

HOUSE BILL REPORT

HB 1017

As Reported By House Committee On:
Education

Title: An act relating to public employment.

Brief Description: Concerning the employment of persons with a history of sexual exploitation of children.

Sponsors: Representatives Forner, Dorn, Brough, Chandler, Brumsickle, Vance, Cooke, Thomas, Long, Reams, Van Luven, Kremen, Tate, Mielke, Miller, Ballard, Basich, Dyer, Sheldon, Wood, Foreman, Ballasiotes, Schoesler, Morton, Stevens, Carlson, Edmondson, Sehlin, Rayburn and Horn.

Brief History:

Reported by House Committee on:
Education, February 11, 1993, DPS.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Staff: Margaret Allen (786-7191).

Background: The Office of the Superintendent of Public Instruction (SPI) is responsible for the certification of teaching candidates, and for the revocation of certificates under certain circumstances.

A current statute prevents a felony conviction older than 10 years from being the sole basis for disqualifying a person from employment by the State, one of its subdivisions or agencies (such as school districts) or for denying the person a necessary occupational license or certificate (such as for teaching). The law does permit consideration of the fact of the conviction in determining whether to employ or grant a license to a person convicted of a felony more than 10 years earlier.

Another statute requires SPI to revoke, without possibility of reinstatement, the teaching certificate of a person convicted of one or more specified felonies against a child. Those felonies include the physical neglect, injury or death of a child (except those involving motor vehicle violations), sale or purchase of a child, and various sex offenses involving a child.

The Office of the Superintendent of Public Instruction treats applicants for reinstatement as applicants for initial certification. Consequently, a potential conflict exists between the provision that a 10-year-old felony conviction does not solely disqualify a candidate for certification, and the requirement of mandatory permanent revocation of the certificate of someone convicted of a specified felony.

There is concern that sex offenders against children are not amenable to treatment or rehabilitation.

Various technical changes are made.

Summary of Substitute Bill: The existing statute providing a felony conviction more than 10 years earlier cannot be the sole basis for disqualifying a candidate from governmental employment or from professional licensing is amended.

A person is disqualified for a certificate to teach by a prior guilty plea or conviction of a felony involving one or more specified sex offenses involving a child, even if the time elapsed since the guilty plea or conviction is 10 years or more.

Similarly, a person is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children, by a prior guilty plea or conviction of a felony involving one or more specified sexual offenses involving a child, even if the time elapsed since the guilty plea or conviction is 10 years or more.

The disqualifications apply only to persons applying for certification or employment on or after the effective date of the act.

The act does not affect the duties or powers of the Office of the Superintendent of Public Instruction under the mandatory revocation statute.

Substitute Bill Compared to Original Bill: Disqualification is mandatory rather than permissive, and is extended to

classified employees. A clarification is added that the act applies only to persons who apply for certification or employment after the effective date. An additional clarification is added that the act does not affect the duties or powers of the Office of the Superintendent of Public Instruction under the mandatory revocation statute.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is no room for anyone who sexually abuses children in the school system. Evidence indicates people who are sexually attracted to children cannot be rehabilitated.

Testimony Against: None.

Witnesses: Representative Elmira Forner, Sponsor; Marsha Holland, Washington State PTA; Thomas Turner; Diane Ediger; Judy Hartman, Washington Education Association; and Susan Gament.