

# HOUSE BILL REPORT

## 2SSB 6272

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### As Reported By House Committee On:

Education

**Title:** An act relating to record checks of educational employees.

**Brief Description:** Requiring school employees with regularly scheduled unsupervised access to children to undergo record checks.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Long, Fairley, Winsley, Fraser, Kohl, Drew, Smith, Thibaudeau, Prentice, Wojahn, Snyder, Sheldon, Loveland, Bauer, Franklin, Rinehart, Haugen, Rasmussen, Owen, Heavey, Quigley, Oke, Schow and Roach).

### Brief History:

#### Committee Activity:

Education: 2/20/96, 2/22/96 [DPA].

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 19 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Clements; Fuhrman; Hatfield; Linville; McMahan; Pelesky; Poulsen; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

**Staff:** Susan Ronn (786-7292).

**Background:** Since 1992, all new school district employees who will have regularly scheduled unsupervised access to children must have a fingerprint-background check. Employees hired prior to 1992 have not had background checks unless they have transferred to different districts.

Either the district or contractor hiring the employee determines who is responsible for the cost of the background check.

Currently, when a certificated employee is discharged, the employee is assured of notice, an opportunity for a hearing to determine whether probable cause for discharge exists, and the right to appeal the decision to the appropriate superior court. Classified employees have no such statutory rights, except the right to appeal to the

superior court and the right to appeal through a collective bargaining agreement when immediately terminated.

**Summary of Amended Bill:** All current school district employees who have regularly scheduled unsupervised access to children must have background checks, including a fingerprint check. All such background checks must be completed by July 31, 1999. A timeline for fingerprinting and completing the record checks shall be established by the state patrol and the Superintendent of Public Instruction (SPI). SPI shall send a copy of the background check report to the employee. Employees, educational service districts (ESDs), and school districts shall not be required to pay for the background checks.

A certificate or permit may be revoked or suspended based upon a criminal records report.

Employers must consider certain factors before making employment decisions regarding a current classified employee when that employee's background check indicates a criminal conviction.

All current statutes regarding appeals of decisions to discharge classified or certificated employees are applicable to decisions based on information obtained from background checks.

SPI shall adopt rules to include employee and certification applicant access to background check information and limiting access to SPI, appropriate school districts, and appropriate ESDs.

**Amended Bill Compared to Second Substitute Bill:** The amended bill changes the timeline for completion of the background checks. The second substitute required all record checks to be in process by June 30, 1997, with all work completed by March 31, 1998. The amended bill requires all record checks to be completed by July 31, 1999.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

**Testimony For:** The bill will help to make schools safe. Provisions regarding access to the records and decision-making based on a record check are good. However, the background checks should be completed over a longer period than is provided for in the second substitute. The state should bear the burden of the cost.

**Testimony Against:** None.

**Testified:** Jean Ameluxen, Office of the Superintendent of Public Instruction; John Kvamme, Tacoma Public Schools; and Judy Hartmann, Washington Education Association.