules shall include, but are~~
29 ~~not limited to, limitations based upon the recency of the teacher~~
30 ~~preparation candidate's teacher aide work experience, and limitations~~
31 ~~based on the amount of work experience that may apply toward teacher~~
32 ~~preparation program requirements under this chapter.~~

33 (b) ~~The state board of education shall require that at the time of~~
34 ~~the individual's enrollment in a teacher preparation program, the~~
35 ~~supervising teacher and the building principal shall jointly provide to~~
36 ~~the teacher preparation program of the higher education institution at~~
37 ~~which the teacher candidate is enrolled, a written assessment of the~~
38 ~~performance of the teacher candidate. The assessment shall contain~~

1 such information as determined by the state board of education and
2 shall include: Evidence that at least fifty percent of the candidate's
3 work as a classified teacher's aide was involved in instructional
4 activities with children under the supervision of a certificated
5 teacher and that the candidate worked a minimum of six hundred thirty
6 hours for one school year; the type of work performed by the candidate;
7 and a recommendation of whether the candidate's work experience as a
8 classified teacher's aide should be substituted for teacher preparation
9 program requirements. In compliance with such rules as may be
10 established by the state board of education under this section, the
11 teacher preparation programs of the higher education institution where
12 the candidate is enrolled shall make the final determination as to what
13 teacher preparation program requirements may be fulfilled by teacher
14 aide work experience.

15 (5) Supervise the issuance of such certificates as provided for in
16 subsection (1) above and specify the types and kinds of certificates
17 necessary for the several departments of the common schools by rule or
18 regulation in accordance with RCW 28A.410.010.

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

32 ((+7)) (2) Make rules ((and regulations)) governing the
33 establishment in any existing nonhigh school district of any secondary
34 program or any new grades in grades nine through twelve. Before any
35 such program or any new grades are established the district must obtain
36 prior approval of the state board.

37 ((+8)) (3) Prepare such outline of study for the common schools as
38 the board shall deem necessary, and prescribe such rules for the
39 general government of the common schools, as shall seek to secure

1 regularity of attendance, prevent truancy, secure efficiency, and
2 promote the true interest of the common schools.

3 ~~((+9))~~ (4) Continuously reevaluate courses and adopt and enforce
4 ~~((regulations))~~ rules within the common schools so as to meet the
5 educational needs of students and articulate with the institutions of
6 higher education and unify the work of the public school system.

7 ~~((+10))~~ (5) Carry out board powers and duties relating to the
8 organization and reorganization of school districts under RCW
9 28A.315.010 through 28A.315.680 and 28A.315.900.

10 ~~((+11))~~ (6) By rule ~~((or regulation promulgated))~~ adopted upon the
11 advice of the chief of the Washington state patrol, through the
12 director of fire protection, provide for instruction of pupils in the
13 public and private schools carrying out a K through 12 program, or any
14 part thereof, so that in case of sudden emergency they shall be able to
15 leave their particular school building in the shortest possible time or
16 take such other steps as the particular emergency demands, and without
17 confusion or panic; such rules ~~((and regulations))~~ shall be published
18 and distributed to certificated personnel throughout the state whose
19 duties shall include a familiarization therewith as well as the means
20 of implementation thereof at their particular school.

21 ~~((+12))~~ (7) Hear and decide appeals as otherwise provided by law.

22 The state board of education is given the authority to promulgate
23 information and rules dealing with the prevention of child abuse for
24 purposes of curriculum use in the common schools.

25 NEW SECTION. Sec. 14. CAPTIONS NOT LAW. Captions used in this
26 act are not any part of the law.

27 NEW SECTION. Sec. 15. Sections 1, 2 and 14 of this act take effect
28 July 1, 1999. Sections 3 through 13 of this act take effect January 1,
29 2000.

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