

HOUSE BILL REPORT

HB 2159

As Reported By House Committee On:

Education

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

Brief Description: Requiring record checks of private school educational employees.

Sponsors: Representatives Quall, Talcott, Schindler, O'Brien, Esser, Gombosky, Ruderman, Boldt, Haigh, D. Sommers, Dunn, Kagi, Stensen, Kenney, Miloscia, Santos, Tokuda, Lambert, Edwards and Barlean.

Brief History:

Committee Activity:

Education: 3/1/99 [DP].

Brief Summary of Bill

- Private school employees must undergo background record checks.
- \$750,000 is appropriated to fund the background checks of current private school employees.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 12 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Sump and Wensman.

Minority Report: Do not pass. Signed by 1 member: Representative Carlson.

Staff: Charlie Gavigan (786-7340).

Background:

All children from 8 to 17 years old are required to attend public school unless they are enrolled in a private school, are receiving home-based instruction, are attending

an education center, are excused by the school district superintendent under certain circumstances, or are at least 16 years old and emancipated.

Private schools must be approved by the State Board of Education and comply with certain statutory requirements. They must annually file a certification with the Superintendent of Public Instruction that the private school meets these minimum statutory requirements, and must develop a process to correct any deficiencies. These requirements include: (1) the school year consists of at least 180 school days; (2) all classroom teachers must be certificated by this state except for teachers of religion courses and others with unusual competence who are supervised by a certificated teacher; and (3) the school facilities must be adequate to meet the program offered by the school and meet reasonable health and safety requirements. Private schools must report information on their students required by the Superintendent of Public Instruction to the appropriate educational service district, and must comply with rules relating to private schools promulgated by the State Board of Education.

Persons who are state certificated, such as teachers, undergo a records check as part of the certification process.

Summary of Bill:

By June 30, 1999, all approved private schools must require all employees who regularly have unsupervised access to children to undergo a record check, including a fingerprint check, through the Washington State Patrol and the Federal Bureau of Investigation. For employees hired before July 1, 1999, the record checks must be completed by September 30, 1999; the state patrol and the Superintendent of Public Instruction cannot charge the schools or employees for these record checks. For employees hired on or after July 1, 1999, the processing of the record checks must begin by September 30, 1999; the schools or the employees pay for these record checks. Applicants may be employed on a conditional basis pending completion of the record check.

Employees who had a records check as part of the state certification process are not required to have another check done.

Appropriation: The amount of \$750,000 is appropriated for record checks of private school employees hired before July 1, 1999.

Fiscal Note: Requested on February 23, 1999.

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

Testimony For: Private schools need the authority to have background checks done on their employees for the same reason public schools do it now: the safety of the school children. Identifying adults who have records and are a risk to children is critical to protecting children. The Attorney General has issued an opinion that says the state can pay for these record checks without violating the constitution because the funds are used to protect the safety of children. Private schools need help paying for the record checks for current employees.

Testimony Against: While giving private schools the authority to conduct record checks on their employees is good, paying for these record checks with public funds is wrong. This takes funds away from public education; it may set a bad precedent. Not everyone agrees with the Attorney General's opinion.

Testified: (Support) Steve Dinger, Washington Federation of Independent Schools; Eric Paige, Washington State Catholic Conference; Dan Steele, Washington State School Directors' Association; and Rainer Houser, Association of Washington School Principals.

(Opposed) Doug Nelson, Public School Employees.

(Concerns) Joan Yoshitomi, Superintendent of Public Instruction.