

2SHB 2212 - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED 04/14/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.415
4 RCW to read as follows:

5 (1) The office of the superintendent of public instruction shall
6 verify that degrees earned by certificated staff, that are used to
7 increase earnings on the salary schedule consistent with RCW
8 28A.415.023, are obtained from an educational institution accredited by
9 an accrediting association recognized by rule of the higher education
10 coordinating board.

11 (2) No salary increase may be approved before there has been
12 verification of accreditation under subsection (1) of this section.

13 (3)(a) Certificated staff who submit degrees received from an
14 unaccredited educational institution for the purposes of receiving a
15 salary increase shall be fined three hundred dollars. The fine shall
16 be paid to the office of the superintendent of public instruction and
17 used for costs of administering this section.

18 (b) In addition to the fine in (a) of this subsection, certificated
19 staff who receive salary increases based upon degrees earned from
20 educational institutions that have been verified to be unaccredited
21 must reimburse the district for any compensation received based on
22 these degrees.

23 **Sec. 2.** RCW 28A.410.090 and 2004 c 134 s 2 are each amended to
24 read as follows:

25 (1) Any certificate or permit authorized under the provisions of
26 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may
27 be revoked or suspended by the authority authorized to grant the same
28 based upon a criminal records report authorized by law, or upon the
29 complaint of any school district superintendent, educational service

1 district superintendent, or private school administrator for
2 immorality, violation of written contract, unprofessional conduct,
3 intemperance, or crime against the law of the state.

4 If the superintendent of public instruction has reasonable cause to
5 believe that an alleged violation of this chapter or rules adopted
6 under it has occurred based on a written complaint alleging physical
7 abuse or sexual misconduct by a certificated school employee filed by
8 a parent or another person, but no complaint has been forwarded to the
9 superintendent by a school district superintendent, educational service
10 district superintendent, or private school administrator, and that a
11 school district superintendent, educational service district
12 superintendent, or private school administrator has sufficient notice
13 of the alleged violation and opportunity to file a complaint, the
14 superintendent of public instruction may cause an investigation to be
15 made of the alleged violation, together with such other matters that
16 may be disclosed in the course of the investigation related to
17 certificated personnel.

18 (2) A parent or another person may file a written complaint with
19 the superintendent of public instruction alleging physical abuse or
20 sexual misconduct by a certificated school employee if:

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

24 (b) The educational service district superintendent has not caused
25 an investigation of the allegations and has not forwarded the complaint
26 to the superintendent of public instruction for investigation; and

27 (c) The written complaint states the grounds and factual basis upon
28 which the parent or other person believes an investigation should be
29 conducted.

30 (3) Any such certificate or permit authorized under this chapter or
31 chapter 28A.405 RCW shall be revoked by the authority authorized to
32 grant the certificate upon a guilty plea or the conviction of any
33 felony crime involving the physical neglect of a child under chapter
34 9A.42 RCW, the physical injury or death of a child under chapter 9A.32
35 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61
36 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual
37 offenses under chapter 9A.44 RCW where a minor is the victim, promoting
38 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase

1 of a minor child under RCW 9A.64.030, or violation of similar laws of
2 another jurisdiction. The person whose certificate is in question
3 shall be given an opportunity to be heard. Mandatory permanent
4 revocation upon a guilty plea or the conviction of felony crimes
5 specified under this subsection shall apply to such convictions or
6 guilty pleas which occur after July 23, 1989. Revocation of any
7 certificate or permit authorized under this chapter or chapter 28A.405
8 RCW for a guilty plea or criminal conviction occurring prior to July
9 23, 1989, shall be subject to the provisions of subsection (1) of this
10 section.

11 (4)(a) Any such certificate or permit authorized under this chapter
12 or chapter 28A.405 RCW shall be suspended or revoked, according to the
13 provisions of this subsection, by the authority authorized to grant the
14 certificate upon a finding that an employee has engaged in an
15 unauthorized use of school equipment to intentionally access material
16 depicting sexually explicit conduct or has intentionally possessed on
17 school grounds any material depicting sexually explicit conduct; except
18 for material used in conjunction with established curriculum. A first
19 time violation of this subsection shall result in either suspension or
20 revocation of the employee's certificate or permit as determined by the
21 office of the superintendent of public instruction. A second violation
22 shall result in a mandatory revocation of the certificate or permit.

23 (b) In all cases under this subsection (4), the person whose
24 certificate is in question shall be given an opportunity to be heard
25 and has the right to appeal as established in RCW 28A.410.100.
26 Certificates or permits shall be suspended or revoked under this
27 subsection only if findings are made on or after the effective date of
28 this section. For the purposes of this subsection, "sexually explicit
29 conduct" has the same definition as provided in RCW 9.68A.011."

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30 On page 1, line 1 of the title, after "certification;" strike the

1 remainder of the title and insert "amending RCW 28A.410.090; and adding
2 a new section to chapter 28A.415 RCW."

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