

SENATE BILL REPORT

SB 5552

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, February 28, 2005

Title: An act relating to information required for school district employment applicants.

Brief Description: Requiring school districts to request information from employment applicants' out-of-state employers.

Sponsors: Senators Kohl-Welles, McAuliffe, Benton, Johnson, Shin, Carrell, Rasmussen, Mulliken and Roach.

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 2/16/05, 2/28/05 [DPS, DNP].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Benton, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schoesler and Shin.

Minority Report: Do not pass.

Signed by Senator Mulliken.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under legislation passed last session, certificated and classified school district employees who apply to another school district must sign a release authorizing the disclosure of any sexual misconduct information, including any related documents in their previous school district employer's personnel files. Hiring school districts must request from the applicant's previous school district employers any information about that employee's sexual misconduct including related documents. The information must be provided within 20 days of receiving the request.

Sexual misconduct information is only used to evaluate the applicant's qualifications for the position for which he or she has applied and the information is not disclosed to anyone not directly involved in the evaluation process. A person who wrongfully discloses information is guilty of a misdemeanor.

Applicants may be employed on a conditional basis pending review of any sexual misconduct information. School districts must not hire an applicant who refuses to sign the release.

The State Board of Education defined the term "sexual misconduct" for the purposes of this section.

Summary of Substitute Bill: Language is added regarding the release of information statement signed by the applicant to clarify that this release applies to disclosure by all school district employers including out-of-state employers. Language is added to clarify that school districts must request information from all current and past school district employers including out-of-state employers.

For out-of-state applicants, if the laws or policies of the other state prevent the documents requested from being made available to Washington State school districts or if that out-of-state school district fails or refuses to cooperate with the request, the applicant may still be hired.

Substitute Bill Compared to Original Bill: Language is added that allows an out-of-state applicant to be hired even if the other state's policies or laws do not allow the information requested to be sent or if the out-of-state school district fails or refuses to cooperate.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: We all remember the Seattle Times series in December 2003, called "Coaches Who Prey" about coaches and school employees who had engaged in sexual misconduct with students. Last session, the Legislature passed three bills to help address the problems which were meant to provide for better protection of our children. This bill is just a clean-up bill because we realized that we had neglected to include language addressing applicants from out-of-state in last session's legislation. This fine-tuning is important to make sure we have all the pieces in place to protect our children.

There is just one concern on this bill, and that is to make sure that those applicants that come from out-of-state are not prevented from gaining employment in our state if their previous out-of-state employer refuses to share the information or are prevented from sharing due to their own state laws.

Testimony Against: None.

Who Testified: PRO: Senator Kohl-Welles, prime sponsor; Senator Benton, sponsor; Lucinda Young, WEA.