
SENATE BILL 6171

State of Washington

58th Legislature

2004 Regular Session

By Senators Benton, Kohl-Welles, Carlson, Stevens, Johnson, Esser, T. Sheldon and Pflug

Read first time 01/14/2004. Referred to Committee on Education.

1 AN ACT Relating to investigations of complaints against school
2 employees; amending RCW 28A.410.095; adding a new section to chapter
3 28A.400 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.400
6 RCW to read as follows:

7 (1) The superintendent of public instruction may initiate and
8 conduct investigations of any complaint against a school employee as
9 may be reasonably necessary to establish a violation of any rules,
10 regulations, or personnel policies established by that employee's
11 school district. For the purpose of any investigation or proceeding
12 under this chapter, the superintendent or any officer designated by the
13 superintendent may administer oaths and affirmations, subpoena
14 witnesses and compel their attendance, take evidence, and require the
15 production of any books, papers, correspondence, memoranda, agreements,
16 or other documents or records that the superintendent deems relevant
17 and material to the inquiry.

18 (2) Investigations conducted by the superintendent of public
19 instruction concerning alleged sexual misconduct towards a child shall

1 be completed within one year of the initiation of the investigation.
2 The superintendent of public instruction may request additional time
3 for completion of the investigation by informing the victim, the
4 individual being investigated, and the school district that employs the
5 individual being investigated of the reasons additional time is needed
6 and the amount of additional time needed. Written consent to the
7 request must be obtained from each of the parties who must be informed.
8 The sole remedy for a failure to complete an investigation of sexual
9 misconduct within one year or within the time consented to by each of
10 the contacted parties is a civil penalty of fifty dollars per day for
11 each day beyond the allowed time.

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

19 **Sec. 2.** RCW 28A.410.095 and 1992 c 159 s 5 are each amended to
20 read as follows:

21 (1) The superintendent of public instruction may initiate and
22 conduct investigations as may be reasonably necessary to establish the
23 existence of any alleged violations of or noncompliance with this
24 chapter or any rules adopted under it. For the purpose of any
25 investigation or proceeding under this chapter, the superintendent or
26 any officer designated by the superintendent may administer oaths and
27 affirmations, subpoena witnesses and compel their attendance, take
28 evidence, and require the production of any books, papers,
29 correspondence, memoranda, agreements, or other documents or records
30 that the superintendent deems relevant and material to the inquiry.

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