

HOUSE BILL REPORT

HB 2996

As Passed Legislature

Title: An act relating to record check information.

Brief Description: Including approved private schools in the superintendent of public instruction's record check information rules.

Sponsors: Representatives Quall and Priest.

Brief History:

Committee Activity:

Education: 1/26/10, 2/2/10 [DP].

Floor Activity:

Passed House: 2/10/10, 96-0.

Passed Senate: 2/27/10, 40-0.

Passed Legislature.

Brief Summary of Bill

- Authorizes the same record check access rules and procedures be used for approved private schools as are used for school districts, educational school districts, tribal schools, and others.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 13 members: Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier, Fagan, Hunt, Johnson, Liias, Orwall, Probst, Santos and Sullivan.

Staff: Cece Clynch (786-7195).

Background:

School districts, educational service districts, the State Center for Childhood Deafness and Hearing Loss, the State School for the Blind, and contractors who will have regularly scheduled unsupervised access to children, must require a record check through the Washington State Patrol (WSP) criminal identification system and through the Federal

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Bureau of Investigation (FBI) before hiring an employee. Federal Bureau of Indian Affairs funded schools may use this same process to perform record checks for their employees and applicants for employment.

The Office of the Superintendent of Public Instruction (OSPI) was tasked with adopting rules regarding record checks and access to record check information. These rules were required to include written procedures providing the various schools' employees or applicants for certification or employment access to and review of information obtained pursuant to the record checks described above. These rules must also contain written procedures limiting access to the OSPI record check database to only those individuals processing record check information at the OSPI, the appropriate school district or districts, the Washington State Center for Childhood Deafness and Hearing Loss, the State School for the Blind, the appropriate educational service district or districts, and the appropriate tribal schools.

Another section of state law requires most teachers in private schools to have a Washington teaching certificate. The certification process includes record checks. State law further authorizes private schools to require that employees who have regularly scheduled unsupervised access to children undergo a record check through the WSP and through the FBI.

This latter law explicitly provides that the OSPI must provide a copy of the record to the private school employee or applicant. There is no statutory provision specifically authorizing access to information from the OSPI record check database by individuals processing record check information for private schools.

Summary of Bill:

Rules adopted by the OSPI regarding access to record check information are applicable to approved private schools, as well as to those persons and entities already covered under the rules.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Allowing private schools to have the same access to record check information that public schools and others already have will permit private schools to have important information during the hiring process. Difficult employment situations may be avoided. All of the private schools in Washington support this.

(Opposed) None.

Persons Testifying: Representative Quall, prime sponsor; Judy Jennings, Washington Federation of Independent Schools; and Donna Christensen, Washington Catholic Conference.

Persons Signed In To Testify But Not Testifying: None.