
SENATE BILL 6655

State of Washington

66th Legislature

2020 Regular Session

By Senator Fortunato

1 AN ACT Relating to background checks for public school employees;
2 amending RCW 28A.400.303; and reenacting and amending RCW
3 28A.410.010.

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) School districts, educational service districts, the
8 Washington center for deaf and hard of hearing youth, the state
9 school for the blind, and their contractors hiring employees who will
10 have regularly scheduled unsupervised access to children or
11 developmentally disabled persons shall require a record check through
12 the Washington state patrol criminal identification system under RCW
13 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the
14 federal bureau of investigation before hiring an employee and
15 biennially thereafter. The record check shall include a fingerprint
16 check using a complete Washington state criminal identification
17 fingerprint card. The requesting entity may provide a copy of the
18 record report to the applicant at the applicant's request. When
19 necessary, applicants may be employed on a conditional basis pending
20 completion of the investigation. (~~If the applicant has had a record~~
21 ~~check within the previous two years, the district, the Washington~~

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

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

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

- 23 (i) Groups of five or fewer children under twelve years of age;
24 (ii) Groups of three or fewer children between twelve and
25 eighteen years of age; or
26 (iii) Developmentally disabled persons.

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

- 29 (i) Another employee or volunteer from the same school or
30 organization; or
31 (ii) Any relative or guardian of any of the children or
32 developmentally disabled persons to which the prospective employee or
33 volunteer has access during the course of his or her involvement with
34 the school or organization.

35 (4) Individuals who hold a valid portable background check
36 clearance card issued by the department of children, youth, and
37 families consistent with RCW 43.216.270 can meet the requirements in
38 subsection (1) of this section by providing a true and accurate copy
39 of their Washington state patrol and federal bureau of investigation
40 background report results to the office of the superintendent of

1 public instruction if the portable background check clearance card
2 was issued within two years before application.

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

9 **Sec. 2.** RCW 28A.410.010 and 2017 3rd sp.s. c 33 s 3 and 2017 3rd
10 sp.s. c 6 s 221 are each reenacted and amended to read as follows:

11 (1)(a) The Washington professional educator standards board shall
12 establish, publish, and enforce rules determining eligibility for and
13 certification of personnel employed in the common schools of this
14 state, including certification for emergency or temporary, substitute
15 or provisional duty and under such certificates or permits as the
16 board shall deem proper or as otherwise prescribed by law. The rules
17 shall require that the initial application for certification shall
18 require, at the applicant's expense, a criminal history record check
19 of the applicant through the Washington state patrol criminal
20 identification system under RCW 43.43.830 through 43.43.834,
21 10.97.030, and 10.97.050 and through the federal bureau of
22 investigation. The record check shall include a fingerprint check
23 using a complete Washington state criminal identification fingerprint
24 card. An individual who holds a valid portable background check
25 clearance card issued by the department of children, youth, and
26 families consistent with RCW 43.216.270 is exempt from the office of
27 the superintendent of public instruction fingerprint background check
28 if the individual provides a true and accurate copy of his or her
29 Washington state patrol and federal bureau of investigation
30 background report results to the office of the superintendent of
31 public instruction and the portable background check clearance card
32 was issued within two years before application. (~~The superintendent~~
33 ~~of public instruction may waive the record check for any applicant~~
34 ~~who has had a record check within the two years before application.~~)
35 The superintendent of public instruction shall use the fingerprint
36 criminal history record check information solely for the purpose of
37 determining eligibility for a certificate under this section. The
38 rules shall permit a holder of a lapsed certificate but not a revoked
39 or suspended certificate, upon submission of a criminal history

1 record check, to be employed on a conditional basis by a school
2 district with the requirement that the holder must complete any
3 certificate renewal requirements established by the state board of
4 education within two years of initial reemployment.

5 (b) In establishing rules pertaining to the qualifications of
6 instructors of American sign language the board shall consult with
7 the national association of the deaf, "sign instructors guidance
8 network" (s.i.g.n.), and the Washington state association of the deaf
9 for evaluation and certification of sign language instructors.

10 (c) The board shall develop rules consistent with RCW 18.340.020
11 for the certification of spouses of military personnel.

12 (2) The superintendent of public instruction shall act as the
13 administrator of any such rules and have the power to issue any
14 certificates or permits and revoke the same in accordance with board
15 rules.

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