

2 **2SSB 6272** - H COMM AMD **ADOPTED 3-1-96**
3 By Committee on Education

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** (1) In accordance with the time line
8 established under subsection (3) of this section, school districts,
9 educational service districts, and their contractors shall require that
10 all employees who have regularly scheduled unsupervised access to
11 children and were hired before June 11, 1992, undergo a record check
12 through the Washington state patrol criminal identification system
13 under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and
14 through the federal bureau of investigation. The record check shall
15 include a fingerprint check using a complete Washington state criminal
16 identification fingerprint card. The superintendent of public
17 instruction shall provide a copy of the record report to the employee.
18 Once an employee has a record check as required under this section,
19 additional record checks shall not be required of the employee unless
20 required by other provisions of law.

21 (2) Employees, school districts, and educational service districts
22 shall not be required by the state patrol or superintendent of public
23 instruction to pay for the record check required in subsection (1) of
24 this section.

25 (3) Notwithstanding other provisions of law, the state patrol and
26 the superintendent of public instruction shall complete the record
27 checks required in this section no later than July 31, 1999. The state
28 patrol and the superintendent of public instruction shall establish a
29 time line for the submission of fingerprint identification cards and
30 for completion of the record checks, and shall notify the legislature,
31 school districts, and educational service districts of the time line.
32 The time line shall ensure that all of the record checks required by
33 this section are completed by July 31, 1999.

34 (4) This section expires July 31, 1999.

35 **Sec. 2.** RCW 28A.410.090 and 1992 c 159 s 4 are each amended to
36 read as follows:

1 (1) Any certificate or permit authorized under the provisions of
2 this chapter, chapter 28A.405 RCW, or rules ~~((and regulations))~~
3 promulgated thereunder may be revoked or suspended by the authority
4 authorized to grant the same based upon a criminal records report
5 authorized by law, or upon the complaint of any school district
6 superintendent, educational service district superintendent, or private
7 school administrator for immorality, violation of written contract,
8 unprofessional conduct, intemperance, or crime against the law of the
9 state.

10 If the superintendent of public instruction has reasonable cause to
11 believe that an alleged violation of this chapter or rules adopted
12 under it has occurred, but no complaint has been filed pursuant to this
13 chapter, and that a school district superintendent, educational service
14 district superintendent, or private school administrator has sufficient
15 notice of the alleged violation and opportunity to file a complaint,
16 the superintendent of public instruction may cause an investigation to
17 be made of the alleged violation, together with such other matters that
18 may be disclosed in the course of the investigation related to
19 certificated personnel.

20 (2) Any such certificate or permit authorized under this chapter or
21 chapter 28A.405 RCW shall be revoked by the authority authorized to
22 grant the certificate upon a guilty plea or the conviction of any
23 felony crime involving the physical neglect of a child under chapter
24 9A.42 RCW, the physical injury or death of a child under chapter 9A.32
25 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61
26 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual
27 offenses under chapter 9A.44 RCW where a minor is the victim, promoting
28 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase
29 of a minor child under RCW 9A.64.030, or violation of similar laws of
30 another jurisdiction. The person whose certificate is in question
31 shall be given an opportunity to be heard. Mandatory permanent
32 revocation upon a guilty plea or the conviction of felony crimes
33 specified under this subsection shall apply to such convictions or
34 guilty pleas which occur after July 23, 1989. Revocation of any
35 certificate or permit authorized under this chapter or chapter 28A.405
36 RCW for a guilty plea or criminal conviction occurring prior to July
37 23, 1989, shall be subject to the provisions of subsection (1) of this
38 section.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.400
2 RCW to read as follows:

3 (1) When a record check required under section 1 of this act
4 indicates that a classified employee has been convicted of a crime, the
5 employer shall consider the following when making employment decisions
6 pertaining to the individual:

7 (a) The age and maturity of the individual at the time the crime
8 was committed;

9 (b) The seriousness of the crime and any mitigating factors;

10 (c) The likelihood that the crime will be repeated;

11 (d) The proximity in time of the crime;

12 (e) Evidence that would support good moral character and personal
13 fitness; and

14 (f) Other appropriate factors.

15 (2) This section expires July 1, 1999.

16 NEW SECTION. **Sec. 4.** (1) Any classified employee or certificated
17 employee dismissed or otherwise adversely affected as a result of a
18 conviction identified in the record check required under section 1 of
19 this act shall be allowed to appeal under the appropriate statutes,
20 including, but not limited to, RCW 28A.400.320 and 28A.400.340 and
21 chapters 28A.645 and 28A.405 RCW.

22 (2) This section expires July 1, 1999.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.400
24 RCW to read as follows:

25 The superintendent of public instruction shall adopt rules as
26 necessary under chapter 34.05 RCW on record check information. The
27 rules shall include, but not be limited to the following:

28 (1) Written procedures providing a school district employee or
29 applicant for certification or employment access to and review of
30 information obtained based on the record check required under RCW
31 28A.400.303 and section 1 of this act; and

32 (2) Written procedures limiting access to the superintendent of
33 public instruction record check data base to only those individuals
34 processing record check information at the office of the superintendent
35 of public instruction, the appropriate school district or districts,
36 and the appropriate educational service district or districts.

1 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this
2 act, referencing this act by bill or chapter number, is not provided by
3 June 30, 1996, in the omnibus appropriations act, this act is null and
4 void.

5 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect immediately."

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12 On page 1, line 1 of the title, after "employees;" strike the
13 remainder of the title and insert "amending RCW 28A.410.090; adding new
14 sections to chapter 28A.400 RCW; creating new sections; providing
15 expiration dates; and declaring an emergency."

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