

# SENATE BILL REPORT

## ESSB 5668

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As Passed Senate, March 12, 1999

**Title:** An act relating to criminal records checks for school employees and volunteers.

**Brief Description:** Regarding criminal records checks for volunteers who have regularly scheduled unsupervised access to children.

**Sponsors:** Senate Committee on Education (originally sponsored by Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen).

**Brief History:**

**Committee Activity:** Education: 2/24/99, 3/3/99 [DPS].  
Passed Senate, 3/12/99, 48-0.

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass.

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

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

**Background:** Since 1992, state law has required all public school employee applicants (certificated and classified) who will have regularly scheduled unsupervised access to children to undergo a fingerprint-record check to discover any in-state or out-of-state criminal records. Currently state law does not require public school volunteers to undergo a fingerprint-record check, although some districts have policies requiring volunteers to undergo an in-state criminal record check.

Several state laws permit the request of in-state criminal record information. Unless the request is for a nonprofit organization or for criminal justice purposes, there is a fee. Health care facilities have specific authority to share copies of completed in-state criminal background check information, in certain circumstances.

**Summary of Bill:** Businesses, schools, organizations, and agencies may share an individual's criminal records check information with school districts, if the individual is a volunteer with the school district and the individual permits the sharing of information.

If a school volunteer tells a school he or she has undergone a records check in the past two years, then the school may ask the volunteer to furnish the school with the record check information or to sign a release to the business, school, organization, or agency that sought the information. Once the school requests the information from the business, school, organization, or agency, it must be furnished to the school. If the information is shared, the school must also require the volunteer to sign a statement indicating that there has been no

conviction since the check was made. Those who share the information in accordance with this act have immunity from liability for sharing the information.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Big Brothers, Big Sisters has a program to put volunteers into the Spokane schools. Big Brothers requires a record check to participate in their program and the school district requires a record check to volunteer in the schools. So there are two record checks run on the same individual. The bill allows them to share the information. It lowers costs and lowers hassles.

**Testimony Against:** Some school districts will not take advantage of this because they already have a process for checking volunteers.

**Testified:** Senator West (pro); Judy Hartmann, Tacoma School District (concerns).