

HOUSE BILL REPORT

SSB 5552

As Passed House:

April 11, 2005

Title: An act relating to information required for school district employment applicants.

Brief Description: Requiring school districts to request information from employment applicants' out-of-state employers.

Sponsors: By Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Kohl-Welles, McAuliffe, Benton, Johnson, Shin, Carrell, Rasmussen, Mulliken and Roach).

Brief History:

Committee Activity:

Education: 3/28/05, 3/30/05 [DP].

Floor Activity:

Passed House: 4/11/05, 66-30.

Brief Summary of Substitute Bill

- Includes out-of-state school district employers with Washington school district employers for the purpose of sharing information regarding sexual misconduct by school employees.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

Staff: Sydney Forrester (786-7120).

Background:

Background Checks and Notice Regarding Convictions

School districts are required to conduct criminal background checks on applicants for employment positions with regularly scheduled unsupervised contact with children. Classroom teachers must undergo a fingerprint criminal records check when applying for a teaching certificate. The background check is intended to reveal any pre-employment convictions. After employment, if a school employee is convicted or pleads guilty to certain types of crimes, the school district employer must be notified.

Some forms of school employee misconduct may not necessarily result in criminal prosecution or conviction, due to the nature of the conduct or to resignation agreements or other agreements. In those cases, information about the misconduct would not be detected through a pre-employment criminal background check or through the post-employment notice requirements for certain convictions and guilty pleas.

Information Sharing Between School Districts

In 2004, the Legislature enacted a law to require school districts, prior to hiring an applicant for a certificated or classified position, to obtain the applicant's written authorization for release of the applicant's records regarding sexual misconduct, if any, from the applicant's former and/or current school district employers. School districts must submit the authorization with a request for the applicant's records, if any, to the appropriate school district or districts. An applicant who refuses to provide the authorization cannot be offered employment with the district.

School districts receiving such a request must provide the hiring district with any information in the applicant's personnel file regarding sexual misconduct. The hiring school district may offer conditional employment pending its review of information obtained from another school district. For all applicants for certificated employment, school districts must request from the Superintendent of Public Instruction verification of certification status and information regarding sexual misconduct, if any.

School districts and their employees who, in good faith, release the information requested are immune from civil liability. Information received by hiring districts may be disclosed only to those directly involved in the hiring decision. Misuse of the information constitutes a misdemeanor.

Definition of Sexual Misconduct

The State Board of Education has defined "sexual misconduct" for the purposes of information sharing between school district employers to include the criterion that sexual misconduct occurs only when a school district determines it has sufficient information to conclude that an employee engaged in the sexual misconduct and it resulted in the employee leaving a position with the school district.

Summary of Bill:

Clarifying language is added to include out-of-state school districts with Washington school districts for the purpose of sharing information regarding sexual misconduct by school employees. An applicant for a position in a Washington school district may not be denied employment if the out-of-state school district cannot or does not comply with the request for information.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is a clean-up bill from the legislation passed last session. We realized that current law might not be clear in how it applies to out-of-state school district employers. We want to ensure that hiring school districts gather information from employers who are out-of-state whenever possible. This also provides that an applicant for a job in Washington won't be penalized if the out-of-state employer cannot or does not respond to a request for information.

Testimony Against: None.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.