

CERTIFICATION OF ENROLLMENT

SENATE BILL 5382

Chapter 35, Laws of 2007

60th Legislature
2007 Regular Session

RECORD CHECKS--BUREAU OF INDIAN AFFAIRS--FUNDED SCHOOLS

EFFECTIVE DATE: 07/22/07

Passed by the Senate March 2, 2007
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 3, 2007
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 13, 2007, 10:46 a.m.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5382** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 13, 2007

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5382

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senators Kauffman, Prentice, McAuliffe, Marr, Hobbs, Rasmussen, Regala, Franklin, Keiser, Shin and Kohl-Welles

Read first time 01/18/2007. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to record checks for employees and applicants for
2 employment at bureau of Indian affairs-funded schools; and amending RCW
3 28A.400.303 and 28A.400.305.

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

5 **Sec. 1.** RCW 28A.400.303 and 2001 c 296 s 3 are each amended to
6 read as follows:

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

1 the deaf, the state school for the blind, or contractor may waive the
2 requirement. Except as provided in subsection (2) of this section, the
3 district, pursuant to chapter 41.59 or 41.56 RCW, the state school for
4 the deaf, the state school for the blind, or contractor hiring the
5 employee shall determine who shall pay costs associated with the record
6 check.

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

10 **Sec. 2.** RCW 28A.400.305 and 2001 c 296 s 4 are each amended to
11 read as follows:

12 The superintendent of public instruction shall adopt rules as
13 necessary under chapter 34.05 RCW on record check information. The
14 rules shall include, but not be limited to the following:

15 (1) Written procedures providing a school district, state school
16 for the deaf, ~~((or))~~ state school for the blind, or federal bureau of
17 Indian affairs-funded school employee or applicant for certification or
18 employment access to and review of information obtained based on the
19 record check required under RCW 28A.400.303; and

20 (2) Written procedures limiting access to the superintendent of
21 public instruction record check data base to only those individuals
22 processing record check information at the office of the superintendent
23 of public instruction, the appropriate school district or districts,
24 the state school for the deaf, the state school for the blind, ~~((and))~~
25 the appropriate educational service district or districts, and the
26 appropriate federal bureau of Indian affairs-funded schools.

Passed by the Senate March 2, 2007.

Passed by the House April 3, 2007.

Approved by the Governor April 13, 2007.

Filed in Office of Secretary of State April 13, 2007.