
SENATE BILL 5677

State of Washington

59th Legislature

2005 Regular Session

By Senators Benton, Kohl-Welles, Sheldon, Stevens, Jacobsen, Oke, Keiser and Rasmussen

Read first time 02/02/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to revocation of certificates or permits to teach;
2 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 2004 c 134 s 2 are each amended to
5 read as follows:

6 (1) 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 any school district superintendent, educational service
11 district superintendent, or private school administrator for
12 immorality, violation of written contract, unprofessional conduct,
13 intemperance, or crime against the law of the state.

14 If the superintendent of public instruction has reasonable cause to
15 believe that an alleged violation of this chapter or rules adopted
16 under it has occurred based on a written complaint alleging physical
17 abuse or sexual misconduct by a certificated school employee filed by
18 a parent or another person, but no complaint has been forwarded to the
19 superintendent by a school district superintendent, educational service

1 district superintendent, or private school administrator, and that a
2 school district superintendent, educational service district
3 superintendent, or private school administrator has sufficient notice
4 of the alleged violation and opportunity to file a complaint, the
5 superintendent of public instruction may cause an investigation to be
6 made of the alleged violation, together with such other matters that
7 may be disclosed in the course of the investigation related to
8 certificated personnel.

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

12 (a) The parent or other person has already filed a written
13 complaint with the educational service district superintendent
14 concerning that employee;

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

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

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

1 23, 1989, shall be subject to the provisions of subsection (1) of this
2 section.

3 (4) Any such certificate or permit authorized under this chapter or
4 chapter 28A.405 RCW shall be revoked by the authority authorized to
5 grant the certificate upon a finding that an employee has engaged in
6 any unauthorized use of school equipment for sexual gratification or
7 has possessed on school grounds any material that is pornographic or
8 any material depicting sexually explicit conduct as defined in RCW
9 9.68A.011. The person whose certificate is in question shall be given
10 an opportunity to be heard. Certificates or permits shall be revoked
11 under this subsection only if findings are made on or after the
12 effective date of this section.

--- END ---