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**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.320.155 and  
3 28A.400.303; and adding a new section to chapter 28A.320 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 (1) When a school performs a records check under RCW 28A.400.303  
8 on a parent, the school must comply with the requirements in this  
9 subsection.

10 (a) The school must notify applicants for volunteer positions  
11 about the process for parents to submit criminal innocence or  
12 rehabilitation-related documents.

13 (b) For a parent with one or more criminal convictions who has  
14 submitted a criminal innocence or rehabilitation-related document  
15 addressing each conviction, the school may not deny the parent's  
16 volunteer application based on a criminal conviction if the parent  
17 signed a statement indicating that the parent has not been convicted  
18 of any crime since the date that the criminal innocence or  
19 rehabilitation-related document was issued.

20 (c) For a parent with one or more criminal convictions who has  
21 not submitted a criminal innocence or rehabilitation-related document

1 addressing each conviction, the school must complete the following  
2 process to determine whether to approve the parent's volunteer  
3 application. The school:

4 (i) Must consider the length of time since the commission of the  
5 last crime for which the parent was convicted and whether any  
6 criminal conviction involved a minor child victim; and

7 (ii) May consider: (A) The age of the parent on the date of the  
8 commission of the last crime for which the parent was convicted; (B)  
9 whether the parent has been approved by a state agency to have  
10 unsupervised access to children under eighteen years of age or  
11 persons with developmental disabilities; or (C) limiting the parent's  
12 unsupervised access to children under eighteen years of age and to  
13 persons with developmental disabilities if this would give the parent  
14 the opportunity to have meaningful involvement in the school.

15 (d) Within five days of denying the volunteer application of a  
16 parent, the school must notify the parent of the school's decision,  
17 state specific reasons for the denial, and provide the procedure for  
18 appealing the school's decision.

19 (2) The definitions in this subsection apply throughout this  
20 section unless the context clearly requires otherwise.

21 (a) "Criminal innocence or rehabilitation-related document" means  
22 evidence that a criminal conviction is the subject of: (i)  
23 Expungement, pardon, vacation, annulment, certificate of  
24 rehabilitation, or other equivalent procedure based on a finding of  
25 the rehabilitation of the person convicted; (ii) a pardon, annulment,  
26 or other equivalent procedure based on a finding of innocence; or  
27 (iii) a certificate of restoration of opportunity under RCW 9.97.020.

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

30 (c) "School" means a school district, educational service  
31 district, the Washington center for deaf and hard of hearing youth,  
32 the state school for the blind, a federal bureau of Indian affairs-  
33 funded school, a charter school established under chapter 28A.710  
34 RCW, a school that is the subject of a state-tribal education compact  
35 under chapter 28A.715 RCW, or their contractors.

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

37 **Sec. 2.** RCW 28A.320.155 and 1999 c 21 s 1 are each amended to  
38 read as follows:

1       (1) If a volunteer alerts a school (~~(district)~~) that the  
2 volunteer has undergone a criminal records check in accordance with  
3 applicable state law, including RCW 10.97.050, 28A.400.303,  
4 28A.410.010, or 43.43.830 through 43.43.845, within the two years  
5 before the time the volunteer is volunteering in the school, then the  
6 school may request that the volunteer furnish the school with a copy  
7 of the criminal history record information or sign a release to the  
8 business, school, organization, criminal justice agency, or juvenile  
9 justice or care agency, or other state agency that originally  
10 obtained the criminal history record information to permit the record  
11 information to be shared with the school. Once the school requests  
12 the information from the business, school, organization, or agency  
13 the information shall be furnished to the school. Any business,  
14 school, organization, agency, or its employee or official that shares  
15 the criminal history record information with the requesting school in  
16 accordance with this section is immune from criminal and civil  
17 liability for dissemination of the information.

18       If the criminal history record information is shared, the school  
19 must require the volunteer to sign a disclosure statement indicating  
20 that there has been no conviction since the completion date of the  
21 most recent criminal background inquiry.

22       (2) For the purposes of this section, "school" has the same  
23 meaning as in section 1 of this act.

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

26       (1) School districts, educational service districts, the  
27 Washington center for deaf and hard of hearing youth, the state  
28 school for the blind, and their contractors hiring employees who will  
29 have regularly scheduled unsupervised access to children or  
30 (~~(developmentally disabled)~~) persons with developmental disabilities  
31 shall require a record check through the Washington state patrol  
32 criminal identification system under RCW 43.43.830 through 43.43.834,  
33 10.97.030, and 10.97.050 and through the federal bureau of  
34 investigation before hiring an employee. The record check (~~(shall)~~)  
35 must include a fingerprint check using a complete Washington state  
36 criminal identification fingerprint card. The requesting entity may  
37 provide a copy of the record report to the applicant at the  
38 applicant's request. When necessary, applicants may be employed on a  
39 conditional basis pending completion of the investigation. If the

1 applicant has had a record check within the previous two years, the  
2 district, the Washington center for deaf and hard of hearing youth,  
3 the state school for the blind, or contractor may waive the  
4 requirement. Except as provided in subsection (2) of this section,  
5 the district, pursuant to chapter 41.59 or 41.56 RCW, the Washington  
6 center for deaf and hard of hearing youth, the state school for the  
7 blind, or contractor hiring the employee shall determine who shall  
8 pay costs associated with the record check.

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

12 (3)(a) School districts, educational service districts, the  
13 Washington center for deaf and hard of hearing youth, the state  
14 school for the blind, federal bureau of Indian affairs-funded  
15 schools, charter schools established under chapter 28A.710 RCW,  
16 schools that are the subject of a state-tribal education compact  
17 under chapter 28A.715 RCW, and their contractors may use the process  
18 in subsection (1) of this section to perform record checks for any  
19 prospective volunteer who will have regularly scheduled unsupervised  
20 access to children under eighteen years of age or (~~developmentally~~  
21 ~~disabled~~) persons with developmental disabilities, during the course  
22 of his or her involvement with the school or organization under  
23 circumstances where access will or may involve the following:

24 (i) Groups of five or fewer children under twelve years of age;

25 (ii) Groups of three or fewer children between twelve and  
26 eighteen years of age; or

27 (iii) (~~Developmentally disabled~~) Persons with developmental  
28 disabilities.

29 (b) When the prospective volunteer is a parent, guardian, or  
30 legal custodian of a student enrolled at one of the entities  
31 described in (a) of this subsection, the entity must meet the  
32 requirements of section 1 of this act.

33 (c) For purposes of (a) of this subsection, "unsupervised" means  
34 not in the presence of:

35 (i) Another employee or volunteer from the same school or  
36 organization; or

37 (ii) Any relative or guardian of any of the children or  
38 (~~developmentally disabled~~) persons with developmental disabilities  
39 to which the prospective employee or volunteer has access during the  
40 course of his or her involvement with the school or organization.

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

8           (5) The cost of record checks must include: The fees established  
9 by the Washington state patrol and the federal bureau of  
10 investigation for the criminal history background checks; a fee paid  
11 to the superintendent of public instruction for the cost of  
12 administering this section and RCW 28A.195.080 and 28A.410.010; and  
13 other applicable fees for obtaining the fingerprints.

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