

SENATE BILL REPORT

ESHB 2220

As of February 28, 2020

Title: An act relating to parental involvement through volunteering in schools after a criminal conviction.

Brief Description: Volunteering in schools after a criminal conviction.

Sponsors: House Committee on Education (originally sponsored by Representatives Dolan, Callan, Ortiz-Self, Ryu, Appleton, Valdez, Frame, Davis, Ormsby, Irwin, Wylie, Doglio, Santos and Peterson).

Brief History: Passed House: 2/19/20, 82-16.

Committee Activity: Early Learning & K-12 Education: 2/26/20.

Brief Summary of Bill

- Requires that certain educational entities and their contractors require criminal history record checks for prospective volunteers.
- Directs certain educational entities to perform a criminal history review of prospective volunteers who are parents, grandparents, guardians, or legal custodians of enrolled students.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Alex Fairfortune (786-7416)

Background: Record Check Requirements for School Volunteers. A record check is criminal history record information obtained through the Washington State Patrol (WSP) criminal identification system and through the Federal Bureau of Investigation (FBI) that includes a fingerprint check. Educational entities and their contractors, may perform record checks for prospective volunteers who will have regularly scheduled unsupervised access to:

- groups of five or fewer children under 12 years of age;
- groups of three or fewer children between 12-18 years of age; or
- developmentally disabled persons.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Educational entities include school districts, educational service districts, the Washington Center for Deaf and Hard of Hearing Youth, the State School for the Blind, Federal Bureau of Indian Affairs schools, charter schools, and state-tribal education compact schools.

"Unsupervised" means not in the presence of another employee or volunteer from the same organization or a relative or guardian of any of children or disabled persons to which the volunteer has access.

Under current law, educational entities may determine who must pay the costs associated with the record check. These costs include WSP and FBI fees, fingerprinting fees, and a fee paid to the Office of the Superintendent of Public Instruction (OSPI) for administration costs.

Summary of Bill: Record Check Requirements for School Volunteers. Educational entities and their contractors must require criminal history record checks for prospective volunteers. The type of record check depends on whether the volunteer will or will not have unsupervised access to children under 18 years of age or persons with developmental disabilities.

If the volunteer will have unsupervised access, the school must require a fingerprint record check through the WSP and FBI.

If the volunteer will not have unsupervised access, the school must require a name and birthdate record check through the WSP.

The cost of the record checks must be paid for or reimbursed by OSPI.

Parent Volunteer Criminal History. A school must notify parent applicants for volunteer positions about the process for submitting documents and statements related to application review and approval. The term "parent" includes parents, grandparents, guardians, or legal custodian of a student enrolled at a school.

If a criminal history record check performed as part of the volunteer application process indicates that a parent has a criminal history, the school must complete a criminal history review. As part of the criminal history review, the school must consider the length of time since the commission of the last crime for which the parent was convicted or pled guilty, as well as whether any crime involved a minor child victim. The school may also consider the following:

- the age of the parent on the date of the commission of the crime;
- whether the parent has been approved by a state agency to have unsupervised access to children or persons with developmental disabilities; and
- whether providing limited access to children and persons with developmental disabilities within a classroom would give the parent the opportunity to have meaningful involvement in the school.

Within five days of denying the volunteer application of a parent, the school must notify the parent of the decision, state specific reasons for the denial, and provide the procedure for appealing the decision.

By September 1, 2020, the Washington State School Directors' Association, in consultation with OSPI and the Office of the Education Ombuds, must develop and publish a model parent volunteer policy and procedure that addresses the new application review and approval requirements.

Appropriation: None.

Fiscal Note: Requested on February 21, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Some parents have criminal convictions from earlier in life. If we can't find a way for parents to come into the classroom then the message we are sending kids is that their parents are not as good as other parents, and by extension, they are not as good as other kids. One testifier spoke to the fact that her mom was previously incarcerated, which keeps her from being able to volunteer in school with her grandchildren. Similarly, her husband is currently incarcerated and would not be able to volunteer in school. There is a positive effect that having parents in school can have on kids.

OTHER: There are concerns about recent amendments that moved the background check away from the responsibility of the school districts. The authority should remain with the school districts. As the bill has progressed it has become problematic. The idea was to strengthen families for parents who have shown rehabilitation, and if you could show CROP documentation you wouldn't be denied. Now the bill has changed to mandate fingerprint checks.

Persons Testifying: PRO: Representative Laurie Dolan, Prime Sponsor; Heather Dockery.

OTHER: Marissa Rathbone, Washington State School Directors' Association; Antonio Ginatta, Columbia Legal Services; Dave Mastin, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: No one.