

6171-S

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

Brief Description: Regarding investigations of complaints against school employees. Revised for 1st Substitute: Regarding misconduct investigations conducted by the superintendent of public instruction.

SB 6171-S - DIGEST

(DIGEST AS ENACTED)

Provides that investigations conducted by the superintendent of public instruction concerning alleged sexual misconduct towards a child shall be completed within one year of the initiation of the investigation or within thirty days of the completion of all proceedings, including court proceedings, resulting from an investigation conducted by law enforcement or child protective services if there is such an investigation.

Provides that the superintendent of public instruction may take, for reasonable cause, additional time for completion of the investigation after informing the victim, the individual being investigated, and the school district that employs the individual being investigated of the reasons additional time is needed and the amount of additional time needed. Written notification must be provided to each of the parties who must be informed.

Declares that the sole remedy for a failure to complete an investigation of sexual misconduct within the time allowed by this provision is a civil penalty of fifty dollars per day for each day beyond the allowed time.

Provides that, once an investigation has been initiated by the superintendent of public instruction, the investigation shall be completed regardless of whether the individual being investigated has resigned his or her position or allowed his or her teaching certificate to lapse.

Provides that an investigation into sexual or physical abuse of a student by a school employee shall only be initiated by the superintendent of public instruction after the superintendent of public instruction verifies that the incident has been reported to the proper law enforcement agency or the department of social and health services as required under RCW 26.44.030.

Authorizes a parent or another person to file a written complaint with the superintendent of public instruction alleging physical abuse or sexual misconduct by a certificated school employee if:

- (1) The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;

- (2) The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and

- (3) The written complaint states the grounds and factual basis

upon which the parent or other person believes an investigation should be conducted.