

Five Bullet Points Explaining Why SHB 1481 is Bad Policy for Washington State

SHB 1481 seeks to do the right thing, but in the wrong way. Yes, it attempts to provide a mechanism for oversight of public school Traffic Safety Education (TSE) programs that haven't had any since the Legislature cut the funding in 2002. It also hopes to create more uniformity by designating one primary agency, the DOL, to provide oversight to both public school and commercial driver training schools. Good intention. Wrong mechanism. Why?

- 1) **Unfunded Mandate** - Rightly so, the bill recognizes that public schools are not businesses and have unique features that require OSPI to remain involved in the administration of public school TSE programs. Accordingly, the bill retains a significant administrative role for OSPI in RCW 28A.220.030 and elsewhere. Yet, there is no funding provided for staff to carry out that role. The fiscal note includes a request for 4.7 FTEs at DOL, and none for OSPI. Therefore, the bill remains an unfunded mandate, and the language referring to OSPI's role, and CWU's role in curriculum development, are meaningless and unacceptable. The same objectives can be achieved with less fiscal impact simply by funding 2-3 FTEs at OSPI. (And this can be done so from a dedicated account source from traffic tickets, so as not to put pressure on funding basic education) The Legislature should fix what it broke in 2002 by funding the mandate of 28A.220.
- 2) **DOL - Wrong Agency for a Public School Program: Regulatory Mindset vs Education Mindset** - The bill will absolutely fail to produce the "quality" program it envisions because DOL auditors are not educators. The DOL is a regulatory agency with a regulatory, business and driver-licensing mindset. They lack an education mindset. This is a well-known weakness pronounced by the commercial driving schools under DOL authority, and is even recognized by the sponsor, Rep. Hayes, himself. The DOL has no skill or experience in teaching or education, yet they are assigned responsibility for curriculum development and management of teaching and learning. There is little confidence that the DOL will be able to hire an appropriate curriculum expert because the salary offered will be too low to attract a properly qualified person, assuming the Legislature appropriates the requested FTE in the first place.
- 3) **Nullification of a TSE teacher's certificate** – This bill effectively nullifies the ability of a TSE teacher to teach in a public school under the certificate already gained. It changes the rules on current teachers by requiring them to be "double licensed," paying renewal fees to two agencies to teach in one public school program. This is wrong for three reasons. One, it treats a TSE endorsement differently than other subject matter endorsements. It singles out a TSE teacher to serve two masters for the authority to teach in a public school where they are already certificated to teach under that endorsement legally, while other endorsements are not subject to such a requirement for a separate license. It is not OK to treat a public school TSE teacher as if they are working for a business, when they are not. The DOL authority over licensing of business professionals under Chapter 18.235 RCW is applicable to businesses and professionals working for private businesses, not for public school certified teachers. Second, anytime

a new rule comes into effect (i.e. a change in certification and renewal requirements), the state has always applied the new certification rules only to new teachers becoming certified on or after the effective date of the new rules, allowing them to continue to teach if they meet the requirements of the certificate they originally held. This is the purpose and function of a “grandfather clause.” Continually, Rep. Hayes has professed his intention to “keep whole” public school teachers. Only a true grandfather clause would do that. But, the grandfather clause in SHB 1481 is only for two years, 2018 to 2020. Third, the stipulation to have public school teachers become licensed by the DOL is unnecessary. Since the bill gives DOL auditing and program approval authority over public school TSE programs, all it has to do is refuse to grant program approval. If that is denied, the teacher can’t teach TSE anyhow. Further, the DOL can refuse to renew program approval so long as an offending teacher is allowed by a school district to teach TSE. Finally, since the public school teacher is teaching under the authority of the OSPI-granted certificate, then that is the agency to apply appropriate discipline through the Office of Professional Practice, not DOL.

- 4) **Unequal treatment of Conditional Teachers** - The bill also treats conditionally certified teachers differently, requiring them to meet all of the requirements of 46.82.330, while exempting the requirements of paragraphs (2) (d) and (e) only for a teacher certified under 28A.410 “with a regular certificate who has obtained a traffic safety endorsement or a letter of approval to teach traffic safety education from the superintendent of public instruction.” (Page 8, line 13) This is also unfair, as it treats one class of teachers (conditional teachers) differently than others, even though they have already received training that meets or exceeds the requirements of paragraph (d). Once again, the rules are being changed for teachers who have already met current requirements. Such treatment of OSPI certificated teachers in the public schools, barring them from being able to teach according to the certificates they already hold is unprecedented. This should not even be legal to do, but even if it is, as the code reviser claims, it doesn’t meet Rep. Hayes’ self-proclaimed goal of keeping teachers “whole.” The implications of this language are catastrophic to a TSE program which relies on conditional teachers to offer a TSE program. The burden of time and expense to be retrained will be prohibitive.

- 5) **It Nullifies the need for anyone to take the CWU Endorsement Courses, thus ultimately Ending Public School TSE Programs** - If one can simply receive a DOL license under 46.82.330 by taking a DOL-approved course of merely 60 hours at a current cost of approximately \$500, why would anyone take a series of four rigorous, university accredited courses at the current expense of \$4,000 for 14 credits (140 hours) of training? This bill will kill the demand for those courses. Once the endorsement courses are no longer being offered (currently only in the summers by CWU), OSPI has already declared they will cancel the TSE endorsement. This will have the effect of killing the public school TSE programs over time. It will also degrade the quality of teacher training in our state. Those two consequences ought to be rendered unacceptable. It becomes a safety issue. The bill must be amended to prevent this domino-effect from taking place.