

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5732

Chapter 497, Laws of 2005

59th Legislature
2005 Regular Session

BOARD OF EDUCATION--PROFESSIONAL EDUCATOR STANDARDS BOARD--
ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION

EFFECTIVE DATE: 7/24/05 - Except sections 101, 103, 105, 106, 201 through 220, 301, 401, and 403 through 405, which become effective 1/1/06; sections 104, 302, 402, and 406 through 408, which become effective 7/1/05; and section 102, which becomes effective 5/16/05.

Passed by the Senate April 21, 2005
YEAS 33 NAYS 13

BRAD OWEN

President of the Senate

Passed by the House April 20, 2005
YEAS 77 NAYS 19

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5732** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved May 16, 2005.

FILED

May 16, 2005 - 3:05 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5732

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Early Learning, K-12 & Higher Education
(originally sponsored by Senators McAuliffe, Weinstein, Schmidt,
Berkey, Rockefeller, Shin, Prentice, Thibaudeau, Pridemore, Carrell,
Kohl-Welles, Regala, Spanel, Fairley, Delvin and Rasmussen)

READ FIRST TIME 03/01/05.

1 AN ACT Relating to the powers, duties, and membership of the state
2 board of education and the Washington professional educator standards
3 board and the elimination of the academic achievement and
4 accountability commission; amending RCW 28A.305.130, 28A.505.210,
5 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010, 28A.410.040,
6 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, 28A.415.023,
7 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080, 28A.205.010,
8 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010, 18.120.010,
9 28A.410.032, 28A.300.020, 28A.310.110, and 28A.315.085; adding new
10 sections to chapter 28A.305 RCW; creating new sections; repealing RCW
11 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040, 28A.305.050,
12 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090, 28A.305.100,
13 28A.305.110, 28A.305.120, 28A.305.200, 28A.655.020, 28A.655.030, and
14 28A.655.900; providing effective dates; and declaring an emergency.

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

16 NEW SECTION. **Sec. 1.** The legislature intends to reconstitute the
17 state board of education and to refocus its purpose; to abolish the
18 academic achievement and accountability commission; to assign policy
19 and rule-making authority for educator preparation and certification to

1 the professional educator standards board and to clearly define its
2 purpose; and to align the missions of the state board of education and
3 the professional educator standards board to create a collaborative and
4 effective governance system that can accelerate progress towards
5 achieving the goals in RCW 28A.150.210.

6 **PART 1**

7 **STATE BOARD OF EDUCATION**

8 NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.305
9 RCW to read as follows:

10 (1) The membership of the state board of education shall be
11 composed of sixteen members who are residents of the state of
12 Washington:

13 (a) Seven shall be members representing the educational system, as
14 follows:

15 (i) Five members elected by school district directors. Three of
16 the members elected by school district directors shall be residents of
17 western Washington and two members shall be residents of eastern
18 Washington;

19 (ii) One member elected at-large by the members of the boards of
20 directors of all private schools in the state meeting the requirements
21 of RCW 28A.195.010; and

22 (iii) The superintendent of public instruction;

23 (b) Seven members appointed by the governor; and

24 (c) Two students selected in a manner determined by the state board
25 of education.

26 (2) Initial appointments shall be for terms from one to four years
27 in length, with the terms expiring on the second Monday of January of
28 the applicable year. As the terms of the first appointees expire or
29 vacancies on the board occur, the governor shall appoint or reappoint
30 members of the board to complete the initial terms or to four-year
31 terms, as appropriate.

32 (a) Appointees of the governor must be individuals who have
33 demonstrated interest in public schools and are supportive of
34 educational improvement, have a positive record of service, and who
35 will devote sufficient time to the responsibilities of the board.

1 (b) In appointing board members, the governor shall consider the
2 diversity of the population of the state.

3 (c) All appointments to the board made by the governor are subject
4 to confirmation by the senate.

5 (d) No person may serve as a member of the board, except the
6 superintendent of public instruction, for more than two consecutive
7 full four-year terms.

8 (3) The governor may remove an appointed member of the board for
9 neglect of duty, misconduct, malfeasance, or misfeasance in office, or
10 for incompetent or unprofessional conduct as defined in chapter 18.130
11 RCW. In such a case, the governor shall file with the secretary of
12 state a statement of the causes for and the order of removal from
13 office, and the secretary of state shall send a certified copy of the
14 statement of causes and order of removal to the last known post office
15 address of the member.

16 (4)(a) The chair of the board shall be elected by a majority vote
17 of the members of the board. The chair of the board shall serve a term
18 of two years, and may be reelected to an additional term. A member of
19 the board may not serve as chair for more than two consecutive terms.

20 (b) Eight voting members of the board constitute a quorum for the
21 transaction of business.

22 (c) All members except the student members are voting members.

23 (5) Members of the board appointed by the governor who are not
24 public employees shall be compensated in accordance with RCW 43.03.240
25 and shall be reimbursed for travel expenses incurred in carrying out
26 the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

27 NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.305
28 RCW to read as follows:

29 The election of state board of education members by school
30 directors and private school board members shall be conducted by the
31 office of the superintendent of public instruction for the members of
32 the state board who begin serving on January 1, 2006, and thereafter.

33 (1) The superintendent shall adopt rules for the conduct of
34 elections, which shall include, but need not be limited to: The
35 definition of the eastern Washington and western Washington geographic
36 regions of the state for the purpose of determining board member
37 positions; the weighting of votes cast by the number of students in the

1 school director's school district or board member's private school;
2 election and dispute resolution procedures; the process for filling
3 vacancies; and election timelines. The election timeline shall include
4 calling for elections no later than the twenty-fifth of August, and
5 notification of the election results no later than the fifteenth of
6 December.

7 (2) State board member positions one and two shall be filled by
8 residents of the eastern Washington region and positions three, four,
9 and five shall be filled by residents of the western Washington region.

10 (3) A school director shall be eligible to vote only for a
11 candidate for each position in the geographic region within which the
12 school director resides.

13 (4) Initial terms of the individuals elected by the school
14 directors shall be for terms of two to four years in length as follows:
15 Two members, one from eastern Washington and one from western
16 Washington, shall be elected to two-year terms; two members, one from
17 eastern Washington and one from western Washington, shall be elected to
18 four-year terms; and one member from western Washington shall be
19 elected to a three-year term. The term of the private school member
20 shall be two years. All terms shall expire on the second Monday of
21 January of the applicable year.

22 (5) No person employed in any public or private school, college,
23 university, or other educational institution or any educational service
24 district superintendent's office or in the office of the superintendent
25 of public instruction is eligible for membership on the state board of
26 education. No member of a board of directors of a local school
27 district or private school may continue to serve in that capacity after
28 having been elected to the state board.

29 NEW SECTION. **Sec. 103.** A new section is added to chapter 28A.305
30 RCW to read as follows:

31 By October 15th of each even-numbered year, the state board of
32 education and the professional educator standards board shall submit a
33 joint report to the legislative education committees, the governor, and
34 the superintendent of public instruction. The report shall address the
35 progress the boards have made and the obstacles they have encountered,
36 individually and collectively, in the work of achieving the goals in
37 RCW 28A.150.210.

1 **Sec. 104.** RCW 28A.305.130 and 2002 c 205 s 3 are each amended to
2 read as follows:

3 The purpose of the state board of education is to adopt statewide
4 policies that promote achievement of the goals of RCW 28A.150.210;
5 implement a standards-based accountability system; and provide
6 leadership in the creation of an education system that respects the
7 diverse cultures, abilities, and learning styles of all students. In
8 addition to any other powers and duties as provided by law, the state
9 board of education shall:

10 (1) Until January 1, 2006, approve or disapprove the program of
11 courses leading to teacher, school administrator, and school
12 specialized personnel certification offered by all institutions of
13 higher education within the state which may be accredited and whose
14 graduates may become entitled to receive such certification.

15 (2) Until January 1, 2006, conduct every five years a review of the
16 program approval standards, including the minimum standards for
17 teachers, administrators, and educational staff associates, to reflect
18 research findings and assure continued improvement of preparation
19 programs for teachers, administrators, and educational staff
20 associates.

21 (3) Until January 1, 2006, investigate the character of the work
22 required to be performed as a condition of entrance to and graduation
23 from any institution of higher education in this state relative to such
24 certification as provided for in subsection (1) of this section, and
25 prepare a list of accredited institutions of higher education of this
26 and other states whose graduates may be awarded such certificates.

27 (4) Until January 1, 2006:

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

37 (b) (~~The state board of education shall~~) Require that at the time
38 of the individual's enrollment in a teacher preparation program, the

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

19 (5) Until January 1, 2006, supervise the issuance of such
20 certificates as provided for in subsection (1) of this section and
21 specify the types and kinds of certificates necessary for the several
22 departments of the common schools by rule or regulation in accordance
23 with RCW 28A.410.010.

24 (6) Hold regularly scheduled meetings at such time and place within
25 the state as the board shall determine and may hold such special
26 meetings as may be deemed necessary for the transaction of public
27 business.

28 (7) Form committees as necessary to effectively and efficiently
29 conduct the work of the board.

30 (8) Seek advice from the public and interested parties regarding
31 the work of the board.

32 (9) For purposes of statewide accountability, the board shall:

33 (a) Adopt and revise performance improvement goals in reading,
34 writing, science, and mathematics, by subject and grade level, once
35 assessments in these subjects are required statewide; academic and
36 technical skills, as appropriate, in secondary career and technical
37 education programs; and student attendance, as the board deems
38 appropriate to improve student learning. The goals shall be consistent

1 with student privacy protection provisions of RCW 28A.655.090(7) and
2 shall not conflict with requirements contained in Title I of the
3 federal elementary and secondary education act of 1965, or the
4 requirements of the Carl D. Perkins vocational education act of 1998,
5 each as amended. The goals may be established for all students,
6 economically disadvantaged students, limited English proficient
7 students, students with disabilities, and students from
8 disproportionately academically underachieving racial and ethnic
9 backgrounds. The board may establish school and school district goals
10 addressing high school graduation rates and dropout reduction goals for
11 students in grades seven through twelve. The board shall adopt the
12 goals by rule. However, before each goal is implemented, the board
13 shall present the goal to the education committees of the house of
14 representatives and the senate for the committees' review and comment
15 in a time frame that will permit the legislature to take statutory
16 action on the goal if such action is deemed warranted by the
17 legislature;

18 (b) Identify the scores students must achieve in order to meet the
19 standard on the Washington assessment of student learning and, for high
20 school students, to obtain a certificate of academic achievement. The
21 board shall also determine student scores that identify levels of
22 student performance below and beyond the standard. The board shall
23 consider the incorporation of the standard error of measurement into
24 the decision regarding the award of the certificates. The board shall
25 set such performance standards and levels in consultation with the
26 superintendent of public instruction and after consideration of any
27 recommendations that may be developed by any advisory committees that
28 may be established for this purpose. The initial performance standards
29 and any changes recommended by the board in the performance standards
30 for the tenth grade assessment shall be presented to the education
31 committees of the house of representatives and the senate by November
32 30th of the school year in which the changes will take place to permit
33 the legislature to take statutory action before the changes are
34 implemented if such action is deemed warranted by the legislature. The
35 legislature shall be advised of the initial performance standards and
36 any changes made to the elementary level performance standards and the
37 middle school level performance standards;

1 (c) Adopt objective, systematic criteria to identify successful
2 schools and school districts and recommend to the superintendent of
3 public instruction schools and districts to be recognized for two types
4 of accomplishments, student achievement and improvements in student
5 achievement. Recognition for improvements in student achievement shall
6 include consideration of one or more of the following accomplishments:

7 (i) An increase in the percent of students meeting standards. The
8 level of achievement required for recognition may be based on the
9 achievement goals established by the legislature and by the board under
10 (a) of this subsection;

11 (ii) Positive progress on an improvement index that measures
12 improvement in all levels of the assessment; and

13 (iii) Improvements despite challenges such as high levels of
14 mobility, poverty, English as a second language learners, and large
15 numbers of students in special populations as measured by either the
16 percent of students meeting the standard, or the improvement index.
17 When determining the baseline year or years for recognizing individual
18 schools, the board may use the assessment results from the initial
19 years the assessments were administered, if doing so with individual
20 schools would be appropriate;

21 (d) Adopt objective, systematic criteria to identify schools and
22 school districts in need of assistance and those in which significant
23 numbers of students persistently fail to meet state standards. In its
24 deliberations, the board shall consider the use of all statewide
25 mandated criterion-referenced and norm-referenced standardized tests;

26 (e) Identify schools and school districts in which state
27 intervention measures will be needed and a range of appropriate
28 intervention strategies after the legislature has authorized a set of
29 intervention strategies. After the legislature has authorized a set of
30 intervention strategies, at the request of the board, the
31 superintendent shall intervene in the school or school district and
32 take corrective actions. This chapter does not provide additional
33 authority for the board or the superintendent of public instruction to
34 intervene in a school or school district;

35 (f) Identify performance incentive systems that have improved or
36 have the potential to improve student achievement;

37 (g) Annually review the assessment reporting system to ensure
38 fairness, accuracy, timeliness, and equity of opportunity, especially

1 with regard to schools with special circumstances and unique
2 populations of students, and a recommendation to the superintendent of
3 public instruction of any improvements needed to the system;

4 (h) Include in the biennial report required under section 103 of
5 this act, information on the progress that has been made in achieving
6 goals adopted by the board.

7 (10) Accredite, subject to such accreditation standards and
8 procedures as may be established by the state board of education, all
9 schools that apply for accreditation, and approve, subject to the
10 provisions of RCW 28A.195.010, private schools carrying out a program
11 for any or all of the grades kindergarten through twelve: PROVIDED,
12 That no private school may be approved that operates a kindergarten
13 program only: PROVIDED FURTHER, That no public or private schools
14 shall be placed upon the list of accredited schools so long as secret
15 societies are knowingly allowed to exist among its students by school
16 officials: PROVIDED FURTHER, That the state board may elect to require
17 all or certain classifications of the public schools to conduct and
18 participate in such preaccreditation examination and evaluation
19 processes as may now or hereafter be established by the board.

20 ~~((+7))~~ (11) Make rules and regulations governing the establishment
21 in any existing nonhigh school district of any secondary program or any
22 new grades in grades nine through twelve. Before any such program or
23 any new grades are established the district must obtain prior approval
24 of the state board.

25 ~~((+8))~~ (12) Prepare such outline of study for the common schools
26 as the board shall deem necessary, and in conformance with legislative
27 requirements, and prescribe such rules for the general government of
28 the common schools, as shall seek to secure regularity of attendance,
29 prevent truancy, secure efficiency, and promote the true interest of
30 the common schools.

31 ~~((+9))~~ (13) Continuously reevaluate courses and other requirements
32 and adopt and enforce regulations within the common schools so as to
33 meet the educational needs of students (~~and~~).

34 (14) Evaluate course of study requirements and articulate with the
35 institutions of higher education, work force representatives, and early
36 learning policymakers and providers to coordinate and unify the work of
37 the public school system.

1 ~~((10))~~ (15) Carry out board powers and duties relating to the
2 organization and reorganization of school districts ~~((under RCW~~
3 ~~28A.315.010 through 28A.315.680 and 28A.315.900))~~.

4 ~~((11))~~ (16) Hear and decide appeals as otherwise provided by law.
5 ~~((The state board of education is given the authority to))~~ (17)
6 Promulgate information and rules dealing with the prevention of child
7 abuse for purposes of curriculum use in the common schools.

8 (18) Hire an executive director and an administrative assistant to
9 reside in the office of the superintendent of public instruction for
10 administrative purposes. Any other personnel of the board shall be
11 appointed as provided by RCW 28A.300.020. The executive director,
12 administrative assistant, and all but one of the other personnel of the
13 board are exempt from civil service, together with other staff as now
14 or hereafter designated as exempt in accordance with chapter 41.06 RCW.

15 (19) Adopt a seal that shall be kept in the office of the
16 superintendent of public instruction.

17 **Sec. 105.** RCW 28A.505.210 and 2001 c 3 s 3 are each amended to
18 read as follows:

19 School districts shall have the authority to decide the best use of
20 student achievement funds to assist students in meeting and exceeding
21 the new, higher academic standards in each district consistent with the
22 provisions of chapter 3, Laws of 2001.

23 (1) Student achievement funds shall be allocated for the following
24 uses:

25 (a) To reduce class size by hiring certificated elementary
26 classroom teachers in grades K-4 and paying nonemployee-related costs
27 associated with those new teachers;

28 (b) To make selected reductions in class size in grades 5-12, such
29 as small high school writing classes;

30 (c) To provide extended learning opportunities to improve student
31 academic achievement in grades K-12, including, but not limited to,
32 extended school year, extended school day, before-and-after-school
33 programs, special tutoring programs, weekend school programs, summer
34 school, and all-day kindergarten;

35 (d) To provide additional professional development for educators,
36 including additional paid time for curriculum and lesson redesign and
37 alignment, training to ensure that instruction is aligned with state

1 standards and student needs, reimbursement for higher education costs
2 related to enhancing teaching skills and knowledge, and mentoring
3 programs to match teachers with skilled, master teachers. The funding
4 shall not be used for salary increases or additional compensation for
5 existing teaching duties, but may be used for extended year and
6 extended day teaching contracts;

7 (e) To provide early assistance for children who need
8 prekindergarten support in order to be successful in school;

9 (f) To provide improvements or additions to school building
10 facilities which are directly related to the class size reductions and
11 extended learning opportunities under (a) through (c) of this
12 subsection.

13 (2) Annually on or before May 1st, the school district board of
14 directors shall meet at the time and place designated for the purpose
15 of a public hearing on the proposed use of these funds to improve
16 student achievement for the coming year. Any person may appear or by
17 written submission have the opportunity to comment on the proposed plan
18 for the use of these funds. No later than August 31st, as a part of
19 the process under RCW 28A.505.060, each school district shall adopt a
20 plan for the use of these funds for the upcoming school year.
21 Annually, each school district shall provide to the citizens of their
22 district a public accounting of the funds made available to the
23 district during the previous school year under chapter 3, Laws of 2001,
24 how the funds were used, and the progress the district has made in
25 increasing student achievement, as measured by required state
26 assessments and other assessments deemed appropriate by the district.
27 Copies of this report shall be provided to the superintendent of public
28 instruction ((and to the academic achievement and accountability
29 commission)).

30 **Sec. 106.** RCW 28A.655.070 and 2004 c 19 s 204 are each amended to
31 read as follows:

32 (1) The superintendent of public instruction shall develop
33 essential academic learning requirements that identify the knowledge
34 and skills all public school students need to know and be able to do
35 based on the student learning goals in RCW 28A.150.210, develop student
36 assessments, and implement the accountability recommendations and

1 requests regarding assistance, rewards, and recognition of the
2 (~~academic achievement and accountability commission~~) state board of
3 education.

4 (2) The superintendent of public instruction shall:

5 (a) Periodically revise the essential academic learning
6 requirements, as needed, based on the student learning goals in RCW
7 28A.150.210. Goals one and two shall be considered primary. To the
8 maximum extent possible, the superintendent shall integrate goal four
9 and the knowledge and skill areas in the other goals in the essential
10 academic learning requirements; and

11 (b) Review and prioritize the essential academic learning
12 requirements and identify, with clear and concise descriptions, the
13 grade level content expectations to be assessed on the Washington
14 assessment of student learning and used for state or federal
15 accountability purposes. The review, prioritization, and
16 identification shall result in more focus and targeting with an
17 emphasis on depth over breadth in the number of grade level content
18 expectations assessed at each grade level. Grade level content
19 expectations shall be articulated over the grades as a sequence of
20 expectations and performances that are logical, build with increasing
21 depth after foundational knowledge and skills are acquired, and
22 reflect, where appropriate, the sequential nature of the discipline.
23 The office of the superintendent of public instruction, within seven
24 working days, shall post on its web site any grade level content
25 expectations provided to an assessment vendor for use in constructing
26 the Washington assessment of student learning.

27 (3) In consultation with the (~~academic achievement and~~
28 ~~accountability commission~~) state board of education, the
29 superintendent of public instruction shall maintain and continue to
30 develop and revise a statewide academic assessment system in the
31 content areas of reading, writing, mathematics, and science for use in
32 the elementary, middle, and high school years designed to determine if
33 each student has mastered the essential academic learning requirements
34 identified in subsection (1) of this section. School districts shall
35 administer the assessments under guidelines adopted by the
36 superintendent of public instruction. The academic assessment system
37 shall include a variety of assessment methods, including criterion-
38 referenced and performance-based measures.

1 (4) If the superintendent proposes any modification to the
2 essential academic learning requirements or the statewide assessments,
3 then the superintendent shall, upon request, provide opportunities for
4 the education committees of the house of representatives and the senate
5 to review the assessments and proposed modifications to the essential
6 academic learning requirements before the modifications are adopted.

7 (5)(a) The assessment system shall be designed so that the results
8 under the assessment system are used by educators as tools to evaluate
9 instructional practices, and to initiate appropriate educational
10 support for students who have not mastered the essential academic
11 learning requirements at the appropriate periods in the student's
12 educational development.

13 (b) Assessments measuring the essential academic learning
14 requirements in the content area of science shall be available for
15 mandatory use in middle schools and high schools by the 2003-04 school
16 year and for mandatory use in elementary schools by the 2004-05 school
17 year unless the legislature takes action to delay or prevent
18 implementation of the assessment.

19 (6) By September 2007, the results for reading and mathematics
20 shall be reported in a format that will allow parents and teachers to
21 determine the academic gain a student has acquired in those content
22 areas from one school year to the next.

23 (7) To assist parents and teachers in their efforts to provide
24 educational support to individual students, the superintendent of
25 public instruction shall provide as much individual student performance
26 information as possible within the constraints of the assessment
27 system's item bank. The superintendent shall also provide to school
28 districts:

29 (a) Information on classroom-based and other assessments that may
30 provide additional achievement information for individual students; and

31 (b) A collection of diagnostic tools that educators may use to
32 evaluate the academic status of individual students. The tools shall
33 be designed to be inexpensive, easily administered, and quickly and
34 easily scored, with results provided in a format that may be easily
35 shared with parents and students.

36 (8) To the maximum extent possible, the superintendent shall
37 integrate knowledge and skill areas in development of the assessments.

1 (9) Assessments for goals three and four of RCW 28A.150.210 shall
2 be integrated in the essential academic learning requirements and
3 assessments for goals one and two.

4 (10) The superintendent shall develop assessments that are directly
5 related to the essential academic learning requirements, and are not
6 biased toward persons with different learning styles, racial or ethnic
7 backgrounds, or on the basis of gender.

8 (11) The superintendent shall consider methods to address the
9 unique needs of special education students when developing the
10 assessments under this section.

11 (12) The superintendent shall consider methods to address the
12 unique needs of highly capable students when developing the assessments
13 under this section.

14 (13) The superintendent shall post on the superintendent's web site
15 lists of resources and model assessments in social studies, the arts,
16 and health and fitness.

17 PART 2

18 WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD

19 **Sec. 201.** RCW 28A.410.210 and 2000 c 39 s 103 are each amended to
20 read as follows:

21 The purpose of the professional educator standards board is to
22 establish policies and requirements for the preparation and
23 certification of educators that provide standards for competency in
24 professional knowledge and practice in the areas of certification; a
25 foundation of skills, knowledge, and attitudes necessary to help
26 students with diverse needs, abilities, cultural experiences, and
27 learning styles meet or exceed the learning goals outlined in RCW
28 28A.150.210; knowledge of research-based practice; and professional
29 development throughout a career. The Washington professional educator
30 standards board shall:

31 (1) Establish policies and practices for the approval of programs
32 of courses, requirements, and other activities leading to educator
33 certification including teacher, school administrator, and educational
34 staff associate certification;

35 (2) Establish policies and practices for the approval of the
36 character of work required to be performed as a condition of entrance

1 to and graduation from any educator preparation program including
2 teacher, school administrator, and educational staff associate
3 preparation program as provided in subsection (1) of this section;

4 (3) Establish a list of accredited institutions of higher education
5 of this and other states whose graduates may be awarded educator
6 certificates as teacher, school administrator, and educational staff
7 associate and establish criteria and enter into agreements with other
8 states to acquire reciprocal approval of educator preparation programs
9 and certification, including teacher certification from the national
10 board for professional teaching standards;

11 (4) Establish policies for approval of nontraditional educator
12 preparation programs;

13 (5) Conduct a review of educator program approval standards at
14 least every five years, beginning in 2006, to reflect research findings
15 and assure continued improvement of preparation programs for teachers,
16 administrators, and school specialized personnel;

17 (6) Specify the types and kinds of educator certificates to be
18 issued and conditions for certification in accordance with subsection
19 (1) of this section and RCW 28A.410.010;

20 (7) Hear and determine educator certification appeals as provided
21 by RCW 28A.410.100;

22 (8) Apply for and receive federal or other funds on behalf of the
23 state for purposes related to the duties of the board;

24 (9) Adopt rules under chapter 34.05 RCW that are necessary for the
25 effective and efficient implementation of this chapter;

26 (10) Maintain data concerning educator preparation programs and
27 their quality, educator certification, educator employment trends and
28 needs, and other data deemed relevant by the board;

29 (11) Serve as an advisory body to the superintendent of public
30 instruction ((and as the sole advisory body to the state board of
31 education)) on issues related to educator recruitment, hiring,
32 ((preparation, certification including high quality alternative routes
33 to certification,)) mentoring and support, professional growth,
34 retention, ((governance, prospective teacher pedagogy assessment,
35 prospective principal assessment,)) educator evaluation including but
36 not limited to peer evaluation, and revocation and suspension of
37 licensure;

1 ~~((2))~~ (12) ~~Submit (annual reports and recommendations, beginning~~
2 ~~December 1, 2000, to the governor, the education and fiscal committees~~
3 ~~of the legislature, the state board of education, and the~~
4 ~~superintendent of public instruction concerning duties and activities~~
5 ~~within the board's advisory capacity. The Washington professional~~
6 ~~educator standards board shall submit a separate report by December 1,~~
7 ~~2000, to the governor, the education and fiscal committees of the~~
8 ~~legislature, the state board of education, and the superintendent of~~
9 ~~public instruction providing recommendations for at least two high~~
10 ~~quality alternative routes to teacher certification. In its~~
11 ~~deliberations, the board shall consider at least one route that permits~~
12 ~~persons with substantial subject matter expertise to achieve residency~~
13 ~~certification through an on-the-job training program provided by a~~
14 ~~school district)), by October 15th of each even-numbered year, a joint~~
15 ~~report with the state board of education to the legislative education~~
16 ~~committees, the governor, and the superintendent of public instruction.~~
17 ~~The report shall address the progress the boards have made and the~~
18 ~~obstacles they have encountered, individually and collectively, in the~~
19 ~~work of achieving the goals set out in RCW 28A.150.210; (and~~
20 ~~(3))~~ (13) Establish the prospective teacher assessment system for
21 basic skills and subject knowledge that shall be required to obtain
22 residency certification pursuant to RCW 28A.410.220 through
23 28A.410.240; and
24 (14) Conduct meetings under the provisions of chapter 42.30 RCW.

25 **Sec. 202.** RCW 28A.410.200 and 2003 1st sp.s. c 22 s 1 are each
26 amended to read as follows:

27 (1)(a) The Washington professional educator standards board is
28 created, consisting of twenty members to be appointed by the governor
29 to four-year terms and the superintendent of public instruction(~~, who~~
30 ~~shall be an ex officio, nonvoting member~~)).

31 (b) As the four-year terms of the first appointees expire or
32 vacancies to the board occur for the first time, the governor shall
33 appoint or reappoint the members of the board to one-year to four-year
34 staggered terms. Once the one-year to three-year terms expire, all
35 subsequent terms shall be for four years, with the terms expiring on
36 June 30th of the applicable year. The terms shall be staggered in such

1 a way that, where possible, the terms of members representing a
2 specific group do not expire simultaneously.

3 (c) No person may serve as a member of the board for more than two
4 consecutive full four-year terms.

5 (d) The governor shall annually appoint the chair of the board from
6 among the teachers and principals on the board. No board member may
7 serve as chair for more than two consecutive years.

8 (2) Seven of the members shall be public school teachers, one shall
9 be a private school teacher, three shall represent higher education
10 educator preparation programs, four shall be school administrators, two
11 shall be educational staff associates, one shall be a classified
12 employee who assists in public school student instruction, one shall be
13 a parent, and one shall be a member of the public.

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

15 (a) Have at least three years of teaching experience in a
16 Washington public school;

17 (b) Be currently certificated and actively employed in a teaching
18 position; and

19 (c) Include one teacher currently teaching at the elementary school
20 level, one at the middle school level, one at the high school level,
21 and one vocationally certificated.

22 (4) Private school teachers appointed to the board must:

23 (a) Have at least three years of teaching experience in a
24 Washington approved private school; and

25 (b) Be currently certificated and actively employed in a teaching
26 position in an approved private school.

27 (5) Appointees from higher education educator preparation programs
28 must include two representatives from institutions of higher education
29 as defined in RCW 28B.10.016 and one representative from an institution
30 of higher education as defined in RCW 28B.07.020(4).

31 (6) School administrators appointed to the board must:

32 (a) Have at least three years of administrative experience in a
33 Washington public school district;

34 (b) Be currently certificated and actively employed in a school
35 administrator position; and

36 (c) Include two public school principals, one Washington approved
37 private school principal, and one superintendent.

38 (7) Educational staff associates appointed to the board must:

1 (a) Have at least three years of educational staff associate
2 experience in a Washington public school district; and

3 (b) Be currently certificated and actively employed in an
4 educational staff associate position.

5 (8) Public school classified employees appointed to the board must:

6 (a) Have at least three years of experience in assisting in the
7 instruction of students in a Washington public school; and

8 (b) Be currently employed in a position that requires the employee
9 to assist in the instruction of students.

10 (9) Each major caucus of the house of representatives and the
11 senate shall submit a list of at least one public school teacher. In
12 making the public school teacher appointments, the governor shall
13 select one nominee from each list provided by each caucus. The
14 governor shall appoint the remaining members of the board from a list
15 of qualified nominees submitted to the governor by organizations
16 representative of the constituencies of the board, from applications
17 from other qualified individuals, or from both nominees and applicants.

18 (10) All appointments to the board made by the governor shall be
19 subject to confirmation by the senate.

20 (11) The governor shall appoint the members of the initial board no
21 later than June 1, 2000.

22 (12) In appointing board members, the governor shall consider the
23 diversity of the population of the state.

24 (13) Each member of the board shall be compensated in accordance
25 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred
26 in carrying out the duties of the board in accordance with RCW
27 43.03.050 and 43.03.060.

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

36 (15) If a vacancy occurs on the board, the governor shall appoint
37 a replacement member from the nominees as specified in subsection (9)
38 of this section to fill the remainder of the unexpired term. When

1 filling a vacancy of a member nominated by a major caucus of the
2 legislature, the governor shall select the new member from a list of at
3 least one name submitted by the same caucus that provided the list from
4 which the retiring member was appointed.

5 (16) Members of the board shall hire an executive director and an
6 administrative assistant to reside in the office of the superintendent
7 of public instruction for administrative purposes only.

8 **Sec. 203.** RCW 28A.410.010 and 2001 c 263 s 1 are each amended to
9 read as follows:

10 The (~~state board of education~~) Washington professional educator
11 standards board shall establish, publish, and enforce rules (~~and~~
12 ~~regulations~~) determining eligibility for and certification of
13 personnel employed in the common schools of this state, including
14 certification for emergency or temporary, substitute or provisional
15 duty and under such certificates or permits as the board shall deem
16 proper or as otherwise prescribed by law. The rules shall require that
17 the initial application for certification shall require a record check
18 of the applicant through the Washington state patrol criminal
19 identification system and through the federal bureau of investigation
20 at the applicant's expense. The record check shall include a
21 fingerprint check using a complete Washington state criminal
22 identification fingerprint card. The superintendent of public
23 instruction may waive the record check for any applicant who has had a
24 record check within the two years before application. The rules shall
25 permit a holder of a lapsed certificate but not a revoked or suspended
26 certificate to be employed on a conditional basis by a school district
27 with the requirement that the holder must complete any certificate
28 renewal requirements established by the state board of education within
29 two years of initial reemployment.

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

35 The superintendent of public instruction shall act as the
36 administrator of any such rules (~~and regulations~~) and have the power

1 to issue any certificates or permits and revoke the same in accordance
2 with board rules (~~(and regulations)~~).

3 **Sec. 204.** RCW 28A.410.040 and 1992 c 141 s 101 are each amended to
4 read as follows:

5 The (~~(state board of education)~~) Washington professional educator
6 standards board shall adopt rules providing that, except as provided in
7 this section, all individuals qualifying for an initial-level teaching
8 certificate after August 31, 1992, shall possess a baccalaureate degree
9 in the arts, sciences, and/or humanities and have fulfilled the
10 requirements for teacher certification pursuant to RCW (~~(28A.305.130~~
11 ~~(1) and (2))~~) 28A.410.210. However, candidates for grades preschool
12 through eight certificates shall have fulfilled the requirements for a
13 major as part of their baccalaureate degree. If the major is in early
14 childhood education, elementary education, or special education, the
15 candidate must have at least thirty quarter hours or twenty semester
16 hours in one academic field.

17 **Sec. 205.** RCW 28A.410.050 and 1992 c 141 s 102 are each amended to
18 read as follows:

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

24 **Sec. 206.** RCW 28A.410.060 and 1990 c 33 s 407 are each amended to
25 read as follows:

26 The fee for any certificate, or any renewal thereof, issued by the
27 authority of the state of Washington, and authorizing the holder to
28 teach or perform other professional duties in the public schools of the
29 state shall be not less than one dollar or such reasonable fee therefor
30 as the (~~(state board of education)~~) Washington professional educator
31 standards board by rule (~~(or regulation)~~) shall deem necessary
32 therefor. The fee must accompany the application and cannot be
33 refunded unless the application is withdrawn before it is finally
34 considered. The educational service district superintendent, or other
35 official authorized to receive such fee, shall within thirty days

1 transmit the same to the treasurer of the county in which the office of
2 the educational service district superintendent is located, to be by
3 him or her placed to the credit of said school district or educational
4 service district: PROVIDED, That if any school district collecting
5 fees for the certification of professional staff does not hold a
6 professional training institute separate from the educational service
7 district then all such moneys shall be placed to the credit of the
8 educational service district.

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

14 **Sec. 207.** RCW 28A.410.100 and 1992 c 159 s 6 are each amended to
15 read as follows:

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

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

28 **Sec. 208.** RCW 28A.410.120 and 1990 c 33 s 411 are each amended to
29 read as follows:

30 Notwithstanding any other provision of this title, the (~~state~~
31 ~~board of education~~) Washington professional educator standards board
32 or superintendent of public instruction shall not require any
33 professional certification or other qualifications of any person
34 elected superintendent of a local school district by that district's
35 board of directors, or any person hired in any manner to fill a

1 position designated as, or which is, in fact, deputy superintendent, or
2 assistant superintendent.

3 **Sec. 209.** RCW 28A.415.023 and 1997 c 90 s 1 are each amended to
4 read as follows:

5 (1) Credits earned by certificated instructional staff after
6 September 1, 1995, shall be eligible for application to the salary
7 schedule developed by the legislative evaluation and accountability
8 program committee only if the course content:

9 (a) Is consistent with a school-based plan for mastery of student
10 learning goals as referenced in RCW (~~(28A.320.205)~~) 28A.655.110, the
11 annual school performance report, for the school in which the
12 individual is assigned;

13 (b) Pertains to the individual's current assignment or expected
14 assignment for the subsequent school year;

15 (c) Is necessary to obtain an endorsement as prescribed by the
16 (~~(state board of education)~~) Washington professional educator standards
17 board;

18 (d) Is specifically required to obtain advanced levels of
19 certification; or

20 (e) Is included in a college or university degree program that
21 pertains to the individual's current assignment, or potential future
22 assignment, as a certified instructional staff.

23 (2) For the purpose of this section, "credits" mean college quarter
24 hour credits and equivalent credits for approved in-service, approved
25 continuing education, or approved internship hours computed in
26 accordance with RCW 28A.415.020.

27 (3) The superintendent of public instruction shall adopt rules and
28 standards consistent with the limits established by this section for
29 certificated instructional staff.

30 **Sec. 210.** RCW 28A.415.060 and 1991 c 155 s 1 are each amended to
31 read as follows:

32 The (~~(state board of education)~~) Washington professional educator
33 standards board rules for continuing education shall provide that
34 educational staff associates may use credits or clock hours that
35 satisfy the continuing education requirements for their state

1 professional licensure, if any, to fulfill the continuing education
2 requirements established by the (~~state board of education~~) Washington
3 professional educator standards board.

4 **Sec. 211.** RCW 28A.415.205 and 1991 c 238 s 75 are each amended to
5 read as follows:

6 (1) The Washington state minority teacher recruitment program is
7 established. The program shall be administered by the (~~state board of~~
8 ~~education~~) Washington professional educator standards board. The
9 (~~state board of education~~) Washington professional educator standards
10 board shall consult with the higher education coordinating board,
11 representatives of institutions of higher education, education
12 organizations having an interest in teacher recruitment issues, the
13 superintendent of public instruction, the state board for community and
14 technical colleges, the department of employment security, and the work
15 force training and education coordinating board. The program shall be
16 designed to recruit future teachers from students in the targeted
17 groups who are in the ninth through twelfth grades and from adults in
18 the targeted groups who have entered other occupations.

19 (2) The program shall include the following:

20 (a) Encouraging students in targeted groups in grades nine through
21 twelve to acquire the academic and related skills necessary to prepare
22 for the study of teaching at an institution of higher education;

23 (b) Promoting teaching career opportunities to develop an awareness
24 of opportunities in the education profession;

25 (c) Providing opportunities for students to experience the
26 application of regular high school course work to activities related to
27 a teaching career; and

28 (d) Providing for increased cooperation among institutions of
29 higher education including community colleges, the superintendent of
30 public instruction, the (~~state board of education~~) Washington
31 professional educator standards board, and local school districts in
32 working toward the goals of the program.

33 **Sec. 212.** RCW 28A.150.060 and 1990 c 33 s 102 are each amended to
34 read as follows:

35 The term "certificated employee" as used in RCW 28A.195.010,
36 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240,

1 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW,
2 shall include those persons who hold certificates as authorized by rule
3 (~~(or regulation)~~) of the (~~(state board of education)~~) Washington
4 professional educator standards board or the superintendent of public
5 instruction.

6 **Sec. 213.** RCW 28A.170.080 and 1990 c 33 s 157 are each amended to
7 read as follows:

8 (1) Grants provided under RCW 28A.170.090 may be used solely for
9 services provided by a substance abuse intervention specialist or for
10 dedicated staff time for counseling and intervention services provided
11 by any school district certificated employee who has been trained by
12 and has access to consultation with a substance abuse intervention
13 specialist. Services shall be directed at assisting students in
14 kindergarten through twelfth grade in overcoming problems of drug and
15 alcohol abuse, and in preventing abuse and addiction to such
16 substances, including nicotine. The grants shall require local
17 matching funds so that the grant amounts support a maximum of eighty
18 percent of the costs of the services funded. The services of a
19 substance abuse intervention specialist may be obtained by means of a
20 contract with a state or community services agency or a drug treatment
21 center. Services provided by a substance abuse intervention specialist
22 may include:

- 23 (a) Individual and family counseling, including preventive
24 counseling;
- 25 (b) Assessment and referral for treatment;
- 26 (c) Referral to peer support groups;
- 27 (d) Aftercare;
- 28 (e) Development and supervision of student mentor programs;
- 29 (f) Staff training, including training in the identification of
30 high-risk children and effective interaction with those children in the
31 classroom; and
- 32 (g) Development and coordination of school drug and alcohol core
33 teams, involving staff, students, parents, and community members.

34 (2) For the purposes of this section, "substance abuse intervention
35 specialist" means any one of the following, except that diagnosis and
36 assessment, counseling and aftercare specifically identified with
37 treatment of chemical dependency shall be performed only by personnel

1 who meet the same qualifications as are required of a qualified
2 chemical dependency counselor employed by an alcoholism or drug
3 treatment program approved by the department of social and health
4 services.

5 (a) An educational staff associate employed by a school district or
6 educational service district who holds certification as a school
7 counselor, school psychologist, school nurse, or school social worker
8 under (~~state board of education~~) Washington professional educator
9 standards board rules adopted pursuant to RCW (~~28A.305.130~~)
10 28A.410.210;

11 (b) An individual who meets the definition of a qualified drug or
12 alcohol counselor established by the bureau of alcohol and substance
13 abuse;

14 (c) A counselor, social worker, or other qualified professional
15 employed by the department of social and health services;

16 (d) A psychologist licensed under chapter 18.83 RCW; or

17 (e) A children's mental health specialist as defined in RCW
18 71.34.020.

19 **Sec. 214.** RCW 28A.205.010 and 1999 c 348 s 2 are each amended to
20 read as follows:

21 (1) As used in this chapter, unless the context thereof shall
22 clearly indicate to the contrary:

23 "Education center" means any private school operated on a profit or
24 nonprofit basis which does the following:

25 (a) Is devoted to the teaching of basic academic skills, including
26 specific attention to improvement of student motivation for achieving,
27 and employment orientation.

28 (b) Operates on a clinical, client centered basis. This shall
29 include, but not be limited to, performing diagnosis of individual
30 educational abilities, determination and setting of individual goals,
31 prescribing and providing individual courses of instruction therefor,
32 and evaluation of each individual client's progress in his or her
33 educational program.

34 (c) Conducts courses of instruction by professionally trained
35 personnel certificated by the (~~state board of education~~) Washington
36 professional educator standards board according to rules adopted for
37 the purposes of this chapter and providing, for certification purposes,

1 that a year's teaching experience in an education center shall be
2 deemed equal to a year's teaching experience in a common or private
3 school.

4 (2) For purposes of this chapter, basic academic skills shall
5 include the study of mathematics, speech, language, reading and
6 composition, science, history, literature and political science or
7 civics; it shall not include courses of a vocational training nature
8 and shall not include courses deemed nonessential to the accrediting of
9 the common schools or the approval of private schools under RCW
10 28A.305.130.

11 (3) The state board of education shall certify an education center
12 only upon application and (a) determination that such school comes
13 within the definition thereof as set forth in subsection (1) of this
14 section and (b) demonstration on the basis of actual educational
15 performance of such applicants' students which shows after
16 consideration of their students' backgrounds, educational gains that
17 are a direct result of the applicants' educational program. Such
18 certification may be withdrawn if the board finds that a center fails
19 to provide adequate instruction in basic academic skills. No education
20 center certified by the state board of education pursuant to this
21 section shall be deemed a common school under RCW 28A.150.020 or a
22 private school for the purposes of RCW 28A.195.010 through 28A.195.050.

23 **Sec. 215.** RCW 28A.205.050 and 1995 c 335 s 201 are each amended to
24 read as follows:

25 In accordance with chapter 34.05 RCW, the administrative procedure
26 act, the (~~state board of education~~) Washington professional educator
27 standards board with respect to the matter of certification, and the
28 superintendent of public instruction with respect to all other matters,
29 shall have the power and duty to make the necessary rules to carry out
30 the purpose and intent of this chapter.

31 **Sec. 216.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
32 read as follows:

33 No teacher, principal, supervisor, superintendent, or other
34 certificated employee, holding a position as such with a school
35 district, hereinafter referred to as "employee", shall be employed
36 except by written order of a majority of the directors of the district

1 at a regular or special meeting thereof, nor unless he or she is the
2 holder of an effective teacher's certificate or other certificate
3 required by law or the (~~state board of education~~) Washington
4 professional educator standards board for the position for which the
5 employee is employed.

6 The board shall make with each employee employed by it a written
7 contract, which shall be in conformity with the laws of this state, and
8 except as otherwise provided by law, limited to a term of not more than
9 one year. Every such contract shall be made in duplicate, one copy to
10 be retained by the school district superintendent or secretary and one
11 copy to be delivered to the employee. No contract shall be offered by
12 any board for the employment of any employee who has previously signed
13 an employment contract for that same term in another school district of
14 the state of Washington unless such employee shall have been released
15 from his or her obligations under such previous contract by the board
16 of directors of the school district to which he or she was obligated.
17 Any contract signed in violation of this provision shall be void.

18 In the event it is determined that there is probable cause or
19 causes that the employment contract of an employee should not be
20 renewed by the district for the next ensuing term such employee shall
21 be notified in writing on or before May 15th preceding the commencement
22 of such term of that determination, or if the omnibus appropriations
23 act has not passed the legislature by May 15th, then notification shall
24 be no later than June 1st, which notification shall specify the cause
25 or causes for nonrenewal of contract. Such determination of probable
26 cause for certificated employees, other than the superintendent, shall
27 be made by the superintendent. Such notice shall be served upon the
28 employee personally, or by certified or registered mail, or by leaving
29 a copy of the notice at the house of his or her usual abode with some
30 person of suitable age and discretion then resident therein. Every
31 such employee so notified, at his or her request made in writing and
32 filed with the president, chair or secretary of the board of directors
33 of the district within ten days after receiving such notice, shall be
34 granted opportunity for hearing pursuant to RCW 28A.405.310 to
35 determine whether there is sufficient cause or causes for nonrenewal of
36 contract: PROVIDED, That any employee receiving notice of nonrenewal
37 of contract due to an enrollment decline or loss of revenue may, in his
38 or her request for a hearing, stipulate that initiation of the

1 arrangements for a hearing officer as provided for by RCW
2 28A.405.310(4) shall occur within ten days following July 15 rather
3 than the day that the employee submits the request for a hearing. If
4 any such notification or opportunity for hearing is not timely given,
5 the employee entitled thereto shall be conclusively presumed to have
6 been reemployed by the district for the next ensuing term upon
7 contractual terms identical with those which would have prevailed if
8 his or her employment had actually been renewed by the board of
9 directors for such ensuing term.

10 This section shall not be applicable to "provisional employees" as
11 so designated in RCW 28A.405.220; transfer to a subordinate
12 certificated position as that procedure is set forth in RCW 28A.405.230
13 shall not be construed as a nonrenewal of contract for the purposes of
14 this section.

15 **Sec. 217.** RCW 28B.10.140 and 2004 c 60 s 1 are each amended to
16 read as follows:

17 The University of Washington, Washington State University, Central
18 Washington University, Eastern Washington University, Western
19 Washington University, and The Evergreen State College are each
20 authorized to train teachers and other personnel for whom teaching
21 certificates or special credentials prescribed by the (~~state board of~~
22 ~~education~~) Washington professional educator standards board are
23 required, for any grade, level, department, or position of the public
24 schools of the state.

25 **Sec. 218.** RCW 18.118.010 and 1990 c 33 s 553 are each amended to
26 read as follows:

27 (1) The purpose of this chapter is to establish guidelines for the
28 regulation of the real estate profession and other business professions
29 which may seek legislation to substantially increase their scope of
30 practice or the level of regulation of the profession, and for the
31 regulation of business professions not licensed or regulated on July
32 26, 1987: PROVIDED, That the provisions of this chapter are not
33 intended and shall not be construed to: (a) Apply to any regulatory
34 entity created prior to July 26, 1987, except as provided in this
35 chapter; (b) affect the powers and responsibilities of the
36 superintendent of public instruction or (~~state board of education~~)

1 Washington professional educator standards board under RCW
2 (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or interfere
3 in any way with the practice of religion or to any kind of treatment by
4 prayer; (d) apply to any remedial or technical amendments to any
5 statutes which licensed or regulated activity before July 26, 1987; and
6 (e) apply to proposals relating solely to continuing education. The
7 legislature believes that all individuals should be permitted to enter
8 into a business profession unless there is an overwhelming need for the
9 state to protect the interests of the public by restricting entry into
10 the profession. Where such a need is identified, the regulation
11 adopted by the state should be set at the least restrictive level
12 consistent with the public interest to be protected.

13 (2) It is the intent of this chapter that no regulation shall be
14 imposed upon any business profession except for the exclusive purpose
15 of protecting the public interest. All bills introduced in the
16 legislature to regulate a business profession for the first time should
17 be reviewed according to the following criteria. A business profession
18 should be regulated by the state only when:

19 (a) Unregulated practice can clearly harm or endanger the health,
20 safety, or welfare of the public, and the potential for the harm is
21 easily recognizable and not remote or dependent upon tenuous argument;

22 (b) The public needs and can reasonably be expected to benefit from
23 an assurance of initial and continuing professional ability; and

24 (c) The public cannot be effectively protected by other means in a
25 more cost-beneficial manner.

26 (3) After evaluating the criteria in subsection (2) of this section
27 and considering governmental and societal costs and benefits, if the
28 legislature finds that it is necessary to regulate a business
29 profession not previously regulated by law, the least restrictive
30 alternative method of regulation should be implemented, consistent with
31 the public interest and this section:

32 (a) Where existing common law and statutory civil actions and
33 criminal prohibitions are not sufficient to eradicate existing harm,
34 the regulation should provide for stricter civil actions and criminal
35 prosecutions;

36 (b) Where a service is being performed for individuals involving a
37 hazard to the public health, safety, or welfare, the regulation should
38 impose inspection requirements and enable an appropriate state agency

1 to enforce violations by injunctive relief in court, including, but not
2 limited to, regulation of the business activity providing the service
3 rather than the employees of the business;

4 (c) Where the threat to the public health, safety, or economic
5 well-being is relatively small as a result of the operation of the
6 business profession, the regulation should implement a system of
7 registration;

8 (d) Where the consumer may have a substantial basis for relying on
9 the services of a practitioner, the regulation should implement a
10 system of certification; or

11 (e) Where apparent that adequate regulation cannot be achieved by
12 means other than licensing, the regulation should implement a system of
13 licensing.

14 **Sec. 219.** RCW 18.120.010 and 1990 c 33 s 554 are each amended to
15 read as follows:

16 (1) The purpose of this chapter is to establish guidelines for the
17 regulation of health professions not licensed or regulated prior to
18 July 24, 1983, and those licensed or regulated health professions which
19 seek to substantially increase their scope of practice: PROVIDED, That
20 the provisions of this chapter are not intended and shall not be
21 construed to: (a) Apply to any regulatory entity created prior to July
22 24, 1983, except as provided in this chapter; (b) affect the powers and
23 responsibilities of the superintendent of public instruction or (~~state~~
24 ~~board of education~~) Washington professional educator standards board
25 under RCW (~~(28A.305.130)~~) 28A.410.210 and 28A.410.010; (c) apply to or
26 interfere in any way with the practice of religion or to any kind of
27 treatment by prayer; and (d) apply to any remedial or technical
28 amendments to any statutes which licensed or regulated activity before
29 July 24, 1983. The legislature believes that all individuals should be
30 permitted to enter into a health profession unless there is an
31 overwhelming need for the state to protect the interests of the public
32 by restricting entry into the profession. Where such a need is
33 identified, the regulation adopted by the state should be set at the
34 least restrictive level consistent with the public interest to be
35 protected.

36 (2) It is the intent of this chapter that no regulation shall,
37 after July 24, 1983, be imposed upon any health profession except for

1 the exclusive purpose of protecting the public interest. All bills
2 introduced in the legislature to regulate a health profession for the
3 first time should be reviewed according to the following criteria. A
4 health profession should be regulated by the state only when:

5 (a) Unregulated practice can clearly harm or endanger the health,
6 safety, or welfare of the public, and the potential for the harm is
7 easily recognizable and not remote or dependent upon tenuous argument;

8 (b) The public needs and can reasonably be expected to benefit from
9 an assurance of initial and continuing professional ability; and

10 (c) The public cannot be effectively protected by other means in a
11 more cost-beneficial manner.

12 (3) After evaluating the criteria in subsection (2) of this section
13 and considering governmental and societal costs and benefits, if the
14 legislature finds that it is necessary to regulate a health profession
15 not previously regulated by law, the least restrictive alternative
16 method of regulation should be implemented, consistent with the public
17 interest and this section:

18 (a) Where existing common law and statutory civil actions and
19 criminal prohibitions are not sufficient to eradicate existing harm,
20 the regulation should provide for stricter civil actions and criminal
21 prosecutions;

22 (b) Where a service is being performed for individuals involving a
23 hazard to the public health, safety, or welfare, the regulation should
24 impose inspection requirements and enable an appropriate state agency
25 to enforce violations by injunctive relief in court, including, but not
26 limited to, regulation of the business activity providing the service
27 rather than the employees of the business;

28 (c) Where the threat to the public health, safety, or economic
29 well-being is relatively small as a result of the operation of the
30 health profession, the regulation should implement a system of
31 registration;

32 (d) Where the consumer may have a substantial basis for relying on
33 the services of a practitioner, the regulation should implement a
34 system of certification; or

35 (e) Where apparent that adequate regulation cannot be achieved by
36 means other than licensing, the regulation should implement a system of
37 licensing.

1 financial management shall make a determination as to the proper
2 allocation and certify the same to the state agencies concerned.

3 (3) All employees of the state board of education as constituted
4 prior to the effective date of this section are transferred to the
5 jurisdiction of the state board of education as specified in this act.
6 All employees classified under chapter 41.06 RCW, the state civil
7 service law, are assigned to the state board of education as specified
8 in this act to perform their usual duties upon the same terms as
9 formerly, without any loss of rights, subject to any action that may be
10 appropriate thereafter in accordance with the laws and rules governing
11 state civil service.

12 (4) All rules and all pending business before the state board of
13 education as constituted prior to the effective date of this section
14 shall be continued and acted upon by the state board of education as
15 specified in this act. All existing contracts and obligations shall
16 remain in full force and shall be performed by the state board of
17 education as specified in this act.

18 (5) The transfer of the powers, duties, functions, and personnel of
19 the state board of education as constituted prior to the effective date
20 of this section shall not affect the validity of any act performed
21 before the effective date of this section.

22 (6) If apportionments of budgeted funds are required because of the
23 transfers directed by this section, the director of financial
24 management shall certify the apportionments to the agencies affected,
25 the state auditor, and the state treasurer. Each of these shall make
26 the appropriate transfer and adjustments in funds and appropriation
27 accounts and equipment records in accordance with the certification.

28 (7) Nothing contained in this section may be construed to alter any
29 existing collective bargaining unit or the provisions of any existing
30 collective bargaining agreement until the agreement has expired or
31 until the bargaining unit has been modified by action of the personnel
32 resources board as provided by law.

33 NEW SECTION. **Sec. 302.** (1) The academic achievement and
34 accountability commission is hereby abolished and its powers, duties,
35 and functions are hereby transferred to the state board of education.
36 All references to the director or the academic achievement and

1 accountability commission in the Revised Code of Washington shall be
2 construed to mean the director or the state board of education.

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the academic
5 achievement and accountability commission shall be delivered to the
6 custody of the state board of education. All cabinets, furniture,
7 office equipment, motor vehicles, and other tangible property employed
8 by the academic achievement and accountability commission shall be made
9 available to the state board of education. All funds, credits, or
10 other assets held by the academic achievement and accountability
11 commission shall be assigned to the state board of education.

12 (b) Any appropriations made to the academic achievement and
13 accountability commission shall, on the effective date of this section,
14 be transferred and credited to the state board of education.

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

21 (3) All rules and all pending business before the academic
22 achievement and accountability commission shall be continued and acted
23 upon by the state board of education. All existing contracts and
24 obligations shall remain in full force and shall be performed by the
25 state board of education.

26 (4) The transfer of the powers, duties, and functions of the
27 academic achievement and accountability commission shall not affect the
28 validity of any act performed before the effective date of this
29 section.

30 (5) If apportionments of budgeted funds are required because of the
31 transfers directed by this section, the director of financial
32 management shall certify the apportionments to the agencies affected,
33 the state auditor, and the state treasurer. Each of these shall make
34 the appropriate transfer and adjustments in funds and appropriation
35 accounts and equipment records in accordance with the certification.

36 (6) Nothing contained in this section may be construed to alter any
37 existing collective bargaining unit or the provisions of any existing

1 collective bargaining agreement until the agreement has expired or
2 until the bargaining unit has been modified by action of the personnel
3 resources board as provided by law.

4 **PART 4**
5 **MISCELLANEOUS**

6 NEW SECTION. **Sec. 401.** The following acts or parts of acts as now
7 existing or hereafter amended, are each repealed:

8 (1) RCW 28A.305.010 (Composition of board) and 1992 c 56 s 1, 1990
9 c 33 s 257, 1988 c 255 s 1, 1980 c 179 s 1, & 1969 ex.s. c 223 s
10 28A.04.010;

11 (2) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s
12 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

13 (3) RCW 28A.305.030 (Elections in new congressional districts--Call
14 and conduct of--Member terms--Transitional measures to reduce number of
15 members from each district) and 1992 c 56 s 3, 1990 c 33 s 259, 1982
16 1st ex.s. c 7 s 1, & 1969 ex.s. c 223 s 28A.04.030;

17 (4) RCW 28A.305.040 (Declarations of candidacy--Qualifications of
18 candidates--Members restricted from service on local boards--Forfeiture
19 of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4,
20 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s
21 28A.04.040;

22 (5) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting
23 instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988
24 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

25 (6) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33
26 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283
27 s 25, & 1969 ex.s. c 223 s 28A.04.060;

28 (7) RCW 28A.305.070 (Action to contest election--Grounds--
29 Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1;

30 (8) RCW 28A.305.080 (Terms of office) and 1992 c 56 s 2, 1990 c 33
31 s 263, & 1969 ex.s. c 223 s 28A.04.070;

32 (9) RCW 28A.305.090 (Vacancies, filling) and 1990 c 33 s 264 & 1969
33 ex.s. c 223 s 28A.04.080;

34 (10) RCW 28A.305.100 (Superintendent as ex officio member and chief
35 executive officer of board) and 1982 c 160 s 1 & 1969 ex.s. c 223 s
36 28A.04.090;

1 (11) RCW 28A.305.110 (Executive director--Secretary of board) and
2 1996 c 25 s 1, 1990 c 33 s 265, 1982 c 160 s 3, & 1969 ex.s. c 223 s
3 28A.04.100;

4 (12) RCW 28A.305.120 (Meetings--Compensation and travel expenses of
5 members) and 1984 c 287 s 60, 1975-'76 2nd ex.s. c 34 s 67, 1973 c 106
6 s 13, & 1969 ex.s. c 223 s 28A.04.110; and

7 (13) RCW 28A.305.200 (Seal) and 1969 ex.s. c 223 s 28A.04.140.

8 NEW SECTION. **Sec. 402.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 28A.655.020 (Academic achievement and accountability
11 commission) and 1999 c 388 s 101;

12 (2) RCW 28A.655.030 (Essential academic learning requirements and
13 assessments--Duties of the academic achievement and accountability
14 commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102; and

15 (3) RCW 28A.655.900 (Transfer of powers, duties, and functions) and
16 1999 c 388 s 502.

17 **Sec. 403.** RCW 28A.300.020 and 1996 c 25 s 2 are each amended to
18 read as follows:

19 The superintendent of public instruction may appoint assistant
20 superintendents of public instruction, a deputy superintendent of
21 public instruction, and may employ such other assistants and clerical
22 help as are necessary to carry out the duties of the superintendent and
23 the state board of education. However, the superintendent shall employ
24 without undue delay the executive director of the state board of
25 education and other state board of education office assistants and
26 clerical help, appointed by the state board under RCW (~~(28A.305.110)~~)
27 28A.305.130, whose positions are allotted and funded in accordance with
28 moneys appropriated exclusively for the operation of the state board of
29 education. The rate of compensation and termination of any such
30 executive director, state board office assistants, and clerical help
31 shall be subject to the prior consent of the state board of education.
32 The assistant superintendents, deputy superintendent, and such other
33 officers and employees as are exempted from the provisions of chapter
34 41.06 RCW, shall serve at the pleasure of the superintendent or at the
35 pleasure of the superintendent and the state board of education as
36 provided in this section. Expenditures by the superintendent of public

1 instruction for direct and indirect support of the state board of
2 education are valid operational expenditures by and in behalf of the
3 office of the superintendent of public instruction.

4 **Sec. 404.** RCW 28A.310.110 and 1990 c 33 s 272 are each amended to
5 read as follows:

6 Any common school district board member eligible to vote for a
7 candidate for membership on an educational service district or any
8 candidate for the position, within ten days after the secretary to the
9 state board of education's certification of election, may contest the
10 election of the candidate pursuant to chapter 29A.68 RCW
11 (~~(28A.305.070)~~).

12 **Sec. 405.** RCW 28A.315.085 and 1999 c 315 s 206 are each amended to
13 read as follows:

14 (1) The superintendent of public instruction shall furnish to the
15 state board and to regional committees the services of employed
16 personnel and the materials and supplies necessary to enable them to
17 perform the duties imposed upon them by this chapter and shall
18 reimburse the members thereof for expenses necessarily incurred by them
19 in the performance of their duties, such reimbursement for regional
20 committee members to be in accordance with RCW 28A.315.155, and such
21 reimbursement for state board members to be in accordance with (~~RCW~~
22 ~~28A.305.120~~) section 101 of this act.

23 (2) Costs that may be incurred by an educational service district
24 in association with school district negotiations under RCW 28A.315.195
25 and supporting the regional committee under RCW 28A.315.205 shall be
26 reimbursed by the state from such funds as are appropriated for these
27 purposes.

28 NEW SECTION. **Sec. 406.** The professional educator standards board
29 shall conduct a comprehensive analysis of the strengths and weaknesses
30 of Washington's educator and administrator certification and
31 preparation systems, and by December 1, 2005, transmit its findings and
32 any recommendations to the legislative committees on education, the
33 superintendent of public instruction, the state board of education, and
34 the governor. The board shall use the analysis to develop a planning

1 document to guide the assumption of policy and rule-making authority
2 responsibilities for educator and administrator preparation and
3 certification, consistent with the board's purpose.

4 NEW SECTION. **Sec. 407.** A joint subcommittee of the early
5 learning, K-12 and higher education committee of the senate and the
6 education committee of the house of representatives, in collaboration
7 with the state board of education, school directors, administrators,
8 principals, the superintendent of public instruction, parents,
9 teachers, and other interested parties, shall review the statutory
10 duties of the state board of education held before the effective date
11 of this section, except the duties for educator certification that have
12 been transferred to the professional educator standards board.
13 Recommendations shall be reported to the early learning, K-12 and
14 higher education committee of the senate and the education committee of
15 the house of representatives by December 15, 2005.

16 NEW SECTION. **Sec. 408.** Part headings used in this act are not any
17 part of the law.

18 NEW SECTION. **Sec. 409.** Sections 101, 103, 105, 106, 201 through
19 220, 301, 401, and 403 through 405 of this act take effect January 1,
20 2006.

21 NEW SECTION. **Sec. 410.** Sections 104, 302, 402, and 406 through
22 408 of this act are necessary for the immediate preservation of the
23 public peace, health, or safety, or support of the state government and
24 its existing public institutions, and take effect July 1, 2005.

25 NEW SECTION. **Sec. 411.** Section 102 of this act is necessary for
26 the immediate preservation of the public peace, health, or safety, or
27 support of the state government and its existing public institutions,
28 and takes effect immediately.

Passed by the Senate April 21, 2005.
Passed by the House April 20, 2005.
Approved by the Governor May 16, 2005.
Filed in Office of Secretary of State May 16, 2005.