
Education Committee

HB 1833

Brief Description: Concerning school volunteers.

Sponsors: Representatives Dolan, Santos, Appleton, Fitzgibbon, Peterson, Ryu, Walen, Jinkins, Tharinger, Goodman, Davis, Doglio and Macri.

Brief Summary of Bill

- Prohibits schools (including school districts, educational service districts, the Center for Childhood Deafness and Hearing Loss, the School for the Blind, Federal Bureau of Indian Affairs-funded Schools, charter schools, state-tribal compact schools, and their contractors) from denying prospective volunteers who will not have unsupervised access to children based on criminal history if the prospective volunteer has received a Certificate of Restoration of Opportunity (CROP) or a vacated conviction, provided the prospective volunteer signs a disclosure statement that there have been no conviction since the issue of the CROP or date the conviction was vacated, respectively.
- Permits a school to deny a prospective volunteer who has no CROP or vacated convictions who will not have unsupervised access to children based on criminal history only after considering whether the crime involved a minor child victim and the length of time that has elapsed since the conviction.
- Grants discretion to schools to deny a prospective volunteer based on criminal history if that prospective volunteer will have unsupervised access to students.

Hearing Date: 4/1/19

Staff: Megan Wargacki (786-7194).

Background:

Record Check Requirements for School Volunteers. A record check is criminal history record information obtained through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation and that includes a fingerprint check.

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.

School districts, educational service districts, the Center for Childhood Deafness and Hearing Loss, the School for the Blind, Federal Bureau of Indian Affairs-funded Schools, charter schools, and state-tribal compact schools, and their contractors may perform record checks for any prospective volunteer who will have regularly scheduled unsupervised access to children under 18 years of age or developmentally disabled persons, during the course of his or her involvement with the school or organization under circumstances where access will or may involve groups of five or fewer children under 12 years of age, groups of three or fewer children between 12 and 18 years of age, or developmentally disabled persons.

If a volunteer alerts a school district that the volunteer has undergone a criminal records check in accordance with applicable state law within the two years before the time the volunteer is volunteering in the school, then the school may request that the volunteer furnish the school with a copy of the criminal history record information or sign a release to allow the organization that originally obtained the criminal history record information to permit the record information to be shared with the school. Once the school requests the information from the organization the information must be furnished to the school. An organization or its official that shares the criminal history record information with the requesting school in accordance with this section is immune from criminal and civil liability for dissemination of the information. If the criminal history record information is shared, the school must require the volunteer to sign a disclosure statement indicating that there has been no conviction since the completion date of the most recent criminal background inquiry.

Certificate of Restoration of Opportunity. In general, a person who holds a certificate of restoration of opportunity (CROP) may not be disqualified by an entity authorized to assess the qualifications of an applicant for a license, certificate of authority, qualification to engage in the practice of a profession or business, or admission to an examination to qualify for such a license or certificate, solely based on criminal history if the person meets all other statutory or regulatory requirements. The following entities may disqualify a person who holds a CROP based solely on criminal history: criminal justice agencies and the Washington State Bar Association. The following entities may disqualify a person who holds a CROP based solely on criminal history if the profession or license would give the person unsupervised access to vulnerable persons: the Department of Social and Health Services, and the Department of Health.

Summary of Bill:

Record Check Requirements for School Volunteers. Provisions describing a process to allow a volunteer to furnish to a school district criminal history record information obtained within the prior two years instead of undergoing a new record check are recodified and expanded to "schools." "School" means school districts, educational service districts, the Center for Childhood Deafness and Hearing Loss, the School for the Blind, Federal Bureau of Indian Affairs-funded Schools, charter schools, schools that are the subject of a state-tribal education compact, and their contractors.

Limitations on Denying a Volunteer. For volunteer positions in which there is no unsupervised access to a child under 18 years of age or a person with a developmental disability, a school:

- may only deny a prospective volunteer based on the prospective volunteer's criminal history, after considering whether any criminal conviction involved a minor child victim

and the length of time that has elapsed since the prospective volunteer's last criminal conviction;

- may not deny a prospective volunteer based on the volunteer's criminal history if the prospective volunteer has received a certificate of restoration regarding all of the prospective volunteer's past criminal convictions and signed a disclosure statement indicating there has been no conviction since the issue date of the certificate of restoration; and
- may not deny a prospective volunteer based on the prospective volunteer's criminal history if the prospective volunteer's criminal conviction has been vacated and the prospective volunteer has signed a disclosure statement indicating there has been no conviction since the date the conviction was vacated.

For volunteer positions in which there is unsupervised access to a child under 18 years of age or a person with a developmental disability, such as driving a team of students to an athletic or academic event, schools may deny a prospective volunteer based on the prospective volunteer's criminal history.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.