

SSB 5085 - S AMD TO S AMD (S-1194.2/23) **171**
By Senator McCune

NOT CONSIDERED 05/17/2023

1 On page 9, after line 16, insert the following:

2 "Sec. 6. RCW 28A.400.303 and 2020 c 22 s 1 are each amended to
3 read as follows:

4 (1)(a) School districts, educational service districts, the
5 Washington center for deaf and hard of hearing youth, the state
6 school for the blind, the office of the superintendent of public
7 instruction, and their contractors shall require a record check
8 through the Washington state patrol criminal identification system
9 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and
10 through the federal bureau of investigation criminal justice
11 information systems before hiring the following employees:

12 (i) Employees who will have regularly scheduled unsupervised
13 access to children or persons with developmental disabilities; and

14 (ii) Employees who receive criminal history record information or
15 personally identifiable information from the record check.

16 (b) A record check under this section must include a fingerprint
17 check using a complete Washington state criminal identification
18 fingerprint card.

19 (c) The requesting entity may provide a copy of the record report
20 to the applicant at the applicant's request.

21 (d) When necessary, applicants for employment may be employed on
22 a conditional basis pending completion of the record check.

23 (e) ~~((If))~~ Except as provided under subsection (6) of this
24 section, if the applicant for employment has had a record check
25 within the previous two years, the district, the Washington center
26 for deaf and hard of hearing youth, the state school for the blind,
27 the office of the superintendent of public instruction, or contractor
28 may waive the requirement.

29 (f) Except as provided in subsection (2) of this section, the
30 school district, pursuant to chapter 41.59 or 41.56 RCW, the
31 Washington center for deaf and hard of hearing youth, the state
32 school for the blind, the office of the superintendent of public

1 instruction, or contractor hiring the employee shall determine who
2 shall pay costs associated with the record check.

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

6 (3)(a) School districts, educational service districts, the
7 Washington center for deaf and hard of hearing youth, the state
8 school for the blind, federal bureau of Indian affairs-funded
9 schools, charter schools established under chapter 28A.710 RCW,
10 schools that are the subject of a state-tribal education compact
11 under chapter 28A.715 RCW, and their contractors may use the process
12 in subsection (1)(a) of this section to perform record checks for any
13 prospective volunteer who will have regularly scheduled unsupervised
14 access to children under (~~eighteen~~) 18 years of age or persons with
15 developmental disabilities, during the course of his or her
16 involvement with the school or organization under circumstances where
17 access will or may involve the following:

18 (i) Groups of five or fewer children under (~~twelve~~) 12 years of
19 age;

20 (ii) Groups of three or fewer children between twelve and
21 eighteen years of age; or

22 (iii) Persons with developmental disabilities.

23 (b) For purposes of (a) of this subsection, "unsupervised" means
24 not in the presence of:

25 (i) Another employee or volunteer from the same school or
26 organization; or

27 (ii) Any relative or guardian of any of the children or persons
28 with developmental disabilities to which the prospective employee or
29 volunteer has access during the course of his or her involvement with
30 the school or organization.

31 (4) Individuals who hold a valid portable background check
32 clearance card issued by the department of children, youth, and
33 families consistent with RCW 43.216.270 can meet the requirements in
34 subsection (1) of this section by providing a true and accurate copy
35 of their Washington state patrol and federal bureau of investigation
36 background report results to the office of the superintendent of
37 public instruction.

38 (5) The cost of record checks must include: The fees established
39 by the Washington state patrol and the federal bureau of
40 investigation for the criminal history background checks; a fee paid

1 to the superintendent of public instruction for the cost of
2 administering this section and RCW 28A.195.080 and 28A.410.010; and
3 other applicable fees for obtaining the fingerprints.

4 (6) Before hiring an employee as a principal or assistant
5 principal, a school district shall require a record check pursuant to
6 this section regardless of any prior record check or the employee's
7 previous employment within the school district."

8 On page 9, line 19, after "28A.405.245," strike "and 28A.405.130"
9 and insert "28A.405.130, and 28A.400.303"

EFFECT: Requires a record check before hiring an employee as a principal or assistant principal regardless of any prior record check or employment within the school district.

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