
SENATE BILL 5730

State of Washington

69th Legislature

2025 Regular Session

By Senators Lias, Harris, and Cortes

Read first time 02/11/25. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to record checks for certain volunteers and
2 contractors who will have regularly scheduled unsupervised access to
3 children or persons with developmental disabilities; and amending RCW
4 28A.400.303 and 28A.400.305.

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

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

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

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

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

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

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

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

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

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

16 ~~((f))~~ (g) Except as provided in subsection (2) of this section,
17 the 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 (h) An entity requesting a record check under (a) of this
23 subsection (1) must, within a reasonable time frame, be provided
24 notification from the office of the superintendent of public
25 instruction of any disqualification of an applicant and the basis for
26 the disqualification resulting from the record check.

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

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

1 involvement with the school or organization under circumstances where
2 access will or may involve the following:

- 3 (i) Groups of five or fewer children under twelve years of age;
- 4 (ii) Groups of three or fewer children between twelve and
5 eighteen years of age; or
- 6 (iii) Persons with developmental disabilities.

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

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

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

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

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

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

33 **Sec. 2.** RCW 28A.400.305 and 2019 c 266 s 21 are each amended to
34 read as follows:

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

38 (1) Written procedures providing a school district, approved
39 private school, Washington center for deaf and hard of hearing youth,

1 state school for the blind, federal bureau of Indian affairs-funded
2 school employee, charter school established under chapter 28A.710
3 RCW, school that is the subject of a state-tribal education compact
4 under chapter 28A.715 RCW, an entity requesting a record check under
5 RCW 28A.400.303, or applicant for certification or employment access
6 to and review of information obtained based on the record check
7 required under RCW 28A.400.303; and

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

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

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

15 (c) Approved private schools(~~(~~
16 ~~the))~~;

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

19 (e) The state school for the blind(~~(~~
20 ~~the))~~;

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

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

26 (h) The appropriate charter schools(~~(~~
27 ~~and the))~~;

28 (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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