

SENATE BILL REPORT

SB 6443

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 06, 2008

Title: An act relating to disciplinary actions for education employees committing sexual offenses.

Brief Description: Regarding disciplinary actions for education employees committing sexual offenses.

Sponsors: Senators Kohl-Welles, McAuliffe, Weinstein, Kauffman, Brandland, McDermott, Shin, Rasmussen and Carrell.

Brief History:

Committee Activity: Early Learning & K-12 Education:1/30/08, 2/6/08 [DPS].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6443 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King, Ranking Minority Member; Brandland, Eide, Hobbs, Holmquist, Kauffman, McDermott, Oemig, Rasmussen and Weinstein.

Staff: Kimberly Cushing (786-7421)

Background: Under current Washington law, school districts must immediately terminate classified or certificated employees upon a guilty plea or conviction of any felony crime involving sexual offenses where a minor is the victim. If a contractor fails to prohibit any employee from working at a public school where there is contact with children when the employee has pled guilty or has been convicted of a felony crime involving sexual offenses where a minor is the victim, this is grounds for the school district to immediately terminate the contract.

Any certificate or permit must be revoked upon a guilty plea or conviction of any felony crime involving sexual offenses where a minor is the victim. A certificate or permit revoked under these circumstances cannot be reinstated.

Summary of Bill (Recommended Substitute): School districts must immediately terminate classified or certificated employees upon a guilty plea or conviction of any felony crime involving sexual offenses regardless of the victim's age, sexual misconduct with a minor in the second degree, or custodial sexual misconduct in the second degree. If a contractor fails to

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prohibit any employee from working at a public school where there is contact with children when the employee has pled guilty or has been convicted of a felony crime involving sexual offenses regardless of the victim's age, sexual misconduct with a minor in the second degree, or custodial sexual misconduct in the second degree, this is grounds for the school district to immediately terminate the contract.

Any certificate or permit must be revoked upon a guilty plea or conviction of any felony crime involving sexual offenses regardless of the victim's age, sexual misconduct with a minor in the second degree, or custodial sexual misconduct in the second degree. A certificate or permit revoked under these circumstances cannot be reinstated.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Adds sexual misconduct with a minor in the second degree and custodial sexual misconduct in the second degree to the list of crimes requiring mandatory termination and revocation of a certificate or permit.

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.

Staff Summary of Public Testimony: PRO: Any individual, who has been convicted or pled guilty of rape or a sexual offense regardless of the age of the victim, has no business being in a school with our young people. The crime is clearly defined, and due process is complete; thus the certificate should be revoked. This is a serious issue and very important to victims. Additional amendments would be welcomed for allowing superintendents to report unprofessional conduct for employees of another district, and for making all crimes requiring mandatory termination for minors apply regardless of the victim's age.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Charles Schreck, SPI; Lucinda Young, Washington Education Association; Evelyn Larsen, Washington Coalition of Sexual Assault Programs, Lorraine Wilson, Susan Schreurs, Tacoma Public Schools.