

HOUSE BILL REPORT

SHB 2003

As Passed House:

March 9, 2009

Title: An act relating to the professional educator standards board membership and duties.

Brief Description: Changing professional educator standards board provisions.

Sponsors: House Committee on Education (originally sponsored by Representatives Orwall, Sullivan, Quall, Priest and Maxwell; by request of Governor Gregoire).

Brief History:

Committee Activity:

Education: 2/10/09, 2/18/09 [DPS];

Education Appropriations: 2/25/09, 2/26/09 [DPS(ED)].

Floor Activity

Passed House: 3/9/09, 94-0.

Brief Summary of Substitute Bill

- Tasks the Professional Educator Standards Board (PESB) with developing, maintaining, and coordinating certain measures related to educator preparation programs.
- Reduces the number of governor-appointed members to the PESB from 20 to 12, alters the membership criteria, and removes the requirement of Senate confirmation.
- Increases the term of the PESB chair from one year to two years, subject to a term limit that is expanded from two consecutive years to four consecutive years.
- Allows the PESB to create informal advisory groups.
- Deletes statutory provisions which allow a right of appeal to the PESB following certificate revocation.

HOUSE COMMITTEE ON EDUCATION

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

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

Staff: Cece Clynch (786-7195)

HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson, Carlyle, Cox, Haler, Hunter, Kagi, Probst, Quall, Rolfes and Wallace.

Staff: Ben Rarick (786-7349)

Background:

Professional Educator Standards Board.

Created in 2000, the Professional Educator Standards Board (PESB) was initially created as an advisory board to the Governor, Legislature, the State Board of Education (SBE) and the Office of the Superintendent of Public Instruction (OSPI) on policy issues related to certificated education professionals. The PESB was also directed to create alternative routes to teacher certification and administer new basic skills and subject knowledge assessments for teacher certification. Subsequently, the PESB was given responsibility and authority for policy and oversight of Washington's system of educator preparation, certification, continuing education, and assignment. The PESB also serves as an advisory body to the OSPI on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention, evaluation, and revocation and suspension of licensure.

The PESB consists of 20 governor-appointed members and the Superintendent of Public Instruction. Members are subject to confirmation by the Senate, serve four-year terms, and are prohibited from serving more than two consecutive full terms. The chair is appointed by the Governor to a one year term. No board member may serve as chair for more than two consecutive years.

Membership is prescribed as follows:

- seven public school teachers;
- one private school teacher;
- three representatives of higher education educator preparation programs;
- four school administrators;
- two educational staff associates;
- one classified staff who assists in public school student instruction;
- one parent; and
- one member of the public.

Certificate Revocation.

The Superintendent of Public Instruction (Superintendent) is the entity authorized to issue, suspend, and revoke certificates. A certificated person has a right to appeal such a decision to the Superintendent. The appeal procedure consists of two levels, one informal by a review officer appointed by the Superintendent, and the second a formal administrative hearing in conformance with the Administrative Procedure Act (APA). Either the Superintendent or an administrative law judge from the Office of Administrative Hearings presides over the formal hearing and issues the decision. From this decision, there is an additional appeal available to the PESB and the APA also provides for judicial review of such decisions.

Summary of Substitute Bill:

Professional Educator Standards Board Responsibilities.

The PESB is specifically charged with:

- developing and maintaining a research base of educator preparation best practices;
- developing and coordinating initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;
- providing program improvement technical assistance to educator preparation programs;
- assuring educator preparation program compliance; and
- preparing and maintaining a cohesive educator development policy framework.

Professional Educator Standards Board.

The number of governor appointed members is reduced from 20 to 12. The Superintendent of Public Instruction continues to serve on the PESB board, members continue to serve four-year terms, and the current term limits remain in place. The term of the chair is increased from one year to two years; no board member may serve as chair for more than four consecutive years.

A majority of the members must have classroom experience. The PESB board shall also include individuals possessing experience of one or more of the following types:

- providing or leading a state-approved teacher or educator preparation program;
- mentoring and coaching education professionals or others; and
- education-related community experience.

In making appointments, the Governor must consider the individual's commitment to quality education and the ongoing improvement of instruction, experiences in the public schools, involvement in developing quality teaching preparation and support programs, and vision for assuring teaching quality. The Governor shall also consider the diversity of the population of the state. The requirement that the Senate confirm appointments to the PESB is removed.

The PESB is authorized to create informal advisory groups as needed to inform the board's work.

Certificate Revocation.

The additional appeal to the PESB from the OSPI's suspension or a revocation decision is deleted. Judicial review of the decision pursuant to the APA is still available.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 2, relating to ending the terms of appointed members, which takes effect on August 1, 2009.

Staff Summary of Public Testimony (Education):

(In support) The PESB's emphasis on teacher improvement needs to continue. This measure accomplishes three things: (1) acknowledges the policies and duties of the PESB; (2) streamlines the board by reducing membership from 20 to 12; and, (3) increases efficiency by removing an appeal process which all agree is unnecessary. This includes a logical management and resource alignment. Efficiencies are accomplished while still keeping educators in a majority on the board. Inclusion of the informal advisory groups is appreciated. To the list of PESB duties should be added the duty to develop initiatives to bring underrepresented groups into the profession. Elimination of the duplicative appeal provision is supported, particularly in light of the fact that, historically, the PESB has never overturned a revocation. While supportive of the restructuring and removal of the appeal provision, OSPI still has some questions about the transfer of staff from the OSPI to the PESB. Additionally, the OSPI has appreciated the link to higher education.

(Opposed) None.

Staff Summary of Public Testimony (Education Appropriations):

(In support) This legislation is at the request of the Governor. This bill is about aligning and making more efficient the processes that are already in place for teacher education policy. There is a technical correction required in the bill. The Professional Educator Standards Board (PESB) has become more of an agency than an advisory body and these adjustments reflect that. Removing the PESB's responsibility for hearing appeals relative to certificate revocations should save some money. During the time the PESB has had this responsibility, not one certificate revocation was actually reversed. There is an issue about how many full time equivalencies (FTEs) are transferred from the Office of Superintendent of Public Instruction to the PESB. There is concern that not enough FTEs will be transferred to perform the functions well. It is clear that there are cost savings when the size of the PESB is reduced. We do not believe they could accomplish their tasks without all the staff transferred. There is some discomfort with some of the language of the bill but it can be worked on through the process.

(Opposed) None.

Persons Testifying (Education): Representative Orwall, prime sponsor; Judy Hartmann, Governor's Policy Office; Jennifer Wallace, Professional Educator Standards Board; Bob Cooper, Washington Association of Colleges for Teacher Education; Lucinda Young, Washington Education Association; and Ken Kanikeberg, Office of the Superintendent of Public Instruction.

Persons Testifying (Education Appropriations): Lucinda Young, Washington Education Association; Bob Cooper, Washington Association of Colleges for Teacher Education; Jennifer Wallace, Professional Educator Standards Board; and Judy Hartmann, Governor's Policy Office.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Education Appropriations): None.