

(2) The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.

(3) The initial certificate shall be valid for two years.

(4) Certificate holders may renew the certificate for a three-year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two-year extension period. Under no circumstances may an initial certificate be valid for a period of more than seven years.

NEW SECTION. Sec. 2. (1) The state board of education shall review its provisions relating to the certification of teachers, and, as necessary, develop requirements for the certification of teachers for middle level grades six, seven, and eight.

(2) The state board shall complete the review and development of new requirements, if any, no later than May 31, 1990.

(3) This section shall expire June 30, 1990.

Passed the House March 15, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor May 13, 1989.

Filed in Office of Secretary of State May 13, 1989.

CHAPTER 403

[Substitute Senate Bill No. 5035]

FOSTER PARENTS—LIABILITY COVERAGE

AN ACT Relating to foster-family homes; amending RCW 4.92.060 and 4.92.070; reenacting and amending RCW 4.92.150; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds and declares that foster parents are a valuable resource providing an important service to the citizens of Washington. The legislature further recognizes that the current insurance crisis has adversely affected some foster-family homes in several ways: (1) In some locales, foster parents are unable to obtain liability insurance coverage over and above homeowner's or tenant's coverage for actions filed against them by the foster child or the child's parents or legal guardian. In addition, the monthly payment made to foster-family homes is not sufficient to cover the cost of obtaining this extended coverage and there is no mechanism in place by which foster parents can recapture this cost;

(2) foster parents' personal resources are at risk. Therefore, the legislature is providing relief to address these problems.

Sec. 2. Section 1, chapter 79, Laws of 1921 as last amended by section 5, chapter 126, Laws of 1986 and RCW 4.92.060 are each amended to read as follows:

Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, employee, ((or)) volunteer, or foster parent licensed in accordance with chapter 74.15 RCW, arising from acts or omissions while performing, or in good faith purporting to perform, official duties, or, in the case of a foster parent, arising from the good faith provision of foster care services, such officer, employee, ((or)) volunteer, or foster parent may request the attorney general to authorize the defense of said action or proceeding at the expense of the state.

Sec. 3. Section 2, chapter 79, Laws of 1921 as last amended by section 6, chapter 126, Laws of 1986 and RCW 4.92.070 are each amended to read as follows:

If the attorney general shall find that said officer, employee, or volunteer's acts or omissions were, or were purported to be in good faith, within the scope of that person's official duties, or, in the case of a foster parent, that the occurrence arose from the good faith provision of foster care services, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which such officer, employee, ((or)) volunteer, or foster parent is attached. In such cases the attorney general shall appear and defend such officer, employee, ((or)) volunteer, or foster parent, who shall assist and cooperate in the defense of such suit. However, the attorney general may not represent or provide private representation for a foster parent in an action or proceeding brought by the department of social and health services against that foster parent.

Sec. 4. Section 9, chapter 159, Laws of 1963 as last amended by section 9, chapter 188, Laws of 1985 and by section 5, chapter 217, Laws of 1985 and RCW 4.92.150 are each reenacted and amended to read as follows:

After commencement of an action in a court of competent jurisdiction upon a claim against the state, or any of its officers, employees, or volunteers arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., or against a foster parent that the attorney general is defending pursuant to RCW 4.92.070, or upon petition by the state, the attorney general, with the prior approval of the risk management office and with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state, the affected officer, employee, ((or)) volunteer, or foster parent.

NEW SECTION. Sec. 5. The department of social and health services, in cooperation with the office of risk management created in accordance with RCW 43.19.19362 and the office of the insurance commissioner, shall establish a task force to examine and report to the legislature by December 1, 1989, on the following subjects:

- (1) The number of foster care homes carrying homeowner's or tenant's liability insurance;
- (2) The number of insurance companies offering liability coverage to foster-family homes;
- (3) The provisions of liability coverage, including any exclusions relevant to foster-care status of the insured;
- (4) The premium cost and the difference, if any, between premium cost for nonfoster-family homes and foster-family homes;
- (5) The number of claims made against each insurer by insureds relevant to the foster-care relationship;
- (6) The feasibility of assisting foster families in obtaining commercial insurance;
- (7) The cost to the department of providing liability insurance to the foster parents; and
- (8) Any other items or suggestions that the task force deems appropriate to include in its report.

Passed the Senate April 17, 1989.

Passed the House April 10, 1989.

Approved by the Governor May 13, 1989.

Filed in Office of Secretary of State May 13, 1989.

CHAPTER 404

[Substitute Senate Bill No. 5071]

SURROGATE PARENTING

AN ACT Relating to surrogate parenting; adding new sections to chapter 26.26 RCW; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. As used in sections 1 through 6 of this act:

(1) "Compensation" means a payment of money, objects, services, or anything else having monetary value except payment of expenses incurred as a result of the pregnancy and the actual medical expenses of a surrogate mother, and the payment of reasonable attorney fees for the drafting of a surrogate parentage contract.

(2) "Surrogate gestation" means the implantation in a female of an embryo not genetically related to that female and subsequent gestation of a child by that female.