

# FINAL BILL REPORT

## SSB 6171

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Synopsis as Enacted

**Brief Description:** Regarding misconduct investigations conducted by the superintendent of public instruction.

**Sponsors:** Senate Committee on Education (originally sponsored by Senators Benton, Kohl-Welles, Carlson, Stevens, Johnson, Esser, T. Sheldon and Pflug).

**Senate Committee on Education**

**House Committee on Education**

**House Committee on Appropriations**

**Background:** Under current law, the Office of the Superintendent of Public Instruction (OSPI) has the authority to initiate and conduct investigations of misconduct of certificated school employees. For the purposes of completing the investigation, OSPI is given the authority to subpoena witnesses, compel testimony, gather evidence and administer oaths and affirmations. If an individual fails to obey a subpoena or give evidence to OSPI, a court may issue an order requiring the individual to appear before the court and show cause why he or she has not complied.

**Summary:** OSPI must complete an investigation of a certificated employee for sexual misconduct towards a child within one year of the initiation of the investigation unless there is an ongoing law enforcement investigation. In that case, OSPI has 30 days from the completion of the other investigation, including court proceedings. OSPI may take additional time for reasonable cause but must notify the parties as listed. If OSPI does not complete the investigation within the allowed time, OSPI is subject to a civil penalty of \$50 per day for each day beyond the allowed time.

Written notice of the final disposition of any complaint must be provided by OSPI to the person who filed the complaint.

Parents and community members are authorized to file complaints alleging physical abuse or sexual misconduct directly with OSPI, and OSPI is given the authority to initiate an investigation based solely on the complaint from a parent or community member.

Prior to conducting an investigation, OSPI must verify that the incident has been reported to the proper law enforcement agency as required by the mandatory child abuse reporting laws.

**Votes on Final Passage:**

Senate	49	0	
House	95	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 10, 2004