

# FINAL BILL REPORT

## 2SSB 6272

---

C 126 L 96

Synopsis as Enacted

**Brief Description:** Requiring school employees with regularly scheduled unsupervised access to children to undergo record checks.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Long, Fairley, Winsley, Fraser, Kohl, Drew, Smith, Thibaudeau, Prentice, Wojahn, Snyder, Sheldon, Loveland, Bauer, Franklin, Rinehart, Haugen, Rasmussen, Owen, Heavey, Quigley, Oke, Schow and Roach).

**Senate Committee on Education**  
**Senate Committee on Ways & Means**  
**House Committee on Education**

**Background:** Since 1992, all new school employees who will have regularly unsupervised access to children and all applicants for certification must undergo a fingerprint-background check to discover any in-state or out-of-state criminal convictions. Employees hired before 1992 have not had a background check, unless they have transferred to a different district after 1992.

The fee for the background check is \$53. In addition, there is a charge of \$10 for obtaining fingerprints. Either the new employee or the district pays the fee, depending on the districts' collective bargaining agreement.

There is a statutory process that must be followed when a certificated employee is discharged, which includes notice, an opportunity for a hearing to determine sufficient cause to discharge, and the right to appeal the decision to discharge to the appropriate superior court. However, there is not a statutory process for classified employees, except to allow an appeal to the appropriate superior court, and to allow the collective bargaining agreement to address the process to be followed when a classified employee is discharged.

**Summary:** All current school employees who have regularly unsupervised access to children and who have not had a background check must begin the process for record checks by June 30, 1997.

Employees and school districts cannot be charged for the cost of the background checks required under this act.

The Superintendent of Public Instruction (SPI) must send a copy of the background check report to the employee.

School districts and their contractors must consider certain factors before making an employment decision about a current classified employee whose background check indicates that he or she is convicted of a crime.

All existing statutes regarding appeal of decisions to discharge a current classified or certificated employee based on information obtained from a record check required under this act are applicable.

SPI must make rules providing a new employee or applicant for certification access to the information obtained from a record check and limiting access to others.

SPI may suspend or refuse to grant a professional certificate based on information obtained by a record check of an employee or application for certification.

**Votes on Final Passage:**

Senate	49	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	95	0	(House receded)

**Effective:** March 21, 1996