

HOUSE BILL REPORT

HB 2259

As Passed Legislature

Title: An act relating to the office of the superintendent of public instruction's authority to conduct criminal background checks.

Brief Description: Expanding background check requirements for certain educational institutions.

Sponsors: Representatives Rude, Leavitt and Thai; by request of Superintendent of Public Instruction.

Brief History:

Committee Activity:

Education: 1/20/20, 2/4/20 [DP].

Floor Activity:

Passed House: 2/17/20, 98-0.

Passed Senate: 3/3/20, 48-0.

Passed Legislature.

Brief Summary of Bill

- Requires specified education entities to perform a criminal history record check before hiring an employee who will receive criminal history record information or personally identifiable information in another employee's criminal history record.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Calder, Callan, Corry, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Staff: Megan Wargacki (786-7194).

Background:

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.

Before hiring an employee who will have regularly scheduled unsupervised access to children or persons with developmental disabilities, the following entities must require a criminal history record check that includes a fingerprint check (record check) through the Washington State Patrol Criminal Identification System and through the Federal Bureau of Investigation (FBI): school districts, educational service districts, the Center for Deaf and Hard of Hearing Youth (CDHY), the State School for the Blind (WSSB), and their contractors.

If the applicant has had a record check within the previous two years, the requesting entity may waive the requirement for a record check. The entity hiring the employee determines who pays costs associated with the record check.

Summary of Bill:

School districts, educational service districts, the Office of the Superintendent of Public Instruction (OSPI), the CDHY, the WSSB, and their contractors must require a record check before hiring an employee who will receive criminal history record information or personally identifiable information from another employee's record check.

The OSPI is also added to the list of entities that: must require a record check before hiring an employee who will have regularly scheduled unsupervised access to children or persons with developmental disabilities; may waive this requirement if the applicant has had a record check within the previous two years; and have discretion about who pays costs associated with the record check.

Appropriation: None.

Fiscal Note: Available.

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) Federal law requires that the OSPI have explicit statutory authority to perform FBI fingerprint criminal background checks on their employees and that the Department of Justice approve the authorizing statute.

The OSPI has rules that direct the agency to perform these criminal background checks, but this rule does not meet the requirements of federal law. However, the FBI has precleared this statutory change in this bill.

Protecting student safety and protecting sensitive information is important. This is a technical fix to allow the OSPI further statutory authority to ensure safety in these areas.

(Opposed) None.

Persons Testifying: Representative Rude, prime sponsor; and Dierk Meierbachtol, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.