

ESSB 5732 - H COMM AMD
By Committee on Education

NOT ADOPTED 04/15/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART 1

4 STATE BOARD OF EDUCATION

5 NEW SECTION. **Sec. 101.** The legislature intends to reconstitute
6 the membership of the state board of education prior to June 30, 2006,
7 when the board assumes the duties of the academic achievement and
8 accountability commission.

9 **Sec. 102.** RCW 28A.305.100 and 1982 c 160 s 1 are each amended to
10 read as follows:

11 The state board of education shall annually elect a president and
12 vice president. The superintendent of public instruction shall be an
13 ex officio member and the chief executive officer of the board. As
14 such ex officio member the superintendent shall have the right to vote
15 ~~((only when there is a question before the board upon which no majority
16 opinion has been reached among the board members present and voting
17 thereon and the superintendent's vote is essential for action thereon))~~
18 on all matters before the board. The superintendent, as chief
19 executive officer of the board, shall furnish all necessary record
20 books and forms for its use, and shall represent the board in directing
21 the work of school inspection.

22 **Sec. 103.** RCW 28A.305.130 and 2002 c 205 s 3 are each amended to
23 read as follows:

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

26 (1) Approve or disapprove the program of courses leading to
27 ~~((teacher,))~~ school administrator~~((, and school specialized personnel))~~

1 certification offered by all institutions of higher education within
2 the state which may be accredited and whose graduates may become
3 entitled to receive such certification.

4 (2) Conduct every five years a review of the program approval
5 standards, including the minimum standards for (~~teachers,~~)
6 administrators(~~, and educational staff associates,~~) to reflect
7 research findings and assure continued improvement of preparation
8 programs for (~~teachers,~~) administrators(~~, and educational staff~~
9 ~~associates~~)).

10 (3) Investigate the character of the work required to be performed
11 as a condition of entrance to and graduation from any institution of
12 higher education in this state relative to such certification as
13 provided for in subsection (1) of this section, and prepare a list of
14 accredited institutions of higher education of this and other states
15 whose graduates may be awarded such certificates.

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

25 ~~(b) The state board of education shall require that at the time of~~
26 ~~the individual's enrollment in a teacher preparation program, the~~
27 ~~supervising teacher and the building principal shall jointly provide to~~
28 ~~the teacher preparation program of the higher education institution at~~
29 ~~which the teacher candidate is enrolled, a written assessment of the~~
30 ~~performance of the teacher candidate. The assessment shall contain~~
31 ~~such information as determined by the state board of education and~~
32 ~~shall include: Evidence that at least fifty percent of the candidate's~~
33 ~~work as a classified teacher's aide was involved in instructional~~
34 ~~activities with children under the supervision of a certificated~~
35 ~~teacher and that the candidate worked a minimum of six hundred thirty~~
36 ~~hours for one school year; the type of work performed by the candidate;~~
37 ~~and a recommendation of whether the candidate's work experience as a~~
38 ~~classified teacher's aide should be substituted for teacher preparation~~

1 ~~program requirements. In compliance with such rules as may be~~
2 ~~established by the state board of education under this section, the~~
3 ~~teacher preparation programs of the higher education institution where~~
4 ~~the candidate is enrolled shall make the final determination as to what~~
5 ~~teacher preparation program requirements may be fulfilled by teacher~~
6 ~~aide work experience.~~

7 ~~(5) Supervise the issuance of such certificates as provided for in~~
8 ~~subsection (1) of this section and specify the types and kinds of~~
9 ~~certificates necessary for the several departments of the common~~
10 ~~schools by rule or regulation in accordance with RCW 28A.410.010.~~

11 ~~(6))~~ For purposes of statewide accountability, the board shall:

12 (a) Adopt and revise performance improvement goals in reading,
13 writing, science, and mathematics, by subject and grade level, once
14 assessments in these subjects are required statewide; academic and
15 technical skills, as appropriate, in secondary career and technical
16 education programs; and student attendance, as the board deems
17 appropriate to improve student learning. The goals shall be consistent
18 with student privacy protection provisions of RCW 28A.655.090(7) and
19 shall not conflict with requirements contained in Title I of the
20 federal elementary and secondary education act of 1965, as amended.
21 The goals may be established for all students, economically
22 disadvantaged students, limited English proficient students, students
23 with disabilities, and students from disproportionately academically
24 underachieving racial and ethnic backgrounds. The board may establish
25 school and school district goals addressing high school graduation
26 rates and dropout reduction goals for students in grades seven through
27 twelve. The board shall adopt the goals by rule. However, before each
28 goal is implemented, the board shall present the goal to the education
29 committees of the house of representatives and the senate for the
30 committees' review and comment in a time frame that will permit the
31 legislature to take statutory action on the goal if such action is
32 deemed warranted by the legislature;

33 (b) Identify the scores students must achieve in order to meet the
34 standard on the Washington assessment of student learning and, for high
35 school students, to obtain a certificate of academic achievement. The
36 board shall also determine student scores that identify levels of
37 student performance below and beyond the standard. The board shall
38 consider the incorporation of the standard error of measurement into

1 the decision regarding the award of the certificates. The board shall
2 set such performance standards and levels in consultation with the
3 superintendent of public instruction and after consideration of any
4 recommendations that may be developed by any advisory committees that
5 may be established for this purpose. The initial performance standards
6 and any changes recommended by the board in the performance standards
7 for the tenth grade assessment shall be presented to the education
8 committees of the house of representatives and the senate by November
9 30th of the school year in which the changes will take place to permit
10 the legislature to take statutory action before the changes are
11 implemented if such action is deemed warranted by the legislature. The
12 legislature shall be advised of the initial performance standards and
13 any changes made to the elementary level performance standards and the
14 middle school level performance standards;

15 (c) Adopt objective, systematic criteria to identify successful
16 schools and school districts and recommend to the superintendent of
17 public instruction schools and districts to be recognized for two types
18 of accomplishments, student achievement and improvements in student
19 achievement. Recognition for improvements in student achievement shall
20 include consideration of one or more of the following accomplishments:

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

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

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

35 (d) Adopt objective, systematic criteria to identify schools and
36 school districts in need of assistance and those in which significant
37 numbers of students persistently fail to meet state standards. In its

1 deliberations, the board shall consider the use of all statewide
2 mandated criterion-referenced and norm-referenced standardized tests;

3 (e) Identify schools and school districts in which state
4 intervention measures will be needed and a range of appropriate
5 intervention strategies after the legislature has authorized a set of
6 intervention strategies. After the legislature has authorized a set of
7 intervention strategies, at the request of the board, the
8 superintendent shall intervene in the school or school district and
9 take corrective actions. This chapter does not provide additional
10 authority for the board or the superintendent of public instruction to
11 intervene in a school or school district;

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

14 (g) Annually review the assessment reporting system to ensure
15 fairness, accuracy, timeliness, and equity of opportunity, especially
16 with regard to schools with special circumstances and unique
17 populations of students, and a recommendation to the superintendent of
18 public instruction of any improvements needed to the system;

19 (h) Annually report by December 1st to the legislature, the
20 governor, and the superintendent of public instruction on the progress,
21 findings, and recommendations of the board. The report may include
22 recommendations of actions to help improve student achievement; and

23 (i) Annually report by December 1st to the education committees of
24 the house of representatives and the senate on the progress that has
25 been made in achieving goals adopted by the board.

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

1 ~~((7))~~ (6) Make rules and regulations governing the establishment
2 in any existing nonhigh school district of any secondary program or any
3 new grades in grades nine through twelve. Before any such program or
4 any new grades are established the district must obtain prior approval
5 of the state board.

6 ~~((8))~~ (7) Prepare such outline of study for the common schools as
7 the board shall deem necessary, and in conformance with legislative
8 requirements, and prescribe such rules for the general government of
9 the common schools, as shall seek to secure regularity of attendance,
10 prevent truancy, secure efficiency, and promote the true interest of
11 the common schools.

12 ~~((9))~~ (8) Continuously reevaluate courses and other requirements
13 and adopt and enforce regulations within the common schools so as to
14 meet the educational needs of students ~~((and))~~.

15 (9) Evaluate course of study requirements and articulate with the
16 institutions of higher education, work force representatives, and early
17 learning policymakers and providers to coordinate and unify the work of
18 the public school system.

19 (10) Carry out board powers and duties relating to the organization
20 and reorganization of school districts ~~((under RCW 28A.315.010 through~~
21 ~~28A.315.680 and 28A.315.900))~~.

22 (11) Hear and decide appeals as otherwise provided by law.

23 ~~((The state board of education is given the authority to))~~ (12)
24 Promulgate information and rules dealing with the prevention of child
25 abuse for purposes of curriculum use in the common schools.

26 **Sec. 104.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to
27 read as follows:

28 (1) Expanding activity in educational research, educational
29 restructuring, and educational improvement initiatives has produced and
30 continues to produce much valuable information. The legislature finds
31 that such information should be shared with the citizens and
32 educational community of the state as widely as possible. To
33 facilitate access to information and materials on educational
34 improvement and research, the superintendent of public instruction, to
35 the extent funds are appropriated, shall establish the center for the
36 improvement of student learning. The primary purpose of the center is
37 to provide assistance and advice to parents, school board members,

1 educators, and the public regarding strategies for assisting students
2 in learning the essential academic learning requirements pursuant to
3 RCW (~~(28A.630.885)~~) 28A.655.070. The center shall work in conjunction
4 with the (~~(academic achievement and accountability commission)~~) state
5 board of education, educational service districts, institutions of
6 higher education, and education, parent, community, and business
7 organizations.

8 (2) The center, in conjunction with other staff in the office of
9 the superintendent of public instruction, shall:

10 (~~(a) ((Serve as a clearinghouse for the completed work and~~
11 ~~activities of the academic achievement and accountability commission;~~

12 ~~(b))~~) Serve as a clearinghouse for information regarding successful
13 educational improvement and parental involvement programs in schools
14 and districts, and information about efforts within institutions of
15 higher education in the state to support educational improvement
16 initiatives in Washington schools and districts;

17 (~~((c))~~) (b) Provide best practices research and advice that can be
18 used to help schools develop and implement: Programs and practices to
19 improve instruction of the essential academic learning requirements
20 (~~(under section 701 of this act)~~); systems to analyze student
21 assessment data, with an emphasis on systems that will combine the use
22 of state and local data to monitor the academic progress of each and
23 every student in the school district; comprehensive, school-wide
24 improvement plans; school-based shared decision-making models; programs
25 to promote lifelong learning and community involvement in education;
26 school-to-work transition programs; programs to meet the needs of
27 highly capable students; programs and practices to meet the diverse
28 needs of students based on gender, racial, ethnic, economic, and
29 special needs status; research, information, and technology systems;
30 and other programs and practices that will assist educators in helping
31 students learn the essential academic learning requirements;

32 (~~((d))~~) (c) Develop and distribute(~~(, in conjunction with the~~
33 ~~academic achievement and accountability commission,)~~) parental
34 involvement materials, including instructional guides developed to
35 inform parents of the essential academic learning requirements. The
36 instructional guides also shall contain actions parents may take to
37 assist their children in meeting the requirements, and should focus on

1 reaching parents who have not previously been involved with their
2 children's education;

3 ((+e)) (d) Identify obstacles to greater parent and community
4 involvement in school shared decision-making processes and recommend
5 strategies for helping parents and community members to participate
6 effectively in school shared decision-making processes, including
7 understanding and respecting the roles of school building
8 administrators and staff;

9 ((+f)) (e) Develop and maintain an internet web site to increase
10 the availability of information, research, and other materials;

11 ((+g)) (f) Take other actions to increase public awareness of the
12 importance of parental and community involvement in education;

13 ((+h)) (g) Work with appropriate organizations to inform teachers,
14 district and school administrators, and school directors about the
15 waivers available and the broadened school board powers under RCW
16 28A.320.015;

17 ((+i)) (h) Provide training and consultation services, including
18 conducting regional summer institutes;

19 ((+j)) (i) Address methods for improving the success rates of
20 certain ethnic and racial student groups; and

21 ((+k)) (j) Perform other functions consistent with the purpose of
22 the center as prescribed in subsection (1) of this section.

23 (3) The superintendent of public instruction(~~(, after consultation~~
24 ~~with the academic achievement and accountability commission,)~~) shall
25 select and employ a director for the center.

26 (4) The superintendent may enter into contracts with individuals or
27 organizations including but not limited to: School districts;
28 educational service districts; educational organizations; teachers;
29 higher education faculty; institutions of higher education; state
30 agencies; business or community-based organizations; and other
31 individuals and organizations to accomplish the duties and
32 responsibilities of the center. In carrying out the duties and
33 responsibilities of the center, the superintendent, whenever possible,
34 shall use practitioners to assist agency staff as well as assist
35 educators and others in schools and districts.

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

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

5 (1) Student achievement funds shall be allocated for the following
6 uses:

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

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

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

17 (d) To provide additional professional development for educators,
18 including additional paid time for curriculum and lesson redesign and
19 alignment, training to ensure that instruction is aligned with state
20 standards and student needs, reimbursement for higher education costs
21 related to enhancing teaching skills and knowledge, and mentoring
22 programs to match teachers with skilled, master teachers. The funding
23 shall not be used for salary increases or additional compensation for
24 existing teaching duties, but may be used for extended year and
25 extended day teaching contracts;

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

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

32 (2) Annually on or before May 1st, the school district board of
33 directors shall meet at the time and place designated for the purpose
34 of a public hearing on the proposed use of these funds to improve
35 student achievement for the coming year. Any person may appear or by
36 written submission have the opportunity to comment on the proposed plan
37 for the use of these funds. No later than August 31st, as a part of
38 the process under RCW 28A.505.060, each school district shall adopt a

1 plan for the use of these funds for the upcoming school year.
2 Annually, each school district shall provide to the citizens of their
3 district a public accounting of the funds made available to the
4 district during the previous school year under chapter 3, Laws of 2001,
5 how the funds were used, and the progress the district has made in
6 increasing student achievement, as measured by required state
7 assessments and other assessments deemed appropriate by the district.
8 Copies of this report shall be provided to the superintendent of public
9 instruction (~~and to the academic achievement and accountability~~
10 ~~commission~~)).

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

13 (1) The superintendent of public instruction shall develop
14 essential academic learning requirements that identify the knowledge
15 and skills all public school students need to know and be able to do
16 based on the student learning goals in RCW 28A.150.210, develop student
17 assessments, and implement (~~the accountability recommendations and~~
18 ~~requests regarding assistance, rewards, and recognition of the academic~~
19 ~~achievement and accountability commission~~) assistance and recognition
20 activities related to improving academic achievement as authorized.

21 (2) The superintendent of public instruction shall:

22 (a) Periodically revise the essential academic learning
23 requirements, as needed, based on the student learning goals in RCW
24 28A.150.210. Goals one and two shall be considered primary. To the
25 maximum extent possible, the superintendent shall integrate goal four
26 and the knowledge and skill areas in the other goals in the essential
27 academic learning requirements; and

28 (b) Review and prioritize the essential academic learning
29 requirements and identify, with clear and concise descriptions, the
30 grade level content expectations to be assessed on the Washington
31 assessment of student learning and used for state or federal
32 accountability purposes. The review, prioritization, and
33 identification shall result in more focus and targeting with an
34 emphasis on depth over breadth in the number of grade level content
35 expectations assessed at each grade level. Grade level content
36 expectations shall be articulated over the grades as a sequence of
37 expectations and performances that are logical, build with increasing

1 depth after foundational knowledge and skills are acquired, and
2 reflect, where appropriate, the sequential nature of the discipline.
3 The office of the superintendent of public instruction, within seven
4 working days, shall post on its web site any grade level content
5 expectations provided to an assessment vendor for use in constructing
6 the Washington assessment of student learning.

7 (3) ~~((In consultation with the academic achievement and~~
8 ~~accountability commission,))~~ The superintendent of public instruction
9 shall maintain and continue to develop and revise a statewide academic
10 assessment system in the content areas of reading, writing,
11 mathematics, and science for use in the elementary, middle, and high
12 school years designed to determine if each student has mastered the
13 essential academic learning requirements identified in subsection (1)
14 of this section. School districts shall administer the assessments
15 under guidelines adopted by the superintendent of public instruction.
16 The academic assessment system shall include a variety of assessment
17 methods, including criterion-referenced and performance-based measures.

18 (4) If the superintendent proposes any modification to the
19 essential academic learning requirements or the statewide assessments,
20 then the superintendent shall, upon request, provide opportunities for
21 the education committees of the house of representatives and the senate
22 to review the assessments and proposed modifications to the essential
23 academic learning requirements before the modifications are adopted.

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

30 (b) Assessments measuring the essential academic learning
31 requirements in the content area of science shall be available for
32 mandatory use in middle schools and high schools by the 2003-04 school
33 year and for mandatory use in elementary schools by the 2004-05 school
34 year unless the legislature takes action to delay or prevent
35 implementation of the assessment.

36 (6) By September 2007, the results for reading and mathematics
37 shall be reported in a format that will allow parents and teachers to

1 determine the academic gain a student has acquired in those content
2 areas from one school year to the next.

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

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

11 (b) A collection of diagnostic tools that educators may use to
12 evaluate the academic status of individual students. The tools shall
13 be designed to be inexpensive, easily administered, and quickly and
14 easily scored, with results provided in a format that may be easily
15 shared with parents and students.

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

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

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

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

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

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

34 **PART 2**

35 **WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD**

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

3 The Washington professional educator standards board shall:

4 (1) Establish policies and practices for the approval of programs
5 of courses, requirements, and other activities leading to educator
6 certification for teacher and educational staff associate
7 certification;

8 (2) Establish policies and practices for the approval of the
9 character of work required to be performed as a condition of entrance
10 to and graduation from any educator preparation program for teacher and
11 educational staff associate preparation program as provided in
12 subsection (1) of this section;

13 (3) Establish a list of accredited institutions of higher education
14 of this and other states whose graduates may be awarded educator
15 certificates as teacher or educational staff associate and establish
16 criteria and enter into agreements with other states to acquire
17 reciprocal approval of educator preparation programs and certification,
18 including teacher certification from the national board for
19 professional teaching standards;

20 (4) Establish policies for approval of nontraditional educator
21 preparation programs;

22 (5) Conduct a review of educator program approval standards at
23 least every five years, beginning in 2006, to reflect research findings
24 and assure continued improvement of preparation programs for teachers
25 and certificated school specialized personnel;

26 (6) Specify the types and kinds of educator certificates to be
27 issued and conditions for certification in accordance with subsection
28 (1) of this section and RCW 28A.410.010 and supervise the issuance of
29 such certificates;

30 (7) Establish prospective educator assessment systems as necessary,
31 including the prospective teacher assessment system for basic skills
32 and subject knowledge that shall be required to obtain residency
33 certification pursuant to RCW 28A.410.220 through 28A.410.240;

34 (8) Hear and determine educator certification appeals as provided
35 by RCW 28A.410.100;

36 (9) Apply for and receive federal or other funds on behalf of the
37 state for purposes related to the duties of the board;

1 (10) Adopt rules under chapter 34.05 RCW that are necessary for the
2 effective and efficient implementation of this chapter;

3 (11) Submit annual reports and recommendations to the governor, the
4 education and fiscal committees of the legislature, and the
5 superintendent of public instruction concerning the duties and
6 activities of the board;

7 (12) Maintain data concerning educator preparation programs and
8 their quality, educator certification, educator employment trends and
9 needs, and other data deemed relevant by the board;

10 (13) Serve as an advisory body to the superintendent of public
11 instruction ((and as the sole advisory body to the state board of
12 education)) on issues related to educator recruitment, hiring,
13 ((preparation, certification including high quality alternative routes
14 to certification,)) mentoring and support, professional growth,
15 retention, governance, ((prospective teacher pedagogy assessment,
16 prospective principal assessment,)) educator evaluation including but
17 not limited to peer evaluation, and revocation and suspension of
18 licensure(;

19 ~~(2) Submit annual reports and recommendations, beginning December~~
20 ~~1, 2000, to the governor, the education and fiscal committees of the~~
21 ~~legislature, the state board of education, and the superintendent of~~
22 ~~public instruction concerning duties and activities within the board's~~
23 ~~advisory capacity. The Washington professional educator standards~~
24 ~~board shall submit a separate report by December 1, 2000, to the~~
25 ~~governor, the education and fiscal committees of the legislature, the~~
26 ~~state board of education, and the superintendent of public instruction~~
27 ~~providing recommendations for at least two high quality alternative~~
28 ~~routes to teacher certification. In its deliberations, the board shall~~
29 ~~consider at least one route that permits persons with substantial~~
30 ~~subject matter expertise to achieve residency certification through an~~
31 ~~on-the-job training program provided by a school district; and~~

32 ~~(3) Establish the prospective teacher assessment system for basic~~
33 ~~skills and subject knowledge that shall be required to obtain residency~~
34 ~~certification pursuant to RCW 28A.410.220 through 28A.410.240)).~~

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

37 (1)(a) The Washington professional educator standards board is

1 created, consisting of twenty members to be appointed by the governor
2 to four-year terms and the superintendent of public instruction(~~(, who~~
3 ~~shall be an ex officio, nonvoting member)~~)).

4 (b) As the four-year terms of the first appointees expire or
5 vacancies to the board occur for the first time, the governor shall
6 appoint or reappoint the members of the board to one-year to four-year
7 staggered terms. Once the one-year to three-year terms expire, all
8 subsequent terms shall be for four years, with the terms expiring on
9 June 30th of the applicable year. The terms shall be staggered in such
10 a way that, where possible, the terms of members representing a
11 specific group do not expire simultaneously.

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

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

17 (2) Seven of the members shall be public school teachers, one shall
18 be a private school teacher, three shall represent higher education
19 educator preparation programs, four shall be school administrators, two
20 shall be educational staff associates, one shall be a classified
21 employee who assists in public school student instruction, one shall be
22 a parent, and one shall be a member of the public.

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

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

26 (b) Be currently certificated and actively employed in a teaching
27 position; and

28 (c) Include one teacher currently teaching at the elementary school
29 level, one at the middle school level, one at the high school level,
30 and one vocationally certificated.

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

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

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

36 (5) Appointees from higher education educator preparation programs
37 must include two representatives from institutions of higher education

1 as defined in RCW 28B.10.016 and one representative from an institution
2 of higher education as defined in RCW 28B.07.020(4).

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

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

6 (b) Be currently certificated and actively employed in a school
7 administrator position; and

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

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

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

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

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

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

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

20 (9) Each major caucus of the house of representatives and the
21 senate shall submit a list of at least one public school teacher. In
22 making the public school teacher appointments, the governor shall
23 select one nominee from each list provided by each caucus. The
24 governor shall appoint the remaining members of the board from a list
25 of qualified nominees submitted to the governor by organizations
26 representative of the constituencies of the board, from applications
27 from other qualified individuals, or from both nominees and applicants.

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

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

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

34 (13) Each member of the board shall be compensated in accordance
35 with RCW 43.03.240 and shall be reimbursed for travel expenses incurred
36 in carrying out the duties of the board in accordance with RCW
37 43.03.050 and 43.03.060.

1 (14) The governor may remove a member of the board for neglect of
2 duty, misconduct, malfeasance or misfeasance in office, or for
3 incompetency or unprofessional conduct as defined in chapter 18.130
4 RCW. In such a case, the governor shall file with the secretary of
5 state a statement of the causes for and the order of removal from
6 office, and the secretary of state shall send a certified copy of the
7 statement of causes and order of removal to the last known post office
8 address of the member.

9 (15) If a vacancy occurs on the board, the governor shall appoint
10 a replacement member from the nominees as specified in subsection (9)
11 of this section to fill the remainder of the unexpired term. When
12 filling a vacancy of a member nominated by a major caucus of the
13 legislature, the governor shall select the new member from a list of at
14 least one name submitted by the same caucus that provided the list from
15 which the retiring member was appointed.

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

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

21 The (~~state board of education~~) Washington professional educator
22 standards board shall establish, publish, and enforce rules (~~and~~
23 ~~regulations~~) determining eligibility for and certification of
24 personnel employed in the common schools of this state as teacher or
25 educational staff associate, including certification for emergency or
26 temporary, substitute or provisional duty and under such certificates
27 or permits as the board shall deem proper or as otherwise prescribed by
28 law. The state board of education shall establish, publish, and
29 enforce rules determining eligibility for and certification of
30 personnel employed in the common schools of this state as
31 administrator. The rules of each board shall require that the initial
32 application for certification shall require a record check of the
33 applicant through the Washington state patrol criminal identification
34 system and through the federal bureau of investigation at the
35 applicant's expense. The record check shall include a fingerprint
36 check using a complete Washington state criminal identification
37 fingerprint card. The superintendent of public instruction may waive

1 the record check for any applicant who has had a record check within
2 the two years before application. The rules shall permit a holder of
3 a lapsed certificate but not a revoked or suspended certificate to be
4 employed on a conditional basis by a school district with the
5 requirement that the holder must complete any certificate renewal
6 requirements established by the state board of education within two
7 years of initial reemployment.

8 In establishing rules pertaining to the qualifications of
9 instructors of American sign language the ((state)) board shall consult
10 with the national association of the deaf, "sign instructors guidance
11 network" (s.i.g.n.), and the Washington state association of the deaf
12 for evaluation and certification of sign language instructors.

13 The superintendent of public instruction shall act as the
14 administrator of any such rules ((and regulations)) and have the power
15 to issue any certificates or permits and revoke the same in accordance
16 with board rules ((and regulations)).

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

19 The ((state board of education)) Washington professional educator
20 standards board shall adopt rules providing that, except as provided in
21 this section, all individuals qualifying for an initial-level teaching
22 certificate after August 31, 1992, shall possess a baccalaureate degree
23 in the arts, sciences, and/or humanities and have fulfilled the
24 requirements for teacher certification pursuant to RCW ((28A.305.130
25 (1) and (2))) 28A.410.210. However, candidates for grades preschool
26 through eight certificates shall have fulfilled the requirements for a
27 major as part of their baccalaureate degree. If the major is in early
28 childhood education, elementary education, or special education, the
29 candidate must have at least thirty quarter hours or twenty semester
30 hours in one academic field.

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

33 The ((state board of education)) Washington professional educator
34 standards board shall develop and adopt rules establishing
35 baccalaureate and masters degree equivalency standards for vocational

1 instructors performing instructional duties and acquiring certification
2 after August 31, 1992.

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

5 The fee for any certificate, or any renewal thereof, issued by the
6 authority of the state of Washington, and authorizing the holder to
7 teach or perform other professional duties in the public schools of the
8 state shall be not less than one dollar or such reasonable fee therefor
9 as the state board of education for administrators and the Washington
10 professional educator standards board for teachers and educational
11 staff associates by rule (~~(or regulation)~~) shall deem necessary
12 therefor. The fee must accompany the application and cannot be
13 refunded unless the application is withdrawn before it is finally
14 considered. The educational service district superintendent, or other
15 official authorized to receive such fee, shall within thirty days
16 transmit the same to the treasurer of the county in which the office of
17 the educational service district superintendent is located, to be by
18 him or her placed to the credit of said school district or educational
19 service district: PROVIDED, That if any school district collecting
20 fees for the certification of professional staff does not hold a
21 professional training institute separate from the educational service
22 district then all such moneys shall be placed to the credit of the
23 educational service district.

24 Such fees shall be used solely for the purpose of precertification
25 professional preparation, program evaluation, and professional in-
26 service training programs in accord with rules (~~(and regulations)~~) of
27 the (~~(state board of education)~~) Washington professional educator
28 standards board herein authorized.

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

31 Any teacher whose certificate to teach has been questioned under
32 RCW 28A.410.090 shall have a right to be heard by the issuing authority
33 before his or her certificate is revoked. Any teacher whose
34 certificate to teach has been revoked shall have a right of appeal to
35 the (~~(state board of education)~~) Washington professional educator

1 standards board if notice of appeal is given by written affidavit to
2 the board within thirty days after the certificate is revoked.

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

8 **Sec. 208.** RCW 28A.415.023 and 1997 c 90 s 1 are each amended to
9 read as follows:

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

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

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

20 (c) Is necessary to obtain an endorsement as prescribed by the
21 (~~state board of education~~) Washington professional educator standards
22 board;

23 (d) Is specifically required to obtain advanced levels of
24 certification; or

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

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

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

35 **Sec. 209.** RCW 28A.415.060 and 1991 c 155 s 1 are each amended to
36 read as follows:

1 The (~~state board of education~~) Washington professional educator
2 standards board rules for continuing education shall provide that
3 educational staff associates may use credits or clock hours that
4 satisfy the continuing education requirements for their state
5 professional licensure, if any, to fulfill the continuing education
6 requirements established by the (~~state board of education~~) Washington
7 professional educator standards board.

8 **Sec. 210.** RCW 28A.415.205 and 1991 c 238 s 75 are each amended to
9 read as follows:

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

23 (2) The program shall include the following:

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

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

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

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

1 **Sec. 211.** RCW 28A.150.060 and 1990 c 33 s 102 are each amended to
2 read as follows:

3 The term "certificated employee" as used in RCW 28A.195.010,
4 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240,
5 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW,
6 shall include those persons who hold certificates as authorized by rule
7 (~~or regulation~~) of the state board of education, Washington
8 professional educator standards board, or the superintendent of public
9 instruction.

10 **Sec. 212.** RCW 28A.170.080 and 1990 c 33 s 157 are each amended to
11 read as follows:

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

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

1 (2) For the purposes of this section, "substance abuse intervention
2 specialist" means any one of the following, except that diagnosis and
3 assessment, counseling and aftercare specifically identified with
4 treatment of chemical dependency shall be performed only by personnel
5 who meet the same qualifications as are required of a qualified
6 chemical dependency counselor employed by an alcoholism or drug
7 treatment program approved by the department of social and health
8 services.

9 (a) An educational staff associate employed by a school district or
10 educational service district who holds certification as a school
11 counselor, school psychologist, school nurse, or school social worker
12 under (~~state board of education~~) Washington professional educator
13 standards board rules adopted pursuant to RCW (~~28A.305.130~~)
14 28A.410.210;

15 (b) An individual who meets the definition of a qualified drug or
16 alcohol counselor established by the bureau of alcohol and substance
17 abuse;

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

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

21 (e) A children's mental health specialist as defined in RCW
22 71.34.020.

23 **Sec. 213.** RCW 28A.205.010 and 1999 c 348 s 2 are each amended to
24 read as follows:

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

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

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

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

1 (c) Conducts courses of instruction by professionally trained
2 personnel certificated by the (~~state board of education~~) Washington
3 professional educator standards board according to rules adopted for
4 the purposes of this chapter and providing, for certification purposes,
5 that a year's teaching experience in an education center shall be
6 deemed equal to a year's teaching experience in a common or private
7 school.

8 (2) For purposes of this chapter, basic academic skills shall
9 include the study of mathematics, speech, language, reading and
10 composition, science, history, literature and political science or
11 civics; it shall not include courses of a vocational training nature
12 and shall not include courses deemed nonessential to the accrediting of
13 the common schools or the approval of private schools under RCW
14 28A.305.130.

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

27 **Sec. 214.** RCW 28A.205.050 and 1995 c 335 s 201 are each amended to
28 read as follows:

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

35 **Sec. 215.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
36 read as follows:

1 No teacher, principal, supervisor, superintendent, or other
2 certificated employee, holding a position as such with a school
3 district, hereinafter referred to as "employee", shall be employed
4 except by written order of a majority of the directors of the district
5 at a regular or special meeting thereof, nor unless he or she is the
6 holder of an effective teacher's certificate or other certificate
7 required by law or the state board of education or Washington
8 professional educator standards board, as applicable, for the position
9 for which the employee is employed.

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

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

1 determine whether there is sufficient cause or causes for nonrenewal of
2 contract: PROVIDED, That any employee receiving notice of nonrenewal
3 of contract due to an enrollment decline or loss of revenue may, in his
4 or her request for a hearing, stipulate that initiation of the
5 arrangements for a hearing officer as provided for by RCW
6 28A.405.310(4) shall occur within ten days following July 15 rather
7 than the day that the employee submits the request for a hearing. If
8 any such notification or opportunity for hearing is not timely given,
9 the employee entitled thereto shall be conclusively presumed to have
10 been reemployed by the district for the next ensuing term upon
11 contractual terms identical with those which would have prevailed if
12 his or her employment had actually been renewed by the board of
13 directors for such ensuing term.

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

19 **Sec. 216.** RCW 28B.10.140 and 2004 c 60 s 1 are each amended to
20 read as follows:

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

29 **Sec. 217.** RCW 18.118.010 and 1990 c 33 s 553 are each amended to
30 read as follows:

31 (1) The purpose of this chapter is to establish guidelines for the
32 regulation of the real estate profession and other business professions
33 which may seek legislation to substantially increase their scope of
34 practice or the level of regulation of the profession, and for the
35 regulation of business professions not licensed or regulated on July
36 26, 1987: PROVIDED, That the provisions of this chapter are not

1 intended and shall not be construed to: (a) Apply to any regulatory
2 entity created prior to July 26, 1987, except as provided in this
3 chapter; (b) affect the powers and responsibilities of the
4 superintendent of public instruction or state board of education and
5 Washington professional educator standards board under RCW
6 (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or interfere
7 in any way with the practice of religion or to any kind of treatment by
8 prayer; (d) apply to any remedial or technical amendments to any
9 statutes which licensed or regulated activity before July 26, 1987; and
10 (e) apply to proposals relating solely to continuing education. The
11 legislature believes that all individuals should be permitted to enter
12 into a business profession unless there is an overwhelming need for the
13 state to protect the interests of the public by restricting entry into
14 the profession. Where such a need is identified, the regulation
15 adopted by the state should be set at the least restrictive level
16 consistent with the public interest to be protected.

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

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

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

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

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

36 (a) Where existing common law and statutory civil actions and
37 criminal prohibitions are not sufficient to eradicate existing harm,

1 the regulation should provide for stricter civil actions and criminal
2 prosecutions;

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

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

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

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

19 **Sec. 218.** RCW 18.120.010 and 1990 c 33 s 554 are each amended to
20 read as follows:

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

1 identified, the regulation adopted by the state should be set at the
2 least restrictive level consistent with the public interest to be
3 protected.

4 (2) It is the intent of this chapter that no regulation shall,
5 after July 24, 1983, be imposed upon any health profession except for
6 the exclusive purpose of protecting the public interest. All bills
7 introduced in the legislature to regulate a health profession for the
8 first time should be reviewed according to the following criteria. A
9 health profession should be regulated by the state only when:

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

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

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

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

23 (a) Where existing common law and statutory civil actions and
24 criminal prohibitions are not sufficient to eradicate existing harm,
25 the regulation should provide for stricter civil actions and criminal
26 prosecutions;

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

33 (c) Where the threat to the public health, safety, or economic
34 well-being is relatively small as a result of the operation of the
35 health profession, the regulation should implement a system of
36 registration;

37 (d) Where the consumer may have a substantial basis for relying on

1 the services of a practitioner, the regulation should implement a
2 system of certification; or

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

6 **PART 3**

7 **TRANSFER OF POWERS AND DUTIES**

8 NEW SECTION. **Sec. 301.** (1) Beginning June 30, 2006, the academic
9 achievement and accountability commission is hereby abolished and its
10 powers, duties, and functions are hereby transferred to the state board
11 of education. All references to the director or the academic
12 achievement and accountability commission in the Revised Code of
13 Washington shall be construed to mean the director or the state board
14 of education.

15 (2)(a) All reports, documents, surveys, books, records, files,
16 papers, or written material in the possession of the academic
17 achievement and accountability commission shall be delivered to the
18 custody of the state board of education. All cabinets, furniture,
19 office equipment, motor vehicles, and other tangible property employed
20 by the academic achievement and accountability commission shall be made
21 available to the state board of education. All funds, credits, or
22 other assets held by the academic achievement and accountability
23 commission shall be assigned to the state board of education.

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

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

33 (3) All rules and all pending business before the academic
34 achievement and accountability commission shall be continued and acted
35 upon by the state board of education. All existing contracts and

1 obligations shall remain in full force and shall be performed by the
2 state board of education.

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

7 (5) If apportionments of budgeted funds are required because of the
8 transfers directed by this section, the director of financial
9 management shall certify the apportionments to the agencies affected,
10 the state auditor, and the state treasurer. Each of these shall make
11 the appropriate transfer and adjustments in funds and appropriation
12 accounts and equipment records in accordance with the certification.

13 (6) Nothing contained in this section may be construed to alter any
14 existing collective bargaining unit or the provisions of any existing
15 collective bargaining agreement until the agreement has expired or
16 until the bargaining unit has been modified by action of the personnel
17 resources board as provided by law.

18 **PART 4**
19 **MISCELLANEOUS**

20 NEW SECTION. **Sec. 401.** (1) The education governance task force is
21 established to define what is needed to effectively govern a standards-
22 based, results-driven K-12 education system, to examine the
23 constitutional and statutory history of school governance, and to
24 define what a statewide governance system needs to accomplish and to
25 whom it should be accountable. The task force shall recommend whether
26 a state board of education is necessary, and if so, what its
27 composition and duties should be. It shall also recommend how to
28 divide statewide educational governance responsibilities among the
29 state board, the superintendent of public instruction, and the
30 professional educator standards board.

31 (2) The task force shall include two members of the house of
32 representatives, one from each major caucus, appointed by the speaker
33 of the house of representatives; two members of the senate, one from
34 each major caucus, appointed by the president of the senate; a
35 representative of the governor; and other individuals who may be
36 invited to join the task force by the other task force members.

1 (3) By December 15, 2005, the task force shall report to the
2 legislative committees on education policy and other interested parties
3 with its recommendations, including proposed legislation, on the
4 appropriate state-level agencies to adopt rules for and implement
5 various statutory education responsibilities.

6 (4) The task force shall receive staffing support from the house of
7 representatives office of program research and senate committee
8 services.

9 (5) Members of the task force shall receive travel and per diem as
10 provided in RCW 44.04.120.

11 NEW SECTION. **Sec. 402.** The following acts or parts of acts, as
12 now existing or hereafter amended, are each repealed:

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

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

18 (3) RCW 28A.655.900 (Transfer of powers, duties, and functions) and
19 1999 c 388 s 502; and

20 (4) RCW 28A.660.901 (Program evaluations--Contingency) and 2004 c
21 23 s 6 & 2001 c 158 s 8.

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

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

1 The assistant superintendents, deputy superintendent, and such other
2 officers and employees as are exempted from the provisions of chapter
3 41.06 RCW, shall serve at the pleasure of the superintendent or at the
4 pleasure of the superintendent and the state board of education as
5 provided in this section. Expenditures by the superintendent of public
6 instruction for direct and indirect support of the state board of
7 education are valid operational expenditures by and in behalf of the
8 office of the superintendent of public instruction.

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

11 Any common school district board member eligible to vote for a
12 candidate for membership on an educational service district or any
13 candidate for the position, within ten days after the secretary to the
14 state board of education's certification of election, may contest the
15 election of the candidate pursuant to chapter 29A.68 RCW
16 ((~~28A.305.070~~)).

17 NEW SECTION. **Sec. 405.** Part headings used in this act are not any
18 part of the law.

19 NEW SECTION. **Sec. 406.** Sections 301 and 402 of this act take
20 effect June 30, 2006."

21 Correct the title.

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