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HOUSE BILL 2350

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Senn, Dahlquist, Kagi, Walsh, Ryu, Morrell, Roberts, Goodman, and Freeman; by request of Department of Early Learning and Superintendent of Public Instruction

Read first time 01/16/14. Referred to Committee on Education.

1 AN ACT Relating to allowing valid portable background check  
2 clearance cards issued by the department of early learning to be used  
3 by certain educational employees and their contractors for purposes of  
4 their background check requirements; and amending RCW 28A.400.303 and  
5 28A.410.010.

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

7 **Sec. 1.** RCW 28A.400.303 and 2009 c 381 s 29 are each amended to  
8 read as follows:

9 (1) School districts, educational service districts, the Washington  
10 state center for childhood deafness and hearing loss, the state school  
11 for the blind, and their contractors hiring employees who will have  
12 regularly scheduled unsupervised access to children shall require a  
13 record check through the Washington state patrol criminal  
14 identification system under RCW 43.43.830 through 43.43.834, 10.97.030,  
15 and 10.97.050 and through the federal bureau of investigation before  
16 hiring an employee. The record check shall include a fingerprint check  
17 using a complete Washington state criminal identification fingerprint  
18 card. The requesting entity shall provide a copy of the record report  
19 to the applicant. When necessary, applicants may be employed on a

1 conditional basis pending completion of the investigation. If the  
2 applicant has had a record check within the previous two years, the  
3 district, the Washington state center for childhood deafness and  
4 hearing loss, the state school for the blind, or contractor may waive  
5 the requirement. Except as provided in subsection (2) of this section,  
6 the district, pursuant to chapter 41.59 or 41.56 RCW, the Washington  
7 state center for childhood deafness and hearing loss, the state school  
8 for the blind, or contractor hiring the employee shall determine who  
9 shall pay costs associated with the record check.

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

13 (3) Individuals who hold a valid portable background check  
14 clearance card issued by the department of early learning consistent  
15 with RCW 43.215.215 can meet the requirements in subsection (1) of this  
16 section by providing a true and accurate copy of their Washington state  
17 patrol and federal bureau of investigation background report results to  
18 the office of the superintendent of public instruction.

19 **Sec. 2.** RCW 28A.410.010 and 2011 2nd sp.s. c 5 s 4 are each  
20 amended to read as follows:

21 (1)(a) The Washington professional educator standards board shall  
22 establish, publish, and enforce rules determining eligibility for and  
23 certification of personnel employed in the common schools of this  
24 state, including certification for emergency or temporary, substitute  
25 or provisional duty and under such certificates or permits as the board  
26 shall deem proper or as otherwise prescribed by law. The rules shall  
27 require that the initial application for certification shall require a  
28 record check of the applicant through the Washington state patrol  
29 criminal identification system and through the federal bureau of  
30 investigation at the applicant's expense. The record check shall  
31 include a fingerprint check using a complete Washington state criminal  
32 identification fingerprint card. An individual who holds a valid  
33 portable background check clearance card issued by the department of  
34 early learning consistent with RCW 43.215.215 is exempt from the office  
35 of the superintendent of public instruction fingerprint background  
36 check if the individual provides a true and accurate copy of his or her  
37 Washington state patrol and federal bureau of investigation background

1 report results to the office of the superintendent of public  
2 instruction. The superintendent of public instruction may waive the  
3 record check for any applicant who has had a record check within the  
4 two years before application. The rules shall permit a holder of a  
5 lapsed certificate but not a revoked or suspended certificate to be  
6 employed on a conditional basis by a school district with the  
7 requirement that the holder must complete any certificate renewal  
8 requirements established by the state board of education within two  
9 years of initial reemployment.

10 (b) In establishing rules pertaining to the qualifications of  
11 instructors of American sign language the board shall consult with the  
12 national association of the deaf, "sign instructors guidance network"  
13 (s.i.g.n.), and the Washington state association of the deaf for  
14 evaluation and certification of sign language instructors.

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

17 (2) The superintendent of public instruction shall act as the  
18 administrator of any such rules and have the power to issue any  
19 certificates or permits and revoke the same in accordance with board  
20 rules.

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