

RCW 28A.400.303 Record checks for employees and certain volunteers and contractors—Cost. (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) When necessary, applicants for employment may be employed on a conditional basis pending completion of the record check.

(e) 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) 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.

(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. [2020 c 22 § 1; 2019 c 266 § 20. Prior: 2017 3rd sp.s. c 33 § 1; 2017 3rd sp.s. c 6 § 220; 2014 c 50 § 1; 2009 c 381 § 29; 2007 c 35 § 1; 2001 c 296 § 3; 1992 c 159 § 2.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Intent—2001 c 296: See note following RCW 9.96A.060.

Findings—1992 c 159: "The legislature finds that additional safeguards are necessary to ensure the safety of Washington's school children. The legislature further finds that the results from state patrol record checks are more complete when fingerprints of individuals are provided, and that information from the federal bureau of investigation also is necessary to obtain information on out-of-state criminal records. The legislature further finds that confidentiality safeguards in state law are in place to ensure that the rights of applicants for certification or jobs and newly hired employees are protected." [1992 c 159 § 1.]

Criminal history record information—School volunteers: RCW 28A.320.155.