
Education Committee

HB 2461

Brief Description: Expanding the list of crimes requiring school employees' dismissal or certification revocation.

Sponsors: Representatives McDonald, Anderson, Morrell, Campbell and Roach.

Brief Summary of Bill

- Expands the list of crimes which result in mandatory termination, revocation, and prohibition from school grounds to include all sex offenses, regardless of the age of the victim.
- Requires mandatory revocation when the certificate was obtained through fraudulent means.
- Directs that school employees must notify employing school districts immediately after arrest for certain specified crimes.
- Requires the Office of the Superintendent of Public Instruction (OSPI) to review, on a quarterly basis, information provided by the Washington State Patrol regarding convictions and guilty pleas.
- Requires school districts to notify the OSPI of nonrenewals, terminations, and certain arrests.

Hearing Date: 2/1/08

Staff: Cece Clynch (786-7195).

Background:

Mandatory Termination for Certain Crimes. A school district must immediately terminate the employment of any certificated or classified employee upon conviction or a guilty plea to certain

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

specified crimes against children, such as physical injury or death of a child and promoting prostitution of a child. The employee remains terminated unless he or she prevails on appeal.

Discharge for Probable Cause. School districts may discharge certificated school employee for probable cause. Examples of conduct for which an employee could be discharged for probable cause include immorality, sexual misconduct with children, supplying alcohol to minors, abusive behavior toward children, and insubordination. Employees discharged for probable cause have a right to a hearing.

Revocation of Certificate. A certificate must be permanently revoked by the Office of the Superintendent of Public Instruction (OSPI) upon a guilty plea or the conviction of any of the same crimes against children for which a certificated employee must be terminated. This permanent mandatory revocation provision applies to pleas or convictions after July 23, 1989. A person whose certificate has been permanently revoked has a right of appeal.

In addition, upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct, the certificate must be suspended or revoked. A first time violation results in either suspension or revocation, as determined by the OSPI. A second violation results in mandatory revocation.

Certificates may also be revoked for immorality, violation of written contract, unprofessional conduct, intemperance, or crimes against the law of the state. A due process hearing is available.

Contractor's Employees Barred From School. Additionally, any contract for services entered into by a school district must provide that any of the contractor's employees convicted or pleading guilty to these same specified crimes must be prohibited from working at a public school.

Upon a person's conviction or plea of guilty for any of the specified crimes which result in mandatory termination and revocation, a prosecuting attorney must notify the Washington State Patrol (WSP). The WSP, in turn, is required to notify the OSPI. The OSPI is required to review the information provided by the WSP to determine whether the person holds a certificate issued by the OSPI. If so, the OSPI must provide this information to the PESB and the employing school district.

Summary of Bill:

All sex offenses, as defined in the Sentencing Reform Act of 1981, are added to the list of crimes which result in mandatory, permanent termination and revocation. The age of the victim is immaterial. A plea of guilty or conviction for any of these sex offenses after the bill takes effect must result in termination and revocation. For these additional crimes, a plea of guilty or a conviction which occurs before the effective date may result in termination or revocation under existing law.

Mandatory revocation must also occur upon a finding that the certificate holder obtained the certificate through fraudulent means, including but not limited to misrepresentation of required academic credentials, prior criminal record, or employment history.

Classified employees and certificated staff are required to notify the school district immediately following an arrest for any felony which would result in mandatory termination if the employee

pleaded guilty or was convicted. School districts are required to notify the OSPI regarding all arrests, terminations, and nonrenewals.

The prosecutor's duty to report to the WSP, and the WSP's duty to report to the OSPI, are expanded to include sex offenses as well as the crimes against children already specified in law. The OSPI must review the information provided by the WSP on at least a quarterly basis.

School districts are prohibited from reaching agreements which are in conflict with the termination and notice provisions in the bill.

Appropriation: None.

Fiscal Note: Available.

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