
Education Committee

HB 2220

Brief Description: Volunteering in schools after a criminal conviction.

Sponsors: Representatives Dolan, Callan, Ortiz-Self, Ryu, Appleton, Valdez, Frame, Davis, Ormsby, Irwin, Wylie, Doglio, Santos and Peterson.

Brief Summary of Bill

- Establishes requirements for certain entities that perform criminal background record checks on parents, grandparents, guardians, or legal custodians of enrolled students as part of volunteer applications.

Hearing Date: 1/13/20

Staff: Megan Wargacki (786-7194).

Background:

Record Check Requirements for School Volunteers. A record check is criminal history record information obtained through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation that includes a fingerprint check. School districts, educational service districts, the Center for Childhood Deafness and Hearing Loss, the School for the Blind, Federal Bureau of Indian Affairs-funded schools, charter schools, and state-tribal compact schools, and their contractors may perform record checks for any prospective volunteer who will have regularly scheduled unsupervised access to children under 18 years of age or developmentally disabled persons, during the course of his or her involvement with the school or organization under circumstances where access will or may involve groups of five or fewer children under 12 years of age, groups of three or fewer children between 12 and 18 years of age, or developmentally disabled persons.

If a volunteer alerts a school district that the volunteer has undergone a criminal records check in accordance with applicable state law within the two years before the time the volunteer is volunteering in the school, then the school may request that the volunteer furnish the school with

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a copy of the criminal history record information or sign a release to allow the organization that originally obtained the criminal history record information to permit the record information to be shared with the school. Once the school requests the information from the organization the information must be furnished to the school. An organization or its official that shares the criminal history record information with the requesting school in accordance with this section is immune from criminal and civil liability for dissemination of the information. If the criminal history record information is shared, the school must require the volunteer to sign a disclosure statement indicating that there has been no conviction since the completion date of the most recent criminal background inquiry.

Certificate of Restoration of Opportunity. A CROP may be granted to a person by a superior court if the person meets the following eligibility requirements, the applicant must:

- have achieved the applicable waiting period following sentencing or release from confinement, as follows: one year for misdemeanors and gross misdemeanors when sentenced to probation or some other noncustodial sentence; 18 months for misdemeanors and gross misdemeanors when sentenced to a term of confinement; two years for a class B or C felony; or five years for any violent offense;
- be in compliance with or completed all sentencing requirements, including legal financial obligations;
- not have any new arrests, convictions, or pending criminal charges or known imminent charges; and
- not be required to register as a sex offender.

A person is not eligible for a CROP if he or she has ever been convicted of any of the following offenses: a class A felony, an attempt to commit a class A felony, or criminal solicitation of or criminal conspiracy to commit a class A felony; a sex offense; a crime that includes sexual motivation; extortion in the first degree; drive-by shooting; vehicular assault; or luring.

In general, a public entity may not disqualify a person who holds a CROP for a license, certificate, or qualification to engage in the practice of a profession or business solely based on criminal history if the person meets all other statutory or regulatory requirements. The following entities may disqualify a person who holds a CROP based solely on criminal history: criminal justice agencies and the Washington State Bar Association. The following entities may disqualify a person who holds a CROP based solely on criminal history if the profession or license would give the person unsupervised access to vulnerable persons: the Department of Social and Health Services, the Department of Children, Youth, and Families, and the Department of Health.

Summary of Bill:

When an entity that is permitted to perform record checks for prospective volunteers performs a records check on a parent, grandparent, guardian, or legal custodian of an enrolled student ("parent") the entity must comply with the following requirements.

The entity must notify the parent about the process for submitting criminal innocence or rehabilitation-related documents, which means evidence that a criminal conviction is the subject of: (i) expungement, pardon, vacation, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted; (ii) a

pardon, annulment, or other equivalent procedure based on a finding of innocence; or (iii) a CROP.

For a parent with one or more criminal convictions who has submitted a criminal innocence or rehabilitation-related document addressing each conviction, the entity may not deny the parent's volunteer application based on a criminal conviction if the parent signed a statement indicating that the parent has not been convicted of any crime since the date that the criminal innocence or rehabilitation-related document was issued.

For a parent with one or more criminal convictions who has not submitted a criminal innocence or rehabilitation-related document addressing each conviction, the entity must complete the following process to determine whether to approve the parent's volunteer application. The school must consider the length of time since the commission of the last crime for which the parent was convicted and whether any criminal conviction involved a minor child victim; and may consider other specified factors, for example the age of the parent on the date of the commission of the last crime for which the parent was convicted, or may limit the parent's unsupervised access to children under eighteen years of age and to persons with developmental disabilities if this would give the parent the opportunity to have meaningful involvement in the school.

If a parent's volunteer application is denied, within five days, the school must notify the parent of the school's decision, state specific reasons for the denial, and provide the procedure for appealing the school's decision. The parent may then appeal to the Office of the Superintendent of Public Instruction according to procedures established by the Superintendent of Public Instruction.

In addition, provisions describing a process to allow any volunteer to provide to a school district criminal history record information obtained within the prior two years instead of undergoing a new record check are expanded to all educational entities permitted to perform record checks.

Appropriation: None.

Fiscal Note: Requested on January 8, 2020.

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