

SSB 5983 - S AMD 180

By Senators Benton, Schmidt, Hargrove, Kohl-Welles, McAuliffe

ADOPTED 03/10/2005

1 On page 6, after line 14, insert the following:

2 "Sec. 4. RCW 28A.410.090 and 2004 c 134 s 2 are each amended to
3 read as follows:

4 (1) Any certificate or permit authorized under the provisions of
5 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may
6 be revoked or suspended by the authority authorized to grant the same
7 based upon a criminal records report authorized by law, or upon the
8 complaint of any school district superintendent, educational service
9 district superintendent, or private school administrator for
10 immorality, violation of written contract, unprofessional conduct,
11 intemperance, or crime against the law of the state.

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

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

29 (a) The parent or other person has already filed a written

1 complaint with the educational service district superintendent
2 concerning that employee;

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

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

9 (3) Any such certificate or permit authorized under this chapter or
10 chapter 28A.405 RCW shall be revoked by the authority authorized to
11 grant the certificate upon a guilty plea or the conviction of any
12 felony crime involving the physical neglect of a child under chapter
13 9A.42 RCW, the physical injury or death of a child under chapter 9A.32
14 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61
15 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual
16 offenses under chapter 9A.44 RCW where a minor is the victim, promoting
17 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase
18 of a minor child under RCW 9A.64.030, or violation of similar laws of
19 another jurisdiction. The person whose certificate is in question
20 shall be given an opportunity to be heard. Mandatory permanent
21 revocation upon a guilty plea or the conviction of felony crimes
22 specified under this subsection shall apply to such convictions or
23 guilty pleas which occur after July 23, 1989. Revocation of any
24 certificate or permit authorized under this chapter or chapter 28A.405
25 RCW for a guilty plea or criminal conviction occurring prior to July
26 23, 1989, shall be subject to the provisions of subsection (1) of this
27 section.

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

1 office of the superintendent of public instruction. A second violation
2 shall result in a mandatory revocation of the certificate or permit.

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

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10 On page 1, line 2 of the title, after "28A.410.210" strike "and
11 28A.305.130" and insert ", 28A.305.130, and 28A.410.090"

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