
Education Committee

HB 3103

Brief Description: Expanding the list of crimes that require dismissal or certificate revocation for school employees.

Sponsors: Representative Darneille.

Brief Summary of Bill

- Adds many additional crimes to the list of crimes which result in mandatory termination of certificated and classified school employees, mandatory permanent certificate revocation, and the barring of contractor's employees from school grounds.

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 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 employees 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 an 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.

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.

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.

Summary of Bill:

The list of crimes, for which convictions or pleas of guilty result in mandatory termination, is expanded to include crimes such as any felony with sexual motivation, incest, kidnapping, and robbery. The victim of the crime need not be a child or minor. Attempts, conspiracies, or solicitations to commit any of the crimes on the list are also cause for mandatory termination.

Certificates must be revoked upon a guilty plea or conviction for any of the crimes on the expanded list. Contractor's employees who have been convicted of any of these crimes are prohibited from the school.

The new provisions apply to convictions or pleas of guilty which occur on or after the effective date.

Appropriation: None.

Fiscal Note: Available.

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