
Education Committee

HB 2456

Brief Description: Establishing provisions for disclosure of sexual misconduct by applicants for school district employment.

Sponsors: Representatives McDonald, Lantz, Carrell, Bush, Pearson, Ahern, Haigh, Armstrong, Talcott, Shabro, Holmquist, Kristiansen, Anderson, Chase, Moeller, Morrell and Woods.

Brief Summary of Bill

- Requires school districts to exchange information regarding sexual misconduct, if any, about prospective, former, or current employees.
- Requires school districts to verify an employee's state certification status.
- Prohibits a school district from hiring an applicant who does not authorize a release of records.
- Limits disclosure of information obtained under an authorized release.
- Establishes a misdemeanor violation for misuse of the information obtained.
- Prohibits a school district from suppressing information about employee sexual misconduct.
- Requires the State Board of Education to adopt a definition for "sexual misconduct."

Hearing Date: 1/29/04

Staff: Sydney Forrester (786-7120).

Background:

School districts are required to conduct a criminal background check on school employees. School districts are not, however, required to contact an applicant's current or former employer to obtain reference information. Some forms of school employee misconduct may not necessarily result in criminal prosecution or conviction, due to severance agreements, resignations agreements, or other agreements, and information about the misconduct may not be detected through a criminal background check.

Summary of Bill:

Prior to hiring an applicant for a certificated or classified position, a school district must obtain the applicant's written authorization for release of the applicant's records regarding sexual misconduct, if any, from the applicant's former or current school district employer. An applicant who refuses to provide the authorization may not be offered employment with the district.

A school district must submit the authorization with a request for the records, if any, to the appropriate school district, and also must verify with the Superintendent of Public Instruction an applicant's certification status.

A school district receiving such a request for records must, within 20 days, provide the hiring district with information in the applicant's personnel file regarding sexual misconduct, if any. A school district may offer conditional employment pending its review of information obtained from another school district.

School districts and their employees who, in good faith, release the information requested are immune from civil liability. Information received by the hiring district may be disclosed only to those directly involved in the hiring decision. Misuse of the information constitutes a misdemeanor.

Beginning September 1, 2004, no school district may enter into an agreement to suppress or expunge from personnel files information about employee sexual misconduct. Information about alleged misconduct, not substantiated, may be expunged from an employee's personnel file.

The State Board of Education is directed to define "sexual misconduct" for application to certificated and classified employees. The definition must include a requirement that the school district has determined there is sufficient information to conclude the conduct occurred and that it resulted in the employee's departure from employment with the school district.

Appropriation: None.

Fiscal Note: Requested on DATE.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.