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## Education Committee

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### SSB 6171

**Brief Description:** Regarding misconduct investigations conducted by the superintendent of public instruction.

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

#### Brief Summary of Substitute Bill

- Establishes minimum timelines for completion of investigations by the Office of the Superintendent of Public Instruction (OSPI) concerning sexual misconduct by certificated employees.
- Permits the OSPI to investigate written complaints regarding teacher misconduct filed by parents or community members.
- Requires that complaints regarding sexual or physical abuse be reported to law enforcement or the Department of Social and Health Services (DSHS) prior to the OSPI initiating an investigation.
- Requires completion of all investigations initiated.
- Establishes a monetary civil penalty for failure to complete an investigation on time.

**Hearing Date:** 2/23/04

**Staff:** Sydney Forrester (786-7120).

#### Background:

The Superintendent of Public Instruction (SPI) is authorized to investigate alleged violations of, or noncompliance with, teacher certification laws and rules. For the purpose of conducting investigations, the SPI is authorized to gather evidence, administer oaths and affirmations, subpoena witnesses, and compel testimony. The SPI's investigative powers are administrative and are in addition to criminal investigative authority granted to law enforcement agencies.

#### Summary of Bill:

The SPI is expressly authorized to investigate a written complaint from a parent or community member regarding alleged teacher misconduct. Complaints regarding lack or good moral

character or personal fitness or unprofessional conduct of a teacher must first be filed with the Educational Service District superintendent. If the ESD superintendent finds the complaint does not warrant further investigation and does not forward the complaint to the SPI, the parent or community member may file the complaint with the SPI. Such a complaint must state the factual basis upon which the parent or community member believes an investigation should be conducted.

The SPI may investigate complaints of sexual or physical abuse only if a report of the alleged incident or incidents has been filed with law enforcement or the DSHS as required under the child abuse reporting statute. Investigations of alleged sexual misconduct must be complete within one year of the initiation of the investigation if there is no corresponding investigation underway by law enforcement or child protective services. If law enforcement or child protective services are conducting an investigation of the same complaint, the SPI must complete the investigation within 30 days after the completion of proceedings, including court proceedings, of the criminal investigation. Every investigation initiated by the SPI must be completed regardless of whether the individual being investigated resigns, surrenders his or her teaching certificate, or allows the certificate to lapse.

The SPI may, for reasonable cause, take additional time to complete an investigation but must inform the victim, the individual being investigated, and the school district in writing of the reasons additional time is needed. Failure to complete an investigation of sexual misconduct within the prescribed time is remedied solely by a civil penalty of \$50 per additional day.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.