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HOUSE BILL 1850

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State of Washington                      63rd Legislature                      2013 Regular Session

By Representative Klippert

Read first time 02/12/13. Referred to Committee on Education.

1            AN ACT Relating to authorizing school districts to take actions  
2 related to certificated school employees charged with certain felony  
3 crimes; and amending RCW 28A.405.470.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 28A.405.470 and 2009 c 396 s 4 are each amended to  
6 read as follows:

7            (1) A school district board of directors shall immediately place an  
8 employee on compulsory administrative leave:

9            (a) Upon being informed and verifying that an employee whose  
10 certificate or permit authorized under chapter 28A.405 or 28A.410 RCW  
11 is subject to revocation under RCW 28A.410.090(3) upon a guilty plea or  
12 conviction of any felony crime specified under RCW 28A.400.322 has been  
13 charged with any such felony crime; and

14            (b) If a judge finds there is probable cause for the charge.

15            (2) A school district board of directors may continue to pay the  
16 regular salary and any compensation due to an employee placed on  
17 compulsory administrative leave pursuant to subsection (1) of this  
18 section, but must pay the salary and other compensation into an  
19 interest-bearing trust account where the money remains until resolution

1 of the criminal case. In the event that the employee enters a guilty  
2 plea or is convicted of any of the applicable charges, the contents of  
3 the trust account must return to the school district. In the event  
4 that the applicable charges are dismissed or the employee is acquitted  
5 of those charges, the contents of the trust account must be transferred  
6 to the employee.

7 (3) The school district shall immediately terminate the employment  
8 of any person whose certificate or permit authorized under chapter  
9 28A.405 or 28A.410 RCW is subject to revocation under RCW  
10 28A.410.090(3) upon a guilty plea or conviction of any felony crime  
11 specified under RCW 28A.400.322. Employment shall remain terminated  
12 unless the employee successfully prevails on appeal. A school district  
13 board of directors is entitled to recover from the employee any salary  
14 or other compensation that may have been paid to the employee for the  
15 period between such time as the employee was placed on administrative  
16 leave, based upon criminal charges that the employee committed a felony  
17 crime specified under RCW 28A.400.322, and the time termination becomes  
18 final. This section shall only apply to employees holding a  
19 certificate or permit who have contact with children during the course  
20 of their employment.

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