

# FINAL BILL REPORT

## SHB 1017

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Synopsis as Enacted

C 71 L 93

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

By House Committee on Education (originally sponsored by 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).

House Committee on Education  
Senate Committee on Education

**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 more than 10 years old from being the sole basis for disqualifying a person from employment by the state, one of its subdivisions or agencies such as a school district. Such a conviction may also not be the sole basis 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 such a person.

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 (other than through a motor vehicle violation), the 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 teaching certificate of someone convicted of a specified felony.

Further, there is concern that sex offenders against children are not amenable to treatment or rehabilitation.

**Summary:** The existing statute providing that a felony conviction more than 10 years old 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 with such a guilty plea or conviction is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children.

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.

**Votes on Final Passage:**

House	94	0
Senate	46	0

**Effective:** July 25, 1993