
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 the suspension or revocation of
2 certificates or permits to teach based on the fraudulent submission of
3 tests for educators; 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 2009 c 396 s 5 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 or private school administrator for immorality, violation of written
14 contract, unprofessional conduct, intemperance, or crime against the
15 law of the state. School district superintendents, educational service
16 district superintendents, or private school administrators may file a
17 complaint concerning any certificated employee of a school district,
18 educational service district, or private school and this filing
19 authority is not limited to employees of the complaining superintendent

1 or administrator. Such written complaint shall state the grounds and
2 summarize the factual basis upon which a determination has been made
3 that an investigation by the superintendent of public instruction is
4 warranted.

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

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

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

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

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

31 (3) Any certificate or permit authorized under the provisions of
32 this chapter, chapter 28A.405 RCW, or rules adopted thereunder may be
33 revoked or suspended by the authority authorized to grant the same upon
34 complaint from the professional educator standards board alleging
35 unprofessional conduct in the form of a fraudulent submission of a test
36 for educators. The professional educator standards board must issue to
37 the superintendent of public instruction a written complaint stating
38 the grounds and factual basis upon which the professional educator

1 standards board believes an investigation should be conducted pursuant
2 to this section. In all cases under this subsection, the person whose
3 certificate is in question shall be given an opportunity to be heard
4 and has the right to appeal as established in RCW 28A.410.100.

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

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

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

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

23 ((+4)) (5)(a) Any such certificate or permit authorized under this
24 chapter or chapter 28A.405 RCW shall be suspended or revoked, according
25 to the provisions of this subsection, by the authority authorized to
26 grant the certificate upon a finding that an employee has engaged in an
27 unauthorized use of school equipment to intentionally access material
28 depicting sexually explicit conduct or has intentionally possessed on
29 school grounds any material depicting sexually explicit conduct; except
30 for material used in conjunction with established curriculum. A first
31 time violation of this subsection shall result in either suspension or
32 revocation of the employee's certificate or permit as determined by the
33 office of the superintendent of public instruction. A second violation
34 shall result in a mandatory revocation of the certificate or permit.

35 (b) In all cases under this subsection ((+4)) (5), the person
36 whose certificate is in question shall be given an opportunity to be
37 heard and has the right to appeal as established in RCW 28A.410.100.
38 Certificates or permits shall be suspended or revoked under this

1 subsection only if findings are made on or after July 24, 2005. For
2 the purposes of this subsection, "sexually explicit conduct" has the
3 same definition as provided in RCW 9.68A.011.

4 ~~((5))~~ (6) Any such certificate or permit authorized under this
5 chapter or chapter 28A.405 RCW shall be revoked by the authority
6 authorized to grant the certificate upon a finding that the certificate
7 holder obtained the certificate through fraudulent means, including
8 fraudulent misrepresentation of required academic credentials or prior
9 criminal record. In all cases under this subsection, the person whose
10 certificate is in question shall be given an opportunity to be heard
11 and has the right to appeal as established in RCW 28A.410.100.
12 Certificates or permits shall be revoked under this subsection only if
13 findings are made on or after July 26, 2009.

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