

SENATE BILL REPORT

SB 5677

As of February 28, 2005

Title: An act relating to revocation of certificates or permits to teach.

Brief Description: Revoking certificates or permits of educational employees possessing pornography on school grounds.

Sponsors: Senators Benton, Kohl-Welles, Sheldon, Stevens, Jacobsen, Oke, Keiser and Rasmussen.

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 2/16/05.

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

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current law, a school district employee must have his or her certificate or permit permanently revoked if he or she pleads guilty or is convicted of any felony crimes against children, including: the neglect of a child; physical injury or death of a child; the sexual exploitation of a child; sexual offenses where a minor is the victim; promoting prostitution of a minor; the sale or purchase of a minor child; or, violation of similar laws of another jurisdiction. Each of the felonies listed is defined in the criminal code. A person whose certificate is in question under this law must be given an opportunity to be heard. A person whose certificate or permit has been revoked under this law must have his or her employment with the district terminated immediately. The individual has the right to appeal the decision but remains terminated unless the person prevails on the appeal.

An employee whose certificate or permit is revoked under circumstances other than those listed above, is eligible to receive another certificate or permit after a period of twelve months from the date of the revocation.

Summary of Bill: A school district employee must have his or her certificate or permit revoked upon a finding that the employee was engaged in any unauthorized use of school equipment for sexual gratification or possessed on school grounds any material that is pornographic or any material depicting sexually explicit conduct. Reference to the current statutory definition of sexually explicit conduct is included. A person whose certificate is in question must be given the opportunity to be heard.

The provisions of this act are only applicable to findings that occur after the effective date of the act.

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: Viewing pornography is not a crime, but bringing it in and viewing at school shows that a teacher lacks good judgement and common sense. Someone that would mis-use school resources to view pornography is not someone we want teaching or influencing our children. Pornography has no place on a school campus and neither does the teacher who brings it on to the campus. Those teachers violate the public's trust. We rely on teachers to be good stewards of state resources and provide a safe secure environment for our children to learn in. It is a shame that a very small minority of people can create this controversy and give a very noble profession a black eye. Recently a teacher was given a 60 day summer suspension for viewing pornography on a school computer and now that very same teacher is charged with sexually exploiting a student. OSPI has made a lot of progress in the area, especially since the passage of the bills last session dealing with sexual misconduct, but they still lack the mandate to best protect our children. This is an attempt to give OSPI the tools that they need. Suspension does not provide enough protection for our children and something more must be done. The price of even having one child exploited is too high. Teachers must be held to the highest moral standard to provide the best protection.

OSPI does not classify these offenses in the correct way. These offenses are a red flag that these teachers might pose a threat to our children and current classification does not recognize that, it only recognizes it as reckless conduct.

There are concerns with the bill regarding no definition of pornography and accidental access of pornography on website, which has probably happened to all of us. Current law and current procedures define possession and pornography and this bill requires a finding so those current practices would not change any of those current guidelines. This bill just changes the discipline once there has been a finding. We are not here on a witch hunt for teachers or wanting to take a teachers due process away. But we must protect our children. Parents have a right to have their children safe at school and a duty to protect all children.

Testimony Against: None.

Other: We do not oppose the bill but believe it needs some work. Even with current practice and procedures available, there are still some concerns that there is a need to better define pornography and possession in the bill to make sure a teacher's due process rights are respected and to make sure accidentally accessing pornography on a website is not punished. An automatic revocation is a very serious matter and the current language is still a little too broad and vague and we would like to work on it with the sponsors to still protect our children but fair in implementation.

Who Testified: PRO: Senator Benton, prime sponsor; Senator Kohl-Welles, sponsor; Jim Hines, Tennis Shoe Brigade, Friends & Neighbors of Theresa Gibbs; Alvina Olstead, Supportive Parents of Molested Children and Retired Teacher; Patricia Gibbs, Citizen; Helen Harlow, Tennis Shoe Brigade; Lois McMahan, Citizen. OTHER: Bob Butts, OSPI; Randy Hathaway, Washington School Personnel Assoc.; Rainer Houser, AWSP.