

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2212

Chapter 461, Laws of 2005

59th Legislature
2005 Regular Session

EDUCATOR CERTIFICATION

EFFECTIVE DATE: 7/24/05

Passed by the House April 19, 2005
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 41 Nays 0

BRAD OWEN

President of the Senate

Approved May 13, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2212** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 13, 2005 - 3:24 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2212

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

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

READ FIRST TIME 03/07/05.

1 AN ACT Relating to educator certification; amending RCW
2 28A.410.090; and adding a new section to chapter 28A.415 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.415
5 RCW to read as follows:

6 (1) All credits earned in furtherance of degrees earned by
7 certificated staff, that are used to increase earnings on the salary
8 schedule consistent with RCW 28A.415.023, must be obtained from an
9 educational institution accredited by an accrediting association
10 recognized by rule of the state board of education.

11 (2) The office of the superintendent of public instruction shall
12 verify for school districts the accreditation status of educational
13 institutions granting degrees that are used by certificated staff to
14 increase earnings on the salary schedule consistent with RCW
15 28A.415.023.

16 (3) The office of the superintendent of public instruction shall
17 provide school districts with training and additional resources to
18 ensure they can verify that degrees earned by certificated staff, that
19 are used to increase earnings on the salary schedule consistent with

1 RCW 28A.415.023, are obtained from an educational institution
2 accredited by an accrediting association recognized by rule of the
3 state board of education.

4 (4)(a) No school district may submit degree information before
5 there has been verification of accreditation under subsection (3) of
6 this section.

7 (b) Certificated staff who submit degrees received from an
8 unaccredited educational institution for the purposes of receiving a
9 salary increase shall be fined three hundred dollars. The fine shall
10 be paid to the office of the superintendent of public instruction and
11 used for costs of administering this section.

12 (c) In addition to the fine in (b) of this subsection, certificated
13 staff who receive salary increases based upon degrees earned from
14 educational institutions that have been verified to be unaccredited
15 must reimburse the district for any compensation received based on
16 these degrees.

17 **Sec. 2.** RCW 28A.410.090 and 2004 c 134 s 2 are each amended to
18 read as follows:

19 (1) Any certificate or permit authorized under the provisions of
20 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may
21 be revoked or suspended by the authority authorized to grant the same
22 based upon a criminal records report authorized by law, or upon the
23 complaint of any school district superintendent, educational service
24 district superintendent, or private school administrator for
25 immorality, violation of written contract, unprofessional conduct,
26 intemperance, or crime against the law of the state.

27 If the superintendent of public instruction has reasonable cause to
28 believe that an alleged violation of this chapter or rules adopted
29 under it has occurred based on a written complaint alleging physical
30 abuse or sexual misconduct by a certificated school employee filed by
31 a parent or another person, but no complaint has been forwarded to the
32 superintendent by a school district superintendent, educational service
33 district superintendent, or private school administrator, and that a
34 school district superintendent, educational service district
35 superintendent, or private school administrator has sufficient notice
36 of the alleged violation and opportunity to file a complaint, the
37 superintendent of public instruction may cause an investigation to be

1 made of the alleged violation, together with such other matters that
2 may be disclosed in the course of the investigation related to
3 certificated personnel.

4 (2) A parent or another person may file a written complaint with
5 the superintendent of public instruction alleging physical abuse or
6 sexual misconduct by a certificated school employee if:

7 (a) The parent or other person has already filed a written
8 complaint with the educational service district superintendent
9 concerning that employee;

10 (b) The educational service district superintendent has not caused
11 an investigation of the allegations and has not forwarded the complaint
12 to the superintendent of public instruction for investigation; and

13 (c) The written complaint states the grounds and factual basis upon
14 which the parent or other person believes an investigation should be
15 conducted.

16 (3) Any such certificate or permit authorized under this chapter or
17 chapter 28A.405 RCW shall be revoked by the authority authorized to
18 grant the certificate upon a guilty plea or the conviction of any
19 felony crime involving the physical neglect of a child under chapter
20 9A.42 RCW, the physical injury or death of a child under chapter 9A.32
21 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61
22 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual
23 offenses under chapter 9A.44 RCW where a minor is the victim, promoting
24 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase
25 of a minor child under RCW 9A.64.030, or violation of similar laws of
26 another jurisdiction. The person whose certificate is in question
27 shall be given an opportunity to be heard. Mandatory permanent
28 revocation upon a guilty plea or the conviction of felony crimes
29 specified under this subsection shall apply to such convictions or
30 guilty pleas which occur after July 23, 1989. Revocation of any
31 certificate or permit authorized under this chapter or chapter 28A.405
32 RCW for a guilty plea or criminal conviction occurring prior to July
33 23, 1989, shall be subject to the provisions of subsection (1) of this
34 section.

35 (4)(a) Any such certificate or permit authorized under this chapter
36 or chapter 28A.405 RCW shall be suspended or revoked, according to the
37 provisions of this subsection, by the authority authorized to grant the
38 certificate upon a finding that an employee has engaged in an

1 unauthorized use of school equipment to intentionally access material
2 depicting sexually explicit conduct or has intentionally possessed on
3 school grounds any material depicting sexually explicit conduct; except
4 for material used in conjunction with established curriculum. A first
5 time violation of this subsection shall result in either suspension or
6 revocation of the employee's certificate or permit as determined by the
7 office of the superintendent of public instruction. A second violation
8 shall result in a mandatory revocation of the certificate or permit.

9 (b) In all cases under this subsection (4), the person whose
10 certificate is in question shall be given an opportunity to be heard
11 and has the right to appeal as established in RCW 28A.410.100.
12 Certificates or permits shall be suspended or revoked under this
13 subsection only if findings are made on or after the effective date of
14 this section. For the purposes of this subsection, "sexually explicit
15 conduct" has the same definition as provided in RCW 9.68A.011.

Passed by the House April 19, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.