
HOUSE BILL 2583

State of Washington

63rd Legislature

2014 Regular Session

By Representative Dahlquist

Read first time 01/21/14. Referred to Committee on Education.

1 AN ACT Relating to adding charter school chief executive officers
2 to the list of individuals who may file complaints of unprofessional
3 conduct regarding certificated employees; and amending RCW 28A.410.090.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.410.090 and 2013 c 163 s 1 are each amended to
6 read as follows:

7 (1)(a) Any certificate or permit authorized under the provisions of
8 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may
9 be revoked or suspended by the authority authorized to grant the same
10 based upon a criminal records report authorized by law, or upon the
11 complaint of the professional educator standards board or any school
12 district superintendent, educational service district superintendent,
13 charter school chief executive officer, or private school administrator
14 for immorality, violation of written contract, unprofessional conduct,
15 intemperance, or crime against the law of the state. A reprimand may
16 be issued as an alternative to suspension or revocation of a
17 certificate or permit. School district superintendents, educational
18 service district superintendents, the professional educator standards
19 board, charter school chief executive officers, or private school

1 administrators may file a complaint concerning any certificated
2 employee of a school district, educational service district, charter
3 school, or private school and this filing authority is not limited to
4 employees of the complaining superintendent or administrator. Such
5 written complaint shall state the grounds and summarize the factual
6 basis upon which a determination has been made that an investigation by
7 the superintendent of public instruction is warranted.

8 (b) If the superintendent of public instruction has reasonable
9 cause to believe that an alleged violation of this chapter or rules
10 adopted under it has occurred based on a written complaint alleging
11 physical abuse or sexual misconduct by a certificated school employee
12 filed by a parent or another person, but no complaint has been
13 forwarded to the superintendent by a school district superintendent,
14 educational service district superintendent, charter school chief
15 executive officer, or private school administrator, and that a school
16 district superintendent, educational service district superintendent,
17 charter school chief executive officer, or private school administrator
18 has sufficient notice of the alleged violation and opportunity to file
19 a complaint, the superintendent of public instruction may cause an
20 investigation to be made of the alleged violation, together with such
21 other matters that may be disclosed in the course of the investigation
22 related to certificated personnel.

23 (2) A parent or another person may file a written complaint with
24 the superintendent of public instruction alleging physical abuse or
25 sexual misconduct by a certificated school employee if:

26 (a) The parent or other person has already filed a written
27 complaint with the educational service district superintendent
28 concerning that employee;

29 (b) The educational service district superintendent has not caused
30 an investigation of the allegations and has not forwarded the complaint
31 to the superintendent of public instruction for investigation; and

32 (c) The written complaint states the grounds and factual basis upon
33 which the parent or other person believes an investigation should be
34 conducted.

35 (3) Any certificate or permit authorized under the provisions of
36 this chapter, chapter 28A.405 RCW, or rules adopted thereunder may be
37 revoked or suspended by the authority authorized to grant the same upon
38 complaint from the professional educator standards board alleging

1 unprofessional conduct in the form of a fraudulent submission of a test
2 for educators. A reprimand may be issued as an alternative to
3 suspension or revocation of a certificate or permit. The professional
4 educator standards board must issue to the superintendent of public
5 instruction a written complaint stating the grounds and factual basis
6 upon which the professional educator standards board believes an
7 investigation should be conducted pursuant to this section. In all
8 cases under this subsection, the person whose certificate is in
9 question shall be given an opportunity to be heard and has the right to
10 appeal as established in RCW 28A.410.100.

11 (4)(a) Any such certificate or permit authorized under this chapter
12 or chapter 28A.405 RCW shall be revoked by the authority authorized to
13 grant the certificate upon a guilty plea or the conviction of any
14 felony crime specified under RCW 28A.400.322, in accordance with this
15 section. The person whose certificate is in question shall be given an
16 opportunity to be heard.

17 (b) Mandatory permanent revocation upon a guilty plea or the
18 conviction of felony crimes specified under RCW 28A.400.322(1) shall
19 apply to such convictions or guilty pleas which occur after July 23,
20 1989, and before July 26, 2009.

21 (c) Mandatory permanent revocation upon a guilty plea or conviction
22 of felony crimes specified under RCW 28A.400.322(2) shall apply to such
23 convictions or guilty pleas that occur on or after July 26, 2009.

24 (d) Revocation of any certificate or permit authorized under this
25 chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction
26 of a crime specified under RCW 28A.400.322 occurring prior to July 23,
27 1989, shall be subject to the provisions of subsection (1) of this
28 section.

29 (5)(a) Any such certificate or permit authorized under this chapter
30 or chapter 28A.405 RCW shall be suspended or revoked, according to the
31 provisions of this subsection, by the authority authorized to grant the
32 certificate upon a finding that an employee has engaged in an
33 unauthorized use of school equipment to intentionally access material
34 depicting sexually explicit conduct or has intentionally possessed on
35 school grounds any material depicting sexually explicit conduct; except
36 for material used in conjunction with established curriculum. A first
37 time violation of this subsection shall result in either suspension or

1 revocation of the employee's certificate or permit as determined by the
2 office of the superintendent of public instruction. A second violation
3 shall result in a mandatory revocation of the certificate or permit.

4 (b) In all cases under this subsection (5), the person whose
5 certificate is in question shall be given an opportunity to be heard
6 and has the right to appeal as established in RCW 28A.410.100.
7 Certificates or permits shall be suspended or revoked under this
8 subsection only if findings are made on or after July 24, 2005. For
9 the purposes of this subsection, "sexually explicit conduct" has the
10 same definition as provided in RCW 9.68A.011.

11 (6) Any such certificate or permit authorized under this chapter or
12 chapter 28A.405 RCW shall be revoked by the authority authorized to
13 grant the certificate upon a finding that the certificate holder
14 obtained the certificate through fraudulent means, including fraudulent
15 misrepresentation of required academic credentials or prior criminal
16 record. In all cases under this subsection, the person whose
17 certificate is in question shall be given an opportunity to be heard
18 and has the right to appeal as established in RCW 28A.410.100.
19 Certificates or permits shall be revoked under this subsection only if
20 findings are made on or after July 26, 2009.

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