

SENATE BILL REPORT

ESHB 1741

As of March 19, 2009

Title: An act relating to crimes that require dismissal or certificate revocation for school employees.

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, Lias, Santos, Van De Wege, Goodman, Dickerson, Jacks, Hurst, Haigh, Pettigrew, Kenney, Dammeier and Morrell).

Brief History: Passed House: 3/09/09, 95-0.

Committee Activity: Early Learning & K-12 Education: 3/19/09.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Juliana Roe (786-7438)

Background: Under current Washington law, school districts must immediately terminate classified or certificated employees upon a guilty plea or conviction of a specified felony crime against children, such as the physical injury or death of a child and 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 specified felony crime against children, the school district has grounds to immediately terminate the contract.

Any certificate or permit must be revoked upon a guilty plea or conviction of a specified felony crime against children. A certificate or permit revoked under these circumstances cannot be reinstated.

Summary of Bill: Classified employees are immediately terminated by the school district board of directors if they plead guilty to or are convicted of specified felony offenses (including incest, kidnapping, assault, and robbery) and have contact with children during the course of employment, regardless of the victim's age. The school district board of directors also includes a provision in contracts prohibiting any employees of contractors, who have pled guilty to or have been convicted of specified felony offenses, from working at public schools if they have contact with children during the course of employment. The school

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district terminates the employment of any person whose certificate or permit is subject to revocation due to a guilty plea or conviction of specified felony offenses if that person has contact with children during the course of employment.

A school district board of directors is entitled to recover from classified or certificated employees any salary or other compensation paid to the employee during the period in which the employee was placed on administrative leave based upon criminal charges that the employee committed.

School district superintendents, educational service district (ESD) superintendents, or private school administrators can file complaints concerning certificated employees of a school district, ESD, or private school; this is not limited to employees of the complaining superintendent or administrator. The written complaint must state the grounds and summarize the factual basis upon which a determination was made that an investigation by the Office of the Superintendent of Public Instruction (OSPI) is warranted. Further, any such certificate or permit is revoked by those authorized to grant the certificate or permit. Mandatory revocation applies to convictions or guilty pleas that occur on or after the effective date of this act.

A certificate or permit is revoked by the authorizing entity if it is found that the certificate holder obtained the certificate through fraudulent means. This person does, however, have an opportunity to be heard and has the right to appeal.

Prosecutors are required to notify the Washington State Patrol (WSP) of guilty pleas or convictions of the specified felony offenses. WSP must, in turn, provide this list to OSPI on at least a quarterly basis.

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: Stakeholders, including the Superintendent of Public Instruction (SPI), have weighed in on this bill. The two additions to this bill made in the House are good amendments. The recovery of salary from employees who are convicted of or plead guilty to the listed felony offenses makes sense. The amendment regarding the Office of SPI will save them work and money.

Persons Testifying: PRO: Representative Darneille, prime sponsor; Lucinda Young, Washington Education Association.