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HOUSE BILL 2259

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Rude, Leavitt, and Thai; by request of Superintendent of Public Instruction

Prefiled 12/20/19. Read first time 01/13/20. Referred to Committee on Education.

1 AN ACT Relating to the office of the superintendent of public  
2 instruction's authority to conduct criminal background checks; and  
3 amending RCW 28A.400.303.

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

5 **Sec. 1.** RCW 28A.400.303 and 2019 c 266 s 20 are each amended to  
6 read as follows:

7 (1) (a) School districts, educational service districts, the  
8 Washington center for deaf and hard of hearing youth, the state  
9 school for the blind, the office of the superintendent of public  
10 instruction, and their contractors (~~(hiring employees who will have~~  
11 ~~regularly scheduled unsupervised access to children or~~  
12 ~~developmentally disabled persons)) shall require a record check  
13 through the Washington state patrol criminal identification system  
14 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and  
15 through the federal bureau of investigation criminal justice  
16 information systems before hiring (~~(an employee. The record check~~  
17 ~~shall include a fingerprint check using a complete Washington state~~  
18 ~~criminal identification fingerprint card.)) the following employees:~~~~

19 (i) Employees who will have regularly scheduled unsupervised  
20 access to children or persons with developmental disabilities; and

1        (ii) Employees who receive criminal history record information or  
2 personally identifiable information from the record check.

3        (b) A record check under this section must include a fingerprint  
4 check using a complete Washington state criminal identification  
5 fingerprint card.

6        (c) The requesting entity may provide a copy of the record report  
7 to the applicant at the applicant's request.

8        (d) When necessary, applicants for employment may be employed on  
9 a conditional basis pending completion of the ~~((investigation))~~  
10 record check.

11        (e) If the applicant for employment has had a record check within  
12 the previous two years, the district, the Washington center for deaf  
13 and hard of hearing youth, the state school for the blind, the office  
14 of the superintendent of public instruction, or contractor may waive  
15 the requirement.

16        (f) Except as provided in subsection (2) of this section, the  
17 school district, pursuant to chapter 41.59 or 41.56 RCW, the  
18 Washington center for deaf and hard of hearing youth, the state  
19 school for the blind, the office of the superintendent of public  
20 instruction, or contractor hiring the employee shall determine who  
21 shall pay costs associated with the record check.

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

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

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

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

1 (iii) (~~Developmentally disabled~~) Persons with developmental  
2 disabilities.

3 (b) For purposes of (a) of this subsection, "unsupervised" means  
4 not in the presence of:

5 (i) Another employee or volunteer from the same school or  
6 organization; or

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

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

18 (5) The cost of record checks must include: The fees established  
19 by the Washington state patrol and the federal bureau of  
20 investigation for the criminal history background checks; a fee paid  
21 to the superintendent of public instruction for the cost of  
22 administering this section and RCW 28A.195.080 and 28A.410.010; and  
23 other applicable fees for obtaining the fingerprints.

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