

# HOUSE BILL REPORT

## HB 2554

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### As Reported By House Committee On:

Education

**Title:** An act relating to record checks of educational employees and applicants.

**Brief Description:** Requiring educational service district employees with regularly scheduled unsupervised access to children in public schools and all school district employees to apply for record checks.

**Sponsors:** Representatives Cole, Poulsen, Chopp, Dickerson, Murray, Sheldon, Tokuda, Patterson, Conway, Regala, Linville and Costa.

### Brief History:

#### Committee Activity:

Education: 1/25/96, 2/1/96 [DPS].

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Clements; Fuhrman; Hatfield; Linville; McMahan; Pelesky; Poulsen; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

**Staff:** Susan Ronn (786-7292).

**Background:** Since 1992, all new school district and educational district employees, along with their contractors, must have background checks if they will have regularly unsupervised access to children. The district or contractor hiring the employee determines who is responsible for the costs associated with the process. Employees hired prior to 1992 have not had background checks, unless they have transferred to a different district.

When a school district employee is convicted of or pleads guilty to a limited number of child-related felony crimes, the Superintendent of Public Instruction and the district are notified. The prosecutor informs the state patrol and the state patrol provides this notification. A conviction results in immediate termination of any employee who has contact with children in the course of employment.

**Summary of Substitute Bill:** All school district employees, including those currently employed and those that do not necessarily have regularly scheduled unsupervised access to children, must have background checks. Additionally, all employees of school district contractors and educational service districts who have regularly scheduled unsupervised access to children must also have background checks. School districts and existing employees will not have to pay for these background checks.

When either a classified or certificated employee's employment is adversely affected based upon a background check, the employee has the right to appeal under appropriate statutes and under any right to appeal granted to the employee through a collective bargaining agreement. A certificate or permit may be suspended or revoked based on a background check.

A timeline to accomplish these checks must be established by the state patrol and the Superintendent of Public Instruction, and all checks must be completed by July 31, 1999. Rules pertaining to the access of background check files must be adopted by the Superintendent of Public Instruction.

Notification to the Superintendent of Public Instruction and the school district of the convictions or guilty pleas of employees of school districts, educational service districts, or contractors of school districts takes place whenever an employee is convicted of or pleads guilty to a "crime against children or other persons" or a felony crime involving a controlled substance. "Crimes against children or other persons," as defined by statute, encompass additional crimes that are not included in the category of child-related crimes. Notification to the Superintendent of Public Instruction comes directly from the prosecutor.

Statutes involving background checks and notification procedures are amended to include employees of a school district, educational service district, or school district contractor in the disclosure of convictions in certain instances.

This bill contains an emergency clause and takes effect immediately. If specific funding is not provided, the act is null and void.

**Substitute Bill Compared to Original Bill:** The appropriation of \$2,070,000 to the state patrol and the Superintendent of Public Instruction is removed from the bill and a null and void clause inserted. A requirement that an employee notify the superintendent of the district if he or she is arrested for a felony crime is removed. The Superintendent of Public Instruction is notified of employee felony convictions involving controlled substances, in addition to those for "crimes against children and other persons."

The bill is amended to include school district contractors and their employees and educational service district employees in the notification provisions. The power to

suspend or revoke a permit or certification based upon a background check is expressly granted. A classified employee has the right to appeal under a collective bargaining agreement any decision based upon a background check that adversely affects his or her employment.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 1996. Requested on substitute bill on February 2, 1996.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

**Testimony For:** The safety of our children must be a top priority. The background check program is working well and this bill will strengthen it. The timelines are appropriate. Concerns expressed regarding some of the original bill's provisions were addressed in amendments.

**Testimony Against:** None.

**Testified:** Representative Cole, prime sponsor; Judy Hartmann, Washington Education Association (pro); Richard Wilson, Superintendent of Public Instruction (pro); John Broom, Washington State Patrol; and Doug Nelson, Public School Employees (pro).