

SENATE BILL REPORT

SHB 1017

AS REPORTED BY COMMITTEE ON EDUCATION, APRIL 2, 1993

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

SPONSORS: 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

Majority Report: Do pass.

Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, A. Smith, and Winsley.

Staff: Leslie Goldstein (786-7424)

Hearing Dates: March 19, 1993; April 2, 1993

BACKGROUND:

The Office of the Superintendent of Public Instruction (SPI) issues and revokes teaching certificates consistent with rules adopted by the State Board of Education.

In 1989, the Legislature enacted laws requiring SPI to permanently revoke 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 Legislature also prohibited school districts from employing any person convicted of specified offenses involving children if the person had regular contact with children.

Under current law a felony conviction older than 10 years cannot be the sole basis for disqualifying a person from employment by the state, one of its subdivisions or agencies, including school districts, or for denying the person a necessary occupational license or certificate. The law does permit the conviction to be considered in determining whether to employ or grant a license to a person.

The Office of the Superintendent of Public Instruction treats applicants for reinstatement of their teaching certificates

similarly to 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 teacher convicted of a specified felony.

SUMMARY:

A certificate to teach cannot be issued to a person who has pled guilty or been convicted of a felony involving one or more specified sex offenses involving a child, even if the guilty plea or conviction occurred more than 10 years in the past.

A person who will have regular contact with children cannot be employed by a school district, educational service district, or a contractor with the district if the person has pled guilty or been convicted of specified sexual offenses involving a child, even if the guilty plea or conviction occurred more than 10 years in the past.

This applies only to persons applying for certification or employment on or after the effective date of the act.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Sexual abuse is different from other crimes. Sexual offenders do not respond to treatment. Persons who have been convicted of sex offenses involving children do not belong in our schools. Parents want to know their children are safe.

TESTIMONY AGAINST: None

TESTIFIED: Representative Forner, original prime sponsor (pro); Susan Patrick, State Board of Education (pro); Marcia Holland, PTA (pro)