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**SENATE BILL 5730**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Liias, Harris, and Cortes

AN ACT Relating to record checks for certain volunteers and contractors who will have regularly scheduled unsupervised access to children or persons with developmental disabilities; and amending RCW 28A.400.303 and 28A.400.305.

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

**Sec.**  RCW 28A.400.303 and 2020 c 22 s 1 are each amended to read as follows:

(1)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, and their contractors shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation criminal justice information systems before hiring the following employees:

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

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

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

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

(d) The requesting entity may only access the record report in accordance with rules adopted by the superintendent of public instruction under RCW 28A.400.305.

(e) When necessary, applicants for employment may be employed on a conditional basis pending completion of the record check.

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

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

(h) An entity requesting a record check under (a) of this subsection (1) must, within a reasonable time frame, be provided notification from the office of the superintendent of public instruction of any disqualification of an applicant and the basis for the disqualification resulting from the record check.

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

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

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

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

(iii) Persons with developmental disabilities.

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

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

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

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

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

(6) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts.

**Sec.**  RCW 28A.400.305 and 2019 c 266 s 21 are each amended to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement RCW 28A.400.303. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, approved private school, Washington center for deaf and hard of hearing youth, state school for the blind, federal bureau of Indian affairs-funded school employee, charter school established under chapter 28A.710 RCW, school that is the subject of a state-tribal education compact under chapter 28A.715 RCW, an entity requesting a record check under RCW 28A.400.303, or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303; and

(2) Written procedures limiting access to the superintendent of public instruction record check database to only those individuals processing record check information at ((~~the~~)):

(a) The office of the superintendent of public instruction((~~, the~~));

(b) The appropriate school district or districts((~~, approved~~));

(c) Approved private schools((~~, the~~));

(d) The Washington center for deaf and hard of hearing youth((~~, the~~));

(e) The state school for the blind((~~, the~~));

(f) The appropriate educational service district or districts((~~, the~~));

(g) The appropriate federal bureau of Indian affairs-funded schools((~~, the~~));

(h) The appropriate charter schools((~~, and the~~));

(i) The appropriate state-tribal education compact schools; and

(j) Entities that contract with a public or private school, school district, educational service district, or state agency to provide services by persons who will have regularly scheduled unsupervised access to children or persons with developmental disabilities.

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