

5533-S2

Sponsor(s): Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Johnson, McAuliffe, Carlson, Keiser, Rasmussen and Kline)

Brief Description: Establishing provisions for disclosure of misconduct by applicants for school district employment. Revised for 1st Substitute: Establishing provisions for disclosure of sexual misconduct by applicants for school district employment. Revised for 2nd Substitute: Providing increased access to information on disciplinary actions taken against school employees.

SB 5533-S2.E - DIGEST

(DIGEST AS ENACTED)

Finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts.

Provides that, before hiring an applicant, a school district shall request the applicant to sign a statement: (1) Authorizing the applicant's current and past employers to disclose to the hiring school district sexual misconduct, if any, by the applicant and making available to the hiring school district copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct by the applicant; and

(2) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in this act.

Provides that, by September 1, 2004, the state board of education has the authority to and shall adopt rules defining "verbal abuse," "physical abuse," and "sexual misconduct" as used in this act for application to all classified and certificated employees. The definition of sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the misconduct occurred and that the misconduct resulted in the employee's leaving his or her position at the school district.

Declares that information received under this act shall be used by a school district only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this provision is guilty of a misdemeanor.

Provides that school personnel have the right to review their entire personnel file relating to sexual misconduct as addressed in this act and attach rebuttals to any documents as the employee

deems necessary. These rebuttal documents shall be disclosed in the same manner as the document to which they refer. The provisions of this act shall not override any protections provided individuals under the state whistleblower laws as established in chapter 42.41 RCW.

Provides that school districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts shall provide parents with information regarding their rights under the Washington public disclosure act, chapter 42.17 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis.