

# FINAL BILL REPORT

## ESHB 1741

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**C 396 L 09**  
Synopsis as Enacted

**Brief Description:** Expanding the list of crimes that require dismissal or certificate revocation for school employees.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Darneille, Quall, Liias, Santos, Van De Wege, Goodman, Dickerson, Jacks, Hurst, Haigh, Pettigrew, Kenney, Dammeier and Morrell).

**House Committee on Education**  
**Senate Committee on Early Learning & K-12 Education**

### **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 minors, such as physical injury or death of a child or promoting prostitution of a child. The employee has a right of 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 of appeal.

#### 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 a certificated 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.

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,

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the employee's 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.

Any contract for services entered into by a school district must provide that any of the contractor's employees convicted of or pleading guilty to these same specified crimes against children must be prohibited from working at a public school.

#### Notification.

Upon a person's conviction or plea of guilty for any of the specified crimes which result in mandatory termination and revocation, a prosecuting attorney must notify the Washington State Patrol (WSP). The WSP, in turn, is required to notify the OSPI. The OSPI is required to review the information provided by the WSP to determine whether the person holds a certificate issued by the OSPI. If so, the OSPI must provide this information to the Professional Educator Standards Board and the employing school district.

#### **Summary:**

The list of crimes for which convictions or pleas of guilty result in mandatory termination is expanded to include crimes such as any felony with sexual motivation, felony indecent exposure, incest, kidnapping, and robbery. The victim of the crime need not be a child or minor. Attempts, conspiracies, or solicitations to commit any of the crimes on the list are also cause for mandatory termination. The new provisions apply to convictions or pleas of guilty which occur on or after the effective date of the act.

If a classified or certificated employee is terminated by reason of a plea or conviction for the specified felony crimes, a school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, following criminal charges being filed, and the time that the termination becomes final.

Certificates must be revoked upon a guilty plea or conviction for any of the crimes on the expanded list. Contractor's employees who have been convicted of any of these crimes are prohibited from working at a public school.

Mandatory revocation must also occur upon a finding that the certificate holder obtained the certificate through fraudulent means, including misrepresentation of required academic credentials or prior criminal record.

The list of crimes which must be reported by the prosecutor to the WSP, and by the WSP to the OSPI, are similarly expanded to include the new crimes as well as the crimes against children already specified in law. The OSPI must review the information provided by the WSP on at least a quarterly basis.

School districts are prohibited from reaching agreements which are in conflict with these termination and notice provisions.

School superintendents and administrators are permitted to file complaints with the OSPI regarding certificated individuals, regardless of whether the certificated individual is employed by the complainant. Such written complaints must state the grounds and summarize the factual basis upon which a determination has been made that an OSPI investigation is warranted.

Upon termination of a certificated employee on grounds of a guilty plea or conviction for any of the enumerated felony crimes, a school district superintendent must notify the OSPI. The OSPI is required to keep a record of such notices.

**Votes on Final Passage:**

House	95	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 26, 2009