

# SENATE BILL REPORT

## SSB 5213

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As Passed Senate, March 4, 1999

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

**Brief Description:** Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children.

**Sponsors:** Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl-Welles and Costa).

**Brief History:**

**Committee Activity:** Education: 1/18/99, 2/1/99 [DPS].  
Passed Senate, 3/4/99, 48-0.

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

**Staff:** Susan Mielke (786-7422)

**Background:** State law requires most classroom teachers in private schools to have a Washington State teaching certificate.

Since 1992, all applicants seeking an initial Washington State teaching certificate must undergo a fingerprint record check to discover any in-state or out-of-state criminal convictions. The applicant is responsible for the \$53 record check fee. In addition, there is a charge for obtaining the applicant's fingerprints, which ranges between \$5 and \$20.

Since 1992, all public school employee applicants (certificated and classified) who will have regularly scheduled unsupervised access to children must undergo a fingerprint record check. In 1996, the state required and funded fingerprint record checks for all public school employees hired prior to 1992 who have regularly scheduled unsupervised access to children but had not had a fingerprint record check.

**Summary of Bill:** Beginning on July 1, 1999, all future private school employee applicants, who will have regularly scheduled unsupervised access to children and who have not had a fingerprint record check, must begin the process for a fingerprint record check by September 30, 1999. The Superintendent of Public Instruction must provide the applicant a copy of the record report. The private school or the applicant must pay the costs associated with the record check. Applicants may be employed on a conditional basis pending completion of the investigation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** This bill addresses the safety of children. Since public schools require background checks, private schools can become a place where violators can gain employment without the fear of background checks. The state provided a one-time funding for state school employees with the cost of future checks borne by the schools and the individuals. This bill provides no funding for private schools. Requiring unfunded checks for current employees is expensive and discriminatory. The state Attorney General has found that it is not a constitutional violation for the state to provide funding for background checks in private schools. There are times when private schools should be treated differently than public schools, but this is not one of them.

**Testimony Against:** None.

**Testified:** Stephen Dinger, WFIS; Joan Yoshitomi, OSPI; Harry Purpur, Seattle Archdiocese; Joe Pope, AWSP (pro); Dwayne Slate, WSSDA (pro).

**House Amendment(s):** The mandate that approved private schools obtain a record check on employees hired on or after the effective date of this act through the WSP/FBI is removed. Approved private schools are authorized to obtain record checks on current and future employees with unsupervised access to children.