

SENATE BILL REPORT

SB 5668

As Reported By Senate Committee On:
Education, March 3, 1999

Title: An act relating to criminal records checks for school employees and volunteers.

Brief Description: Allowing school districts and organizations that provide volunteers to school districts to share criminal background information concerning volunteers.

Sponsors: Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen.

Brief History:

Committee Activity: Education: 2/24/99, 3/3/99 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Hochstatter, Kohl-Welles, Rasmussen, Sellar, Swecker and Zarelli.

Staff: Susan Mielke (786-7422)

Background: Since 1992, state law has required all public school employee applicants (certificated and classified) who will have regularly scheduled unsupervised access to children to undergo a fingerprint-record check to discover any in-state or out-of-state criminal records. Currently state law does not require public school volunteers to undergo a fingerprint-record check, although some districts have policies requiring volunteers to undergo an in-state criminal record check.

Several state laws permit the request of in-state criminal record information. Unless the request is for a nonprofit organization or for criminal justice purposes, there is a fee. Health care facilities have specific authority to share copies of completed in-state criminal background check information, in certain circumstances.

Summary of Substitute Bill: Businesses, schools, organizations, and agencies may share an individual's criminal records check information with school districts, if the individual is a volunteer with the school district and the individual permits the sharing of information.

Each school district must have a policy that requires each school to ask volunteers (who may have regularly scheduled unsupervised access to children) if they have undergone a records check in the past two years. If there has been such a check, the school must ask the volunteer to furnish the school with the record check information or to sign a release to the business, school, organization, or agency that sought the information. Once the school requests the information from the business, school, organization, or agency, it must be furnished to the school within 10 days. If the information is shared, the school must also

require the volunteer to sign a statement indicating that there has been no conviction since the check was made. If the volunteer chooses not to furnish the information or sign the release, then the volunteer cannot have unsupervised access to children. Those who share the information in accordance with this act have immunity from liability for sharing the information.

Substitute Bill Compared to Original Bill: The substitute permits sharing of information with schools by *any* business, agency or organization that has obtained record check information, not just nonprofit organizations. The school district must request the information from the individual and get the individual's permission to get the information from another source.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Big Brothers, Big Sisters has a program to put volunteers into the Spokane schools. Big Brothers requires a record check to participate in their program and the school district requires a record check to volunteer in the schools. So there are two record checks run on the same individual. The bill allows them to share the information. It lowers costs and lowers hassles.

Testimony Against: Some school districts will not take advantage of this because they already have a process for checking volunteers.

Testified: Senator West (pro); Judy Hartmann, Tacoma School District (concerns).