

# FINAL BILL REPORT

## ESHB 2518

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C 159 L 92  
*Synopsis As Enacted*

**Brief Description:** Changing provisions for educational employees.

By House Committee on Education (originally sponsored by Representatives Peery, Vance, Brumsickle, D. Sommers, Winsley, Van Luven, Bowman, Broback, Wood, Wynne, Mitchell and H. Myers; by request of Superintendent of Public Instruction and Board of Education).

House Committee on Education  
House Committee on Appropriations  
Senate Committee on Education

**Background:** Record Checks: Under current law, a background check through the Washington State Patrol Criminal Identification System is required when a person applies to the Superintendent of Public Instruction (SPI) for an initial certificate to be a school teacher, administrator, or educational staff associate. In addition, school districts may request a state patrol background check when applicants apply for classified and certificated positions. However, school districts are not required by law to do background checks.

To obtain positive identification when doing background checks, fingerprints are needed. School districts may require that fingerprints be submitted, but the law is unclear as to whether SPI can request fingerprints when background checks are done during the certification process.

Information included in the state patrol identification system is limited to convictions and information concerning illegal activities in Washington State. To obtain information regarding out-of-state criminal activity, a Federal Bureau of Investigation check is required.

SPI Investigation of Complaints: Under state law, SPI is permitted to revoke or suspend a certificate or permit only upon complaint of a school district superintendent or an educational service district superintendent. Further, in the absence of such a complaint, SPI lacks express authority to investigate an alleged violation of the certification statutes or rules even where SPI has reason to believe a violation has occurred. A complaint by a private school

administrator is also insufficient, even though approved private schools have certificated personnel.

SPI Subpoena Power: In contrast to numerous other state licensing entities, when investigating a complaint, SPI currently does not have the power to administer oaths and affirmations, subpoena and compel the attendance of witnesses, take evidence, and require the production of relevant documents.

**Summary:** Record Checks: School districts, educational service districts, and their contractors shall require a record check through the state patrol criminal identification system and through the Federal Bureau of Investigation prior to hiring an employee. For contractors, however, only employees who have regularly scheduled unsupervised access to children are required to have record checks. The record check shall include a fingerprint check. Applicants may be employed on a conditional basis pending completion of the investigation.

If the applicant has had a record check within the previous two years, the district or contractor may waive the requirement. The district and contractor hiring the employee shall determine who pays the costs associated with the record check.

Current law requiring a mandatory background check of persons applying for an education certificate is amended to require that fingerprints be used, and that the record check also include information from the Federal Bureau of Investigation identification system. The requirement may be waived if a check has been done within the previous two years.

The State Patrol is authorized to charge school districts and educational service districts for record checks when fingerprints are submitted. A revolving fund is created for these funds.

The State Patrol and FBI are prohibited from keeping the fingerprints on file.

Complaint: Existing state law is amended to authorize revocation or suspension of a certificate or permit upon complaint of a private school administrator.

Investigation: In the absence of a complaint and under certain circumstances, SPI is authorized to investigate an alleged violation of state statutes and rules concerning certification. If the specified requirements are met, SPI can investigate not only the alleged violation, but other

matters that may be disclosed in the course of the investigation as well.

SPI Subpoena Power: The SPI is empowered to administer oaths and affirmations, subpoena and compel the attendance of witnesses, take evidence, and require the production of relevant documents.

If a person fails to obey a subpoena or refuses to give evidence, a court with jurisdiction is permitted to issue a show cause order. Failure to obey a court order may be punishable as contempt.

***Votes on Final Passage:***

House	98	0	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

***Effective:*** June 11, 1992