

---

**Education Committee**

---

**HB 2772**

**Brief Description:** Regarding school employees' dismissal or certificate revocation.

**Sponsors:** Representatives Barlow, Seaquist, Wood, O'Brien, Ormsby, Warnick, Schual-Berke, Quall, Moeller, Roberts, Morrell and Kelley.

**Brief Summary of Bill**

- Adds felony indecent exposure to the list of crimes which result in mandatory termination of certificated and classified school employees, mandatory permanent certificate revocation, and the barring of contractor's employees from school grounds.

**Hearing Date:** 2/1/08

**Staff:** Cece Clynch (786-7195).

**Background:**

*Mandatory Termination for Certain Crimes.* A school district must immediately terminate the employment of any certificated or classified employee upon conviction or a guilty plea to certain specified crimes against children, such as physical injury or death of a child and promoting prostitution of a child. The employee remains terminated unless he or she prevails on appeal.

*Discharge for Probable Cause.* School districts may discharge certificated school employees for probable cause. Examples of conduct for which an employee could be discharged for probable cause include immorality, sexual misconduct with children, supplying alcohol to minors, abusive behavior toward children, and insubordination. Employees discharged for probable cause have a right to a hearing.

*Revocation of Certificate.* A certificate must be permanently revoked by the Office of the Superintendent of Public Instruction (OSPI) upon a guilty plea or the conviction of any of the same crimes against children for which an employee must be terminated. This permanent mandatory revocation provision applies to pleas or convictions after July 23, 1989. A person whose certificate has been permanently revoked has a right of appeal.

---

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

In addition, upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct, the certificate must be suspended or revoked. A first time violation results in either suspension or revocation, as determined by the OSPI. A second violation results in mandatory revocation.

Certificates may also be revoked for immorality, violation of written contract, unprofessional conduct, intemperance, or crimes against the law of the state. A due process hearing is available.

*Contractor's Employees Barred From School.* Additionally, any contract for services entered into by a school district must provide that any of the contractor's employees convicted or pleading guilty to these same specified crimes must be prohibited from working at a public school.

*Indecent Exposure.* A first offense of indecent exposure is a misdemeanor. When the victim is 14 years of age or younger, it is a gross misdemeanor. Indecent exposure becomes a Class C felony if: (1) the offender has previously been convicted of a sex offense; or (2) the offender has a previous conviction for indecent exposure.

**Summary of Bill:**

Felony indecent exposure, regardless of the age of the victim, is added to the list of crimes which results in mandatory termination of certificated and classified staff and mandatory permanent certificate revocation. The conviction or plea of guilty to felony indecent exposure must occur after the effective date of the bill.

A contractor must prohibit any employee who has pleaded guilty or been convicted of felony indecent exposure, and who has contact with students during the course of his or her employment, from working at a public school.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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