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ENGROSSED SUBSTITUTE HOUSE BILL 2220

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State of Washington

66th Legislature

2020 Regular Session

**By** House Education (originally sponsored by Representatives Dolan, Callan, Ortiz-Self, Ryu, Appleton, Valdez, Frame, Davis, Ormsby, Irwin, Wylie, Doglio, Santos, and Peterson)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to parental involvement through volunteering in  
2 schools after a criminal conviction; amending RCW 28A.400.303; adding  
3 a new section to chapter 28A.605 RCW; and adding a new section to  
4 chapter 28A.345 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.605  
7 RCW to read as follows:

8 (1) If a criminal history record check performed as part of the  
9 volunteer application process for a parent applicant indicates that  
10 the parent has a criminal history, the school must complete a  
11 criminal history review. When performing a criminal history review a  
12 school must consider the length of time since the commission of the  
13 last crime for which the parent pled guilty or was convicted, and  
14 whether any crime involved a minor child victim. In addition, the  
15 school may consider: (a) The age of the parent on the date of the  
16 commission of the last crime for which the parent pled guilty or was  
17 convicted; (b) whether the parent has been approved by a state agency  
18 to have unsupervised access to children under eighteen years of age  
19 or persons with developmental disabilities; and (c) whether providing  
20 limited access to children under eighteen years of age and to persons  
21 with developmental disabilities within a teacher's classroom would

1 give the parent the opportunity to have meaningful involvement in the  
2 school.

3 (2) Within five days of denying the volunteer application of a  
4 parent, the school must notify the parent of the school's decision,  
5 state specific reasons for the denial, and provide the procedure for  
6 appealing the school's decision to the school's governing body.

7 (3) A school must notify parent applicants for volunteer  
8 positions about the process for submitting documents and statements  
9 related to application review and approval.

10 (4) The definitions in this subsection apply throughout this  
11 section unless the context clearly requires otherwise.

12 (a) "Criminal history record check" means any record check  
13 through either the Washington state patrol or the federal bureau of  
14 investigation, including as authorized under RCW 28A.400.303.

15 (b) "Parent" means a parent, grandparent, guardian, or legal  
16 custodian of a student enrolled at a school.

17 (c) "School" means a school district, an educational service  
18 district, the Washington center for deaf and hard of hearing youth,  
19 the state school for the blind, a federal bureau of Indian affairs-  
20 funded school, a charter school established under chapter 28A.710  
21 RCW, or a school that is the subject of a state-tribal education  
22 compact under chapter 28A.715 RCW, or a contractor of a school.

23 (d) "Unsupervised" has the same meaning as in RCW 28A.400.303

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.345  
25 RCW to read as follows:

26 The Washington state school directors' association, in  
27 consultation with the office of the superintendent of public  
28 instruction and the office of the education ombuds, must develop a  
29 model parent volunteer policy and procedure that addresses the  
30 application review and approval requirements in section 1 of this  
31 act. By September 1, 2020, the Washington state school directors'  
32 association must post the model policy and procedure on its web site.  
33 For the purposes of this section, "parent" has the same meaning as in  
34 section 1 of this act.

35 **Sec. 3.** RCW 28A.400.303 and 2019 c 266 s 20 are each amended to  
36 read as follows:

37 (1) School districts, educational service districts, the  
38 Washington center for deaf and hard of hearing youth, the state

1 school for the blind, and their contractors hiring employees who will  
2 have regularly scheduled unsupervised access to children or  
3 developmentally disabled persons shall require a record check through  
4 the Washington state patrol criminal identification system under RCW  
5 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the  
6 federal bureau of investigation before hiring an employee. The record  
7 check shall include a fingerprint check using a complete Washington  
8 state criminal identification fingerprint card. The requesting entity  
9 may provide a copy of the record report to the applicant at the  
10 applicant's request. When necessary, applicants may be employed on a  
11 conditional basis pending completion of the investigation. If the  
12 applicant has had a record check within the previous two years, the  
13 district, the Washington center for deaf and hard of hearing youth,  
14 the state school for the blind, or contractor may waive the  
15 requirement. Except as provided in subsection (2) of this section,  
16 the district, pursuant to chapter 41.59 or 41.56 RCW, the Washington  
17 center for deaf and hard of hearing youth, the state school for the  
18 blind, or contractor hiring the employee shall determine who shall  
19 pay costs associated with the record check.

20 (2) Federal bureau of Indian affairs-funded schools may use the  
21 process in subsection (1) of this section to perform record checks  
22 for their employees and applicants for employment.

23 (3) (a) School districts, educational service districts, the  
24 Washington center for deaf and hard of hearing youth, the state  
25 school for the blind, federal bureau of Indian affairs-funded  
26 schools, charter schools established under chapter 28A.710 RCW,  
27 schools that are the subject of a state-tribal education compact  
28 under chapter 28A.715 RCW, and their contractors (~~may use the~~  
29 ~~process in subsection (1) of this section to perform record checks~~  
30 ~~for any prospective volunteer who will have regularly scheduled~~  
31 ~~unsupervised access to children under eighteen years of age or~~  
32 ~~developmentally disabled persons, during the course of his or her~~  
33 ~~involvement with the school or organization under circumstances where~~  
34 ~~access will or may involve the following:~~

35 ~~(i) Groups of five or fewer children under twelve years of age;~~  
36 ~~(ii) Groups of three or fewer children between twelve and~~  
37 ~~eighteen years of age; or~~

38 ~~(iii) Developmentally disabled persons.~~

39 ~~(b) For purposes of (a) of this subsection, "unsupervised" means~~  
40 ~~not in the presence of:~~

1       ~~(i) Another employee or volunteer from the same school or~~  
2 ~~organization; or~~

3       ~~(ii) Any relative or guardian of any of the children or~~  
4 ~~developmentally disabled persons to which the prospective employee or~~  
5 ~~volunteer has access during the course of his or her involvement with~~  
6 ~~the school or organization.))~~ must require criminal history record  
7 checks for prospective volunteers as follows:

8       (i) If a prospective volunteer will have unsupervised access to  
9 children under eighteen years of age or persons with developmental  
10 disabilities during the course of his or her involvement with the  
11 school, the school must require a fingerprint record check through  
12 the Washington state patrol criminal identification system and the  
13 federal bureau of investigation; and

14       (ii) If a prospective volunteer will not unsupervised access to  
15 children under eighteen years of age or persons with developmental  
16 disabilities during the course of his or her involvement with the  
17 school, the school must, at a minimum, require a name and birthdate  
18 record check through the Washington state patrol criminal  
19 identification system.

20       (b) The cost of record checks under this subsection (3) must be  
21 paid by or reimbursed by the office of the superintendent of public  
22 instruction.

23       (4) Individuals who hold a valid portable background check  
24 clearance card issued by the department of children, youth, and  
25 families consistent with RCW 43.216.270 can meet the requirements in  
26 subsection (1) of this section by providing a true and accurate copy  
27 of their Washington state patrol and federal bureau of investigation  
28 background report results to the office of the superintendent of  
29 public instruction.

30       (5) The cost of record checks must include: The fees established  
31 by the Washington state patrol and the federal bureau of  
32 investigation for the criminal history background checks; a fee paid  
33 to the superintendent of public instruction for the cost of  
34 administering this section and RCW 28A.195.080 and 28A.410.010; and  
35 other applicable fees for obtaining the fingerprints.

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