
SECOND ENGROSSED SENATE BILL 5701

State of Washington

63rd Legislature

2013 Regular Session

By Senators Brown, Fain, Rivers, Dammeier, and Cleveland

Read first time 02/11/13. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to authorizing penalties based on the fraudulent
2 submission of tests for educators; and amending RCW 28A.410.090.

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

4 **Sec. 1.** RCW 28A.410.090 and 2009 c 396 s 5 are each amended to
5 read as follows:

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

1 filing authority is not limited to employees of the complaining
2 superintendent or administrator. Such written complaint shall state
3 the grounds and summarize the factual basis upon which a determination
4 has been made that an investigation by the superintendent of public
5 instruction is warranted.

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

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

23 (a) The parent or other person has already filed a written
24 complaint with the educational service district superintendent
25 concerning that employee;

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

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

32 (3) Any certificate or permit authorized under the provisions of
33 this chapter, chapter 28A.405 RCW, or rules adopted thereunder may be
34 revoked or suspended by the authority authorized to grant the same upon
35 complaint from the professional educator standards board alleging
36 unprofessional conduct in the form of a fraudulent submission of a test
37 for educators. A reprimand may be issued as an alternative to
38 suspension or revocation of a certificate or permit. The professional

1 educator standards board must issue to the superintendent of public
2 instruction a written complaint stating the grounds and factual basis
3 upon which the professional educator standards board believes an
4 investigation should be conducted pursuant to this section. In all
5 cases under this subsection, the person whose certificate is in
6 question shall be given an opportunity to be heard and has the right to
7 appeal as established in RCW 28A.410.100.

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

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

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

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

26 ((+4)) (5)(a) Any such certificate or permit authorized under this
27 chapter or chapter 28A.405 RCW shall be suspended or revoked, according
28 to the provisions of this subsection, by the authority authorized to
29 grant the certificate upon a finding that an employee has engaged in an
30 unauthorized use of school equipment to intentionally access material
31 depicting sexually explicit conduct or has intentionally possessed on
32 school grounds any material depicting sexually explicit conduct; except
33 for material used in conjunction with established curriculum. A first
34 time violation of this subsection shall result in either suspension or
35 revocation of the employee's certificate or permit as determined by the
36 office of the superintendent of public instruction. A second violation
37 shall result in a mandatory revocation of the certificate or permit.

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

8 (~~(5)~~) (6) Any such certificate or permit authorized under this
9 chapter or chapter 28A.405 RCW shall be revoked by the authority
10 authorized to grant the certificate upon a finding that the certificate
11 holder obtained the certificate through fraudulent means, including
12 fraudulent misrepresentation of required academic credentials or prior
13 criminal record. In all cases under this subsection, the person whose
14 certificate is in question shall be given an opportunity to be heard
15 and has the right to appeal as established in RCW 28A.410.100.
16 Certificates or permits shall be revoked under this subsection only if
17 findings are made on or after July 26, 2009.

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