
Education Committee

HB 1113

Brief Description: Reviewing reprimands for professional educators.

Sponsors: Representatives Harris, Santos and Stonier.

Brief Summary of Bill

- Requires the Professional Educator Standards Board (PESB) to adopt rules providing for reviewing and vacating reprimands issued to certificated professional educators.
- Directs the Superintendent of Public Instruction (SPI) to make reasonable efforts to contact certificated professional educators who were issued a reprimand during a specified time period and whose reprimand is eligible for vacating under PESB rules, and then to report to the Legislature on its progress and success in vacating eligible reprimands.

Hearing Date: 1/17/23

Staff: Megan Wargacki (786-7194).

Background:

Code of Professional Conduct.

The Professional Educator Standards Board (PESB) is a statutorily created 12-member board whose duties include establishment and enforcement of rules determining eligibility for the certification/licensure of "professional educators," such as teachers, administrators, and educational staff associates working in elementary and secondary schools. The Superintendent of Public Instruction (SPI) is the administrator of these such rules and has the power to issue and revoke certificates in accordance with PESB rules.

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

The code of Professional Conduct is the PESB's rules for reprimand, suspension, and revocation actions related to certificated professional educators. A reprimand orders the certificate holder to not continue or repeat the unprofessional conduct or lack of good moral character or personal fitness that the certificate holder was found to have committed. The SPI may issue a reprimand order whenever the SPI determines that the certificated professional educator has:

- admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the SPI an agreed order to not continue or repeat the conduct described in the findings of fact;
- committed an act of unprofessional conduct but the evidence is probably insufficient to meet the clear and convincing proof standard for suspension or revocation; or
- committed an act of unprofessional conduct but the violation and the consequence were not serious and the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a reprimand.

If a reprimand order is issued, the certificated professional educator may appeal to an informal review committee or to an Administrative Law Judge. Final disciplinary actions remain on a professional educator's record permanently and are available through public disclosure requests.

Report on Educator Professional Practice in Washington.

In 2020, as directed by legislation enacted in 2019, the Office of the Superintendent of Public Instruction and the PESB submitted a report to the Legislature regarding the effect that discipline issued against certificated professional educators has on the recruitment and retention of educators in Washington. The legislation specifically required the report to recommend whether the PESB should be authorized to establish a process for review and expungement of reprimands issued against the certificated professional educators.

The report recommends that the PESB be provided the authority to "vacate," rather than "expunge" reprimands. The report indicates that there is no definition of "expunge" within the Code of Professional Conduct, but that Washington courts use this term to mean the destruction of a record or file in such a way as to make it permanently irretrievable. The report instead suggests creation of a process to "vacate," meaning cancel or render null and void, reprimands. The report also recommends considering conversion of a reprimand to a letter of concern or vacating a reprimand after certain conditions are met or a certain amount of time had passed.

Finally, the report recommends establishing a non-disciplinary letter of concern that could be issued in lieu of a reprimand.

Summary of Bill:

By December 1, 2024, the Professional Educator Standards Board (PESB) must adopt rules providing for reviewing and vacating reprimands issued to certificated professional educators.

Beginning within 90 days of the adoption of the PESB rules, the Superintendent of Public Instruction (SPI) must make reasonable efforts to contact each certificated professional educator who was issued a reprimand between January 1, 2007, and the date of adoption of the rules, and whose reprimand is eligible for vacating under the rules. By July 1, 2026, the SPI must report to the Legislature with an update on the progress made towards meeting the contact requirement and on the number of certificated professional educators who have had a reprimand vacated under PESB rules.

Appropriation: None.

Fiscal Note: Requested on January 11, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.