
SUBSTITUTE SENATE BILL 6171

State of Washington

58th Legislature

2004 Regular Session

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

READ FIRST TIME 02/05/04.

1 AN ACT Relating to misconduct investigations conducted by the
2 superintendent of public instruction; amending RCW 28A.410.095; adding
3 a new section to chapter 28A.410 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.410.095 and 1992 c 159 s 5 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction may initiate and
8 conduct investigations as may be reasonably necessary to establish the
9 existence of any alleged violations of or noncompliance with this
10 chapter or any rules adopted under it. This authority includes the
11 ability to initiate an investigation based on a written complaint of a
12 parent or community member filed under the provisions of section 2 of
13 this act. For the purpose of any investigation or proceeding under
14 this chapter, the superintendent or any officer designated by the
15 superintendent may administer oaths and affirmations, subpoena
16 witnesses and compel their attendance, take evidence, and require the
17 production of any books, papers, correspondence, memoranda, agreements,
18 or other documents or records that the superintendent deems relevant
19 and material to the inquiry.

1 (2) Investigations conducted by the superintendent of public
2 instruction concerning alleged sexual misconduct towards a child shall
3 be completed within one year of the initiation of the investigation or
4 within thirty days of the completion of all proceedings, including
5 court proceedings, resulting from an investigation conducted by law
6 enforcement or child protective services if there is such an
7 investigation. The superintendent of public instruction may take, for
8 reasonable cause, additional time for completion of the investigation
9 after informing the victim, the individual being investigated, and the
10 school district that employs the individual being investigated of the
11 reasons additional time is needed and the amount of additional time
12 needed. Written notification must be provided to each of the parties
13 who must be informed. The sole remedy for a failure to complete an
14 investigation of sexual misconduct within the time allowed by this
15 subsection is a civil penalty of fifty dollars per day for each day
16 beyond the allowed time.

17 (3) If any person fails to obey a subpoena or obeys a subpoena but
18 refuses to give evidence, any court of competent jurisdiction, upon
19 application by the superintendent, may issue to that person an order
20 requiring him or her to appear before the court and to show cause why
21 he or she should not be compelled to obey the subpoena, and give
22 evidence material to the matter under investigation. The failure to
23 obey an order of the court may be punishable as contempt.

24 (4) Once an investigation has been initiated by the superintendent
25 of public instruction, the investigation shall be completed regardless
26 of whether the individual being investigated has resigned his or her
27 position or allowed his or her teaching certificate to lapse.

28 (5) An investigation into sexual or physical abuse of a student by
29 a school employee shall only be initiated by the superintendent of
30 public instruction after the superintendent of public instruction
31 verifies that the incident has been reported to the proper law
32 enforcement agency or the department of social and health services as
33 required under RCW 26.44.030.

34 NEW SECTION. Sec. 2. A new section is added to chapter 28A.410
35 RCW to read as follows:

36 A parent or community member may file a complaint directly with the

1 superintendent of public instruction alleging that a certificated
2 school employee is not of good moral character or personal fitness or
3 has committed an act of unprofessional conduct if:

4 (1) He or she has already filed a written complaint with the
5 educational service district superintendent concerning that employee;

6 (2) The educational service district superintendent has determined
7 that no investigation is to be conducted and has not forwarded the
8 complaint on to the superintendent of public instruction for
9 investigation; and

10 (3) The written complaint states the grounds and factual basis upon
11 which the parent or community member believes an investigation should
12 be conducted.

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