SENATE BILL REPORT

SB 6272

As Reported By Senate Committee On:
Education, January 23, 1996
Ways & Means, February 2, 1996

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

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

Sponsors: 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.

Brief History:
  Committee Activity: Education: 1/16/96, 1/23/96 [DPS-WM].
  Ways & Means: 2/1/96, 2/2/96 [DP2S]

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6272 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.
    Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6272 be substituted therefor, and the second substitute bill do pass.
    Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hochstatter, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Staff: Bill Freund (786-7441)

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 of Second Substitute Bill: 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 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 has been 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.

OSPI 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.

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

If funding for this bill is not provided in the supplemental budget, the bill is null and void.

Second Substitute Bill Compared to Substitute Bill: The requirement that record checks be in process by June 30, 1997 is clarified.

The expiration dates for various sections are changed from June 30, 1997 to March 30, 1998.

The $2 million appropriation is replaced with a null and void clause requiring funding to be provided in the budget.

Substitute Bill Compared to Original Bill: The substitute clarifies that it is the Superintendent of Public Instruction that must send a copy of the record report to the employee, and not the individual school district.

Language is deleted that gave a district or a contractor with a district the discretion to require an employee who has had a recent fingerprint check to be checked again.

The timeline is changed to require the record checks to begin for each current employee by June 30, 1997, but does not require each employee's check to be completed by then.

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

Existing statutes regarding appeal of decisions to discharge an employee are applicable.

OSPI must make rules providing the employee or applicant access to the record check information obtained and limiting access to others.

OSPI may suspend or refuse to grant a professional certificate based on information indicated in a criminal record check of an employee or an applicant for certification.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For (Education): This bill will help make schools safe. However, the timeline is too short, and the appropriation may be inadequate. There should be more protection of information obtained and more safeguards for current classified employees.

Testimony Against: None.

Testified (Education): Jean Ameluxen and four others, OSPI/WEA/WSP; Doug Nelson, PSE; Judy Hartmann, WEA; John Bromme, State Patrol.

Testimony For (Ways & Means): The second substitute bill will help make schools safe. The provisions of the bill protect confidentiality and appeal rights.

Testified (Ways & Means): Doug Nelson, PSE; Judy Hartmann, WEA; John Kvamme, Tacoma Public Schools.