
SENATE BILL 5967

State of Washington

64th Legislature

2015 Regular Session

By Senator McCoy

Read first time 02/13/15. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to eliminating the state board of education;
2 amending RCW 28A.300.020, 28A.300.035, 28A.300.041, 28A.305.130,
3 28A.310.010, 28A.310.280, 28A.310.340, 28A.315.005, 28A.315.115,
4 28A.410.010, 28A.410.210, 43.06B.010, 43.06B.030, and 43.06B.050;
5 creating a new section; decodifying RCW 28A.305.902; repealing RCW
6 28A.305.011, 28A.305.021, 28A.305.035, and 28A.310.480; and providing
7 an effective date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that the public
10 discussion and setting of education policy in the state of Washington
11 is primarily the duty of the legislature. Between the legislature and
12 the office of the superintendent of public instruction, all necessary
13 policy-making authority and corresponding implementation of that
14 policy can be dispatched efficiently, fairly, and with utmost
15 accountability to the public. The legislature also finds that it has
16 delegated policy-setting authority to a board that is not a publicly
17 elected entity, nor are the members on the board, with rare
18 exception, practitioners in the field over which the board has
19 purview, nor do they have technical expertise in educational policy.
20 The legislature further finds that the policies that were delegated
21 to the state board of education have now been completed, leaving the

1 board with duties that can easily be transferred to the office of the
2 superintendent of public instruction.

3 Therefore, it is the intent of the legislature to eliminate the
4 state board of education effective December 2015 and that such duties
5 and functions still within the authority of the state board of
6 education be transferred to the office of the superintendent of
7 public instruction.

8 **Sec. 2.** RCW 28A.300.020 and 2005 c 497 s 403 are each amended to
9 read as follows:

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

32 **Sec. 3.** RCW 28A.300.035 and 1994 c 113 s 1 are each amended to
33 read as follows:

34 If the superintendent of public instruction (~~or the state board~~
35 ~~of education)), in carrying out (~~their~~) the superintendent's powers
36 and duties under Title 28A RCW, request the service of any
37 certificated or classified employee of a school district upon any
38 committee formed for the purpose of furthering education within the~~

1 state, or within any school district therein, and such service would
2 result in a need for a school district to employ a substitute for
3 such certificated or classified employee during such service, payment
4 for such a substitute may be made by the superintendent of public
5 instruction from funds appropriated by the legislature for the
6 current use of the common schools and such payments shall be
7 construed as amounts needed for state support to the common schools
8 under RCW 28A.150.380. If such substitute is paid by the
9 superintendent of public instruction, no deduction shall be made from
10 the salary of the certificated or classified employee. In no event
11 shall a school district deduct from the salary of a certificated or
12 classified employee serving on such committee more than the amount
13 paid the substitute employed by the district.

14 **Sec. 4.** RCW 28A.300.041 and 2009 c 310 s 1 are each amended to
15 read as follows:

16 (1) The legislature finds that a statewide student assessment
17 system should improve and inform classroom instruction, support
18 accountability, and provide useful information to all levels of the
19 educational system, including students, parents, teachers, schools,
20 school districts, and the state. The legislature intends to redesign
21 the current statewide system, in accordance with the recommendations
22 of the Washington assessment of student learning legislative work
23 group, to:

24 (a) Include multiple assessment formats, including both formative
25 and summative, as necessary to provide information to help improve
26 instruction and inform accountability;

27 (b) Enable collection of data that allows both statewide and
28 nationwide comparisons of student learning and achievement; and

29 (c) Be balanced so that the information used to make significant
30 decisions that affect school accountability or student educational
31 progress includes many data points and does not rely on solely the
32 results of a single assessment.

33 (2) The legislature further finds that one component of the
34 assessment system should be instructionally supportive formative
35 assessments. The key design elements or characteristics of an
36 instructionally supportive assessment must:

37 (a) Be aligned to state standards in areas that are being
38 assessed;

1 (b) Measure student growth and competency at multiple points
2 throughout the year in a manner that allows instructors to monitor
3 student progress and have the necessary trend data with which to
4 improve instruction;

5 (c) Provide rapid feedback;

6 (d) Link student growth with instructional elements in order to
7 gauge the effectiveness of educators and curricula;

8 (e) Provide tests that are appropriate to the skill level of the
9 student;

10 (f) Support instruction for students of all abilities, including
11 highly capable students and students with learning disabilities;

12 (g) Be culturally, linguistically, and cognitively relevant,
13 appropriate, and understandable to each student taking the
14 assessment;

15 (h) Inform parents and draw parents into greater participation of
16 the student's study plan;

17 (i) Provide a way to analyze the assessment results relative to
18 characteristics of the student such as, but not limited to, English
19 language learners, gender, ethnicity, poverty, age, and disabilities;

20 (j) Strive to be computer-based and adaptive; and

21 (k) Engage students in their learning.

22 (3) The legislature further finds that a second component of the
23 assessment system should be a state-administered summative
24 achievement assessment that can be used as a check on the educational
25 system in order to guide state expectations for the instruction of
26 children and satisfy legislative demands for accountability. The key
27 design elements or characteristics of the state administered
28 achievement assessment must:

29 (a) Be aligned to state standards in areas that are being
30 assessed;

31 (b) Maintain and increase academic rigor;

32 (c) Measure student learning growth over years; and

33 (d) Strengthen curriculum.

34 (4) The legislature further finds that a third component of the
35 assessment system should include classroom-based assessments, which
36 may be formative, summative, or both. Depending on their use,
37 classroom-based assessments should have the same design elements and
38 characteristics described in this section for formative and summative
39 assessments.

1 (5) The legislature further finds that to sustain a strong and
2 viable assessment system, preservice and ongoing training should be
3 provided for teachers and administrators on the effective use of
4 different types of assessments.

5 (6) The legislature further finds that as the statewide data
6 system is developed, data should be collected for all state-required
7 statewide assessments to be used for accountability and to monitor
8 overall student achievement.

9 (7) The superintendent of public instruction(~~(, in consultation~~
10 ~~with the state board of education,)~~) shall begin design and
11 development of an overall assessment system that meets the principles
12 and characteristics described in this section. In designing formative
13 and summative assessments, the superintendent shall solicit bids for
14 the use of computerized adaptive testing methodologies.

15 (8) Beginning December 1, 2009, and annually thereafter, the
16 superintendent (~~and state board~~) shall (~~jointly~~) report to the
17 legislature regarding the assessment system, including a cost
18 analysis of any changes and costs to expand availability and use of
19 instructionally supportive formative assessments.

20 **Sec. 5.** RCW 28A.305.130 and 2013 2nd sp.s. c 22 s 7 are each
21 amended to read as follows:

22 (~~The purpose of the state board of education is to provide~~
23 ~~advocacy and strategic oversight of public education; implement a~~
24 ~~standards-based accountability framework that creates a unified~~
25 ~~system of increasing levels of support for schools in order to~~
26 ~~improve student academic achievement; provide leadership in the~~
27 ~~creation of a system that personalizes education for each student and~~
28 ~~respects diverse cultures, abilities, and learning styles; and~~
29 ~~promote achievement of the goals of RCW 28A.150.210. In addition to~~
30 ~~any other powers and duties as provided by law, the state board of~~
31 ~~education shall:~~

32 (1) ~~Hold regularly scheduled meetings at such time and place~~
33 ~~within the state as the board shall determine and may hold such~~
34 ~~special meetings as may be deemed necessary for the transaction of~~
35 ~~public business;~~

36 (2) ~~Form committees as necessary to effectively and efficiently~~
37 ~~conduct the work of the board;~~

38 (3) ~~Seek advice from the public and interested parties regarding~~
39 ~~the work of the board;~~

1 ~~(4)~~) For purposes of statewide kindergarten through grade twelve
2 accountability, the superintendent shall:

3 ~~((a))~~ (1) Adopt and revise performance improvement goals in
4 reading, writing, science, and mathematics, by subject and grade
5 level, once assessments in these subjects are required statewide;
6 academic and technical skills, as appropriate, in secondary career
7 and technical education programs; and student attendance, ~~((as the~~
8 ~~board deems))~~ appropriate to improve student learning. The goals
9 shall be consistent with student privacy protection provisions of RCW
10 28A.655.090(7) and shall not conflict with requirements contained in
11 Title I of the federal elementary and secondary education act of
12 1965, or the requirements of the Carl D. Perkins vocational education
13 act of 1998, each as amended. The goals may be established for all
14 students, economically disadvantaged students, limited English
15 proficient students, students with disabilities, and students from
16 disproportionately academically underachieving racial and ethnic
17 backgrounds. The ~~((board))~~ superintendent may establish school and
18 school district goals addressing high school graduation rates and
19 dropout reduction goals for students in grades seven through twelve.
20 The ~~((board))~~ superintendent shall adopt the goals by rule. However,
21 before each goal is implemented, the ~~((board))~~ superintendent shall
22 present the goal to the education committees of the house of
23 representatives and the senate for the committees' review and comment
24 in a time frame that will permit the legislature to take statutory
25 action on the goal if such action is deemed warranted by the
26 legislature;

27 ~~((b)(i))~~ (2) Identify the scores students must achieve in order
28 to meet the standard on the statewide student assessment and, for
29 high school students, to obtain a certificate of academic
30 achievement. The ~~((board))~~ superintendent shall also determine
31 student scores that identify levels of student performance below and
32 beyond the standard. The ~~((board))~~ superintendent shall consider the
33 incorporation of the standard error of measurement into the decision
34 regarding the award of the certificates. The ~~((board))~~ superintendent
35 shall set such performance standards ~~((and levels in consultation~~
36 ~~with the superintendent of public instruction))~~ and after
37 consideration of any recommendations that may be developed by any
38 advisory committees that may be established for this purpose(~~(-~~

39 ~~(ii) By the end of the 2014-15 school year, establish the scores~~
40 ~~students must achieve to meet the standard and earn a certificate of~~

1 ~~academic achievement on the tenth grade English language arts~~
2 ~~assessment and the end-of-course mathematics assessments developed in~~
3 ~~accordance with RCW 28A.655.070 to be used as the state transitions~~
4 ~~to high school assessments developed with a multistate consortium.~~

5 ~~(iii) By the end of the 2014-15 school year, establish the scores~~
6 ~~students must achieve to meet the standard and earn a certificate of~~
7 ~~academic achievement on the high school English language arts~~
8 ~~assessment and the comprehensive mathematics assessment developed~~
9 ~~with a multistate consortium in accordance with RCW 28A.655.070. To~~
10 ~~determine the appropriate score, the state board shall review the~~
11 ~~transition experience of Washington students to the consortium-~~
12 ~~developed assessments, examine the student scores used in other~~
13 ~~states that are administering the consortium-developed assessments,~~
14 ~~and review the scores in other states that require passage of an~~
15 ~~eleventh grade assessment as a high school graduation requirement.~~
16 ~~The scores established by the state board of education for the~~
17 ~~purposes of earning a certificate of academic achievement and~~
18 ~~graduation from high school may be different from the scores used for~~
19 ~~the purpose of determining a student's career and college readiness.~~

20 ~~(iv) The legislature shall be advised of the initial performance~~
21 ~~standards for the high school statewide student assessment. Any~~
22 ~~changes recommended by the board in the performance standards for the~~
23 ~~high school assessment shall be presented to the education committees~~
24 ~~of the house of representatives and the senate by November 30th of~~
25 ~~the school year in which the changes will take place to permit the~~
26 ~~legislature to take statutory action before the changes are~~
27 ~~implemented if such action is deemed warranted by the legislature.~~
28 ~~The legislature shall be advised of the initial performance standards~~
29 ~~and any changes made to the elementary level performance standards~~
30 ~~and the middle school level performance standards. The board must~~
31 ~~provide an explanation of and rationale for all initial performance~~
32 ~~standards and any changes, for all grade levels of the statewide~~
33 ~~student assessment. If the board changes the performance standards~~
34 ~~for any grade level or subject, the superintendent of public~~
35 ~~instruction must recalculate the results from the previous ten years~~
36 ~~of administering that assessment regarding students below, meeting,~~
37 ~~and beyond the state standard, to the extent that this data is~~
38 ~~available, and post a comparison of the original and recalculated~~
39 ~~results on the superintendent's web site));~~

1 ~~((e))~~ (3) Annually review the assessment reporting system to
2 ensure fairness, accuracy, timeliness, and equity of opportunity,
3 especially with regard to schools with special circumstances and
4 unique populations of students, and ~~((a recommendation to the~~
5 ~~superintendent of public instruction of))~~ recommend any improvements
6 needed to the system; ~~((and~~

7 ~~(d) Include in the biennial report required under RCW~~
8 ~~28A.305.035,))~~ (4) Annually report to the legislature information on
9 the progress that has been made in achieving adopted goals ~~((adopted~~
10 ~~by the board))~~;

11 (5) Accredit, subject to such accreditation standards and
12 procedures as may be established by the ~~((state board of education))~~
13 superintendent, all private schools that apply for accreditation, and
14 approve, subject to the provisions of RCW 28A.195.010, private
15 schools carrying out a program for any or all of the grades
16 kindergarten through twelve. However, no private school may be
17 approved that operates a kindergarten program only and no private
18 school shall be placed upon the list of accredited schools so long as
19 secret societies are knowingly allowed to exist among its students by
20 school officials; and

21 (6) Articulate with the institutions of higher education,
22 workforce representatives, and early learning policymakers and
23 providers to coordinate and unify the work of the public school
24 system(~~(÷~~

25 ~~(7) Hire an executive director and an administrative assistant to~~
26 ~~reside in the office of the superintendent of public instruction for~~
27 ~~administrative purposes. Any other personnel of the board shall be~~
28 ~~appointed as provided by RCW 28A.300.020. The board may delegate to~~
29 ~~the executive director by resolution such duties as deemed necessary~~
30 ~~to efficiently carry on the business of the board including, but not~~
31 ~~limited to, the authority to employ necessary personnel and the~~
32 ~~authority to enter into, amend, and terminate contracts on behalf of~~
33 ~~the board. The executive director, administrative assistant, and all~~
34 ~~but one of the other personnel of the board are exempt from civil~~
35 ~~service, together with other staff as now or hereafter designated as~~
36 ~~exempt in accordance with chapter 41.06 RCW; and~~

37 ~~(8) Adopt a seal that shall be kept in the office of the~~
38 ~~superintendent of public instruction))~~.

1 **Sec. 6.** RCW 28A.310.010 and 2009 c 381 s 25 are each amended to
2 read as follows:

3 It shall be the intent and purpose of this chapter to establish
4 educational service districts as regional agencies which are intended
5 to:

6 (1) Provide cooperative and informational services to local
7 school districts and to other education providers as appropriate;

8 (2) Assist the superintendent of public instruction (~~and the~~
9 ~~state board of education~~) in the performance of (~~their respective~~)
10 the superintendent's statutory or constitutional duties; and

11 (3) Provide services to school districts and to the Washington
12 state center for childhood deafness and hearing loss and the school
13 for the blind to assure equal educational opportunities and to other
14 education providers as appropriate.

15 **Sec. 7.** RCW 28A.310.280 and 1975 1st ex.s. c 275 s 25 are each
16 amended to read as follows:

17 In addition to other powers and duties as provided by law, each
18 educational service district superintendent shall:

19 (1) Perform such recordkeeping, including such annual reports as
20 may be required, and liaison and informational services to local
21 school districts, and the superintendent of public instruction as
22 required by rule (~~or regulation~~) of the superintendent of public
23 instruction (~~or state board of education: PROVIDED, That the~~
24 superintendent of public instruction and the state board of
25 education) may require some or all of the school districts to report
26 information directly when such reporting procedures are deemed
27 desirable or feasible.

28 (2) Keep records of official acts of the educational service
29 district board and superintendents in accordance with RCW
30 (~~28A.21.120, as now or hereafter amended~~) 28A.310.310.

31 (3) Preserve carefully all reports of school officers and
32 teachers and deliver to the successor of the office all records,
33 books, documents, and papers belonging to the office either
34 personally or through a personal representative, taking a receipt for
35 the same, which shall be filed in the office of the county auditor in
36 the county where the office is located.

37 **Sec. 8.** RCW 28A.310.340 and 1990 c 33 s 286 are each amended to
38 read as follows:

1 It is the intent of the legislature that a basic core of uniform
2 services be provided by educational service districts and be
3 identified in statute so that biennial budget requests for
4 educational service districts may be based upon measurable goals and
5 needs. Educational service districts as noted in RCW 28A.310.010, are
6 intended primarily to:

7 (1) Provide cooperative and informational services to local
8 districts and to perform functions for those districts when such
9 functions are more effectively or economically administered from the
10 regional level;

11 (2) Assist the state educational agencies(~~(7)~~) and the office of
12 the superintendent of public instruction (~~(and the state board of~~
13 ~~education)~~) in the legal performance of their duties; and

14 (3) Assist in providing pupils with equal educational
15 opportunities.

16 The purpose of RCW 28A.310.350 and 28A.310.360 is to further
17 identify those core services in order to prepare educational service
18 district budgets for the 1979-81 biennium, and those bienniums
19 beyond.

20 **Sec. 9.** RCW 28A.315.005 and 2013 c 2 s 302 are each amended to
21 read as follows:

22 (1) Under the constitutional framework and the laws of the state
23 of Washington, the governance structure for the state's public common
24 school system is comprised of the following bodies: The legislature,
25 the governor, the superintendent of public instruction, (~~the state~~
26 ~~board of education,~~) the Washington charter school commission, the
27 educational service district boards of directors, and local school
28 district boards of directors. The respective policy and
29 administrative roles of each body are determined by the state
30 Constitution and statutes.

31 (2) Local school districts are political subdivisions of the
32 state and the organization of such districts, including the powers,
33 duties, and boundaries thereof, may be altered or abolished by laws
34 of the state of Washington.

35 **Sec. 10.** RCW 28A.315.115 and 1985 c 385 s 3 are each amended to
36 read as follows:

37 Persons possessing the status of any of the following positions
38 shall not be eligible to be a member of a regional committee: The

1 superintendent of public instruction, (~~a member of the state board~~
2 ~~of education,~~) an educational service district superintendent, a
3 member of a board of directors of a school district, a member of an
4 educational service district board, a member of a governing board of
5 either a private school or a private school district which conducts
6 any grades kindergarten through twelve, officers appointed by any
7 such governing board, and employees of a school district, an
8 educational service district, the office of the superintendent of
9 public instruction, a private school, or a private school district.

10 **Sec. 11.** RCW 28A.410.010 and 2014 c 50 s 2 are each amended to
11 read as follows:

12 (1)(a) The Washington professional educator standards board shall
13 establish, publish, and enforce rules determining eligibility for and
14 certification of personnel employed in the common schools of this
15 state, including certification for emergency or temporary, substitute
16 or provisional duty and under such certificates or permits as the
17 professional educator standards board shall deem proper or as
18 otherwise prescribed by law. The rules shall require that the initial
19 application for certification shall require a record check of the
20 applicant through the Washington state patrol criminal identification
21 system and through the federal bureau of investigation at the
22 applicant's expense. The record check shall include a fingerprint
23 check using a complete Washington state criminal identification
24 fingerprint card. An individual who holds a valid portable background
25 check clearance card issued by the department of early learning
26 consistent with RCW 43.215.215 is exempt from the office of the
27 superintendent of public instruction fingerprint background check if
28 the individual provides a true and accurate copy of his or her
29 Washington state patrol and federal bureau of investigation
30 background report results to the office of the superintendent of
31 public instruction. The superintendent of public instruction may
32 waive the record check for any applicant who has had a record check
33 within the two years before application. The rules shall permit a
34 holder of a lapsed certificate but not a revoked or suspended
35 certificate to be employed on a conditional basis by a school
36 district with the requirement that the holder must complete any
37 certificate renewal requirements established by the (~~state board of~~
38 ~~education~~) professional educator standards board within two years of
39 initial reemployment.

1 (b) In establishing rules pertaining to the qualifications of
2 instructors of American sign language the professional educator
3 standards board shall consult with the national association of the
4 deaf, "sign instructors guidance network" (s.i.g.n.), and the
5 Washington state association of the deaf for evaluation and
6 certification of sign language instructors.

7 (c) The professional educator standards board shall develop rules
8 consistent with RCW 18.340.020 for the certification of spouses of
9 military personnel.

10 (2) The superintendent of public instruction shall act as the
11 administrator of any such rules and have the power to issue any
12 certificates or permits and revoke the same in accordance with
13 professional educator standards board rules.

14 **Sec. 12.** RCW 28A.410.210 and 2009 c 531 s 4 are each amended to
15 read as follows:

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

26 (1) Establish policies and practices for the approval of programs
27 of courses, requirements, and other activities leading to educator
28 certification including teacher, school administrator, and
29 educational staff associate certification;

30 (2) Establish policies and practices for the approval of the
31 character of work required to be performed as a condition of entrance
32 to and graduation from any educator preparation program including
33 teacher, school administrator, and educational staff associate
34 preparation program as provided in subsection (1) of this section;

35 (3) Establish a list of accredited institutions of higher
36 education of this and other states whose graduates may be awarded
37 educator certificates as teacher, school administrator, and
38 educational staff associate and establish criteria and enter into
39 agreements with other states to acquire reciprocal approval of

1 educator preparation programs and certification, including teacher
2 certification from the national board for professional teaching
3 standards;

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

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

10 (6) Specify the types and kinds of educator certificates to be
11 issued and conditions for certification in accordance with subsection
12 (1) of this section (~~and~~), RCW 28A.410.010, and as authorized by
13 law;

14 (7) Apply for and receive federal or other funds on behalf of the
15 state for purposes related to the duties of the professional educator
16 standards board;

17 (8) Adopt rules under chapter 34.05 RCW that are necessary for
18 the effective and efficient implementation of this chapter;

19 (9) Maintain data concerning educator preparation programs and
20 their quality, educator certification, educator employment trends and
21 needs, and other data deemed relevant by the professional educator
22 standards board;

23 (10) Serve as an advisory body to the superintendent of public
24 instruction on issues related to educator recruitment, hiring,
25 mentoring and support, professional growth, retention, educator
26 evaluation including but not limited to peer evaluation, and
27 revocation and suspension of licensure;

28 (11) Submit, by October 15th of each even-numbered year, a
29 (~~joint~~) report (~~with the state board of education~~) to the
30 legislative education committees, the governor, and the
31 superintendent of public instruction(~~. The report shall address the~~
32 ~~progress the boards have made and the obstacles they have~~
33 ~~encountered, individually and collectively, in the work of achieving~~
34 ~~the goals set out in RCW 28A.150.210~~) regarding the work
35 accomplished by the professional educator standards board as directed
36 by this chapter and any recommendations for improvements related to
37 the effective and efficient discharge of these duties and the
38 programs administered;

39 (12) Establish the prospective teacher assessment system for
40 basic skills and subject knowledge that shall be required to obtain

1 residency certification pursuant to RCW 28A.410.220 through
2 28A.410.240;

3 (13) By January 2010, set performance standards and develop,
4 pilot, and implement a uniform and externally administered
5 professional-level certification assessment based on demonstrated
6 teaching skill. In the development of this assessment, consideration
7 shall be given to changes in professional certification program
8 components such as the culminating seminar; and

9 (14) Conduct meetings under the provisions of chapter 42.30 RCW.

10 **Sec. 13.** RCW 43.06B.010 and 2013 c 23 s 82 are each amended to
11 read as follows:

12 (1) There is hereby created the office of the education ombuds
13 within the office of the governor for the purposes of providing
14 information to parents, students, and others regarding their rights
15 and responsibilities with respect to the state's public elementary
16 and secondary education system, and advocating on behalf of
17 elementary and secondary students.

18 (2)(a) The governor shall appoint an ombuds who shall be a person
19 of recognized judgment, independence, objectivity, and integrity and
20 shall be qualified by training or experience or both in the following
21 areas:

22 (i) Public education law and policy in this state;

23 (ii) Dispute resolution or problem resolution techniques,
24 including mediation and negotiation; and

25 (iii) Community outreach.

26 (b) The education ombuds may not be an employee of any school
27 district((~~7~~)) or the office of the superintendent of public
28 instruction(~~(7 or the state board of education)~~) while serving as an
29 education ombuds.

30 (3) Before the appointment of the education ombuds, the governor
31 shall share information regarding the appointment to a six-person
32 legislative committee appointed and comprised as follows:

33 (a) The committee shall consist of three senators and three
34 members of the house of representatives from the legislature.

35 (b) The senate members of the committee shall be appointed by the
36 president of the senate. Two members shall represent the majority
37 caucus and one member the minority caucus.

38 (c) The house of representatives members of the committee shall
39 be appointed by the speaker of the house of representatives. Two

1 members shall represent the majority caucus and one member the
2 minority caucus.

3 (4) If sufficient appropriations are provided, the education
4 ombuds shall delegate and certify regional education ombuds. The
5 education ombuds shall ensure that the regional ombuds selected are
6 appropriate to the community in which they serve and hold the same
7 qualifications as in subsection (2)(a) of this section. The education
8 ombuds may not contract with the superintendent of public
9 instruction, or any school, school district, or current employee of a
10 school, school district, or the office of the superintendent of
11 public instruction for the provision of regional ombuds services.

12 **Sec. 14.** RCW 43.06B.030 and 2013 c 23 s 84 are each amended to
13 read as follows:

14 (1) Neither the education ombuds nor any regional educational
15 ombuds are liable for good faith performance of responsibilities
16 under this chapter.

17 (2) No discriminatory, disciplinary, or retaliatory action may be
18 taken against any student or employee of any school district((~~7~~)) or
19 the office of the superintendent of public instruction(~~(, or the~~
20 ~~state board of education,~~)) for any communication made, or
21 information given or disclosed, to aid the education ombuds in
22 carrying out his or her duties and responsibilities, unless the same
23 was done without good faith or maliciously. This subsection is not
24 intended to infringe upon the rights of a school district to
25 supervise, discipline, or terminate an employee for other reasons or
26 to discipline a student for other reasons.

27 (3) All communications by the education ombuds or the ombuds's
28 staff or designee, if reasonably related to the education ombuds's
29 duties and responsibilities and done in good faith, are privileged
30 and that privilege shall serve as a defense to any action in libel or
31 slander.

32 **Sec. 15.** RCW 43.06B.050 and 2013 c 23 s 86 are each amended to
33 read as follows:

34 The education ombuds shall report on the work and accomplishment
35 of the office and advise and make recommendations to the
36 governor((~~7~~)) and the legislature(~~(, and the state board of~~
37 ~~education))~~) annually(~~(. The initial report to the governor, the~~
38 ~~legislature, and the state board of education shall be made by~~

1 ~~September 1, 2007, and there shall be annual reports))~~ by September
2 1st (~~each year thereafter~~). The annual reports shall provide at
3 least the following information:

4 (1) How the education ombuds's services have been used and by
5 whom;

6 (2) Methods for the education ombuds to increase and enhance
7 family and community involvement in public education;

8 (3) Recommendations to eliminate barriers and obstacles to
9 meaningful family and community involvement in public education; and

10 (4) Strategies to improve the educational opportunities for all
11 students in the state, including recommendations from organizations
12 and groups provided in RCW 43.06B.020(8).

13 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 28A.305.011 (Board membership—Terms—Compensation) and
16 2006 c 263 s 105 & 2005 c 497 s 101;

17 (2) RCW 28A.305.021 (Election of board members—Restrictions) and
18 2005 c 497 s 102;

19 (3) RCW 28A.305.035 (Joint report to the legislature) and 2006 c
20 263 s 103 & 2005 c 497 s 103; and

21 (4) RCW 28A.310.480 (Delegation to ESD of state board of
22 education program, project or service—Contract) and 1977 ex.s. c 283
23 s 6.

24 NEW SECTION. **Sec. 17.** RCW 28A.305.902 is decodified.

25 NEW SECTION. **Sec. 18.** This act takes effect December 15, 2015.

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