
SENATE BILL 5371

State of Washington 60th Legislature 2007 Regular Session

By Senators Brandland, Kohl-Welles, Holmquist, Tom and Rasmussen

Read first time 01/17/2007. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to record checks for school employees; amending RCW
2 28A.400.303 and 43.43.838; adding a new section to chapter 72.41 RCW;
3 and adding a new section to chapter 72.42 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.400.303 and 2001 c 296 s 3 are each amended to
6 read as follows:

7 School districts(~~(,)~~) or educational service districts(~~(, the state~~
8 ~~school for the deaf, the state school for the blind, and their~~
9 ~~contractors hiring employees who will have regularly scheduled~~
10 ~~unsupervised access to children)) shall require a record check through
11 the Washington state patrol criminal identification system under RCW
12 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the
13 federal bureau of investigation before hiring an employee. The record
14 check shall include a fingerprint check (~~(using a complete Washington~~
15 ~~state criminal identification fingerprint card)).~~~~

16 (1) Contractors who are retained by school districts or educational
17 service districts shall not be required to conduct a record check
18 unless the contractor will have regularly scheduled unsupervised access

1 to children. For the purpose of this section "contractor" means one
2 that agrees to furnish materials or perform services at a specified
3 price, particularly for grounds maintenance or construction work.

4 (2) The requesting entity shall provide a copy of the record report
5 to the applicant. When necessary, applicants may be employed on a
6 conditional basis pending completion of the investigation. If the
7 applicant has had a record check within the previous two years, the
8 district(~~(, the state school for the deaf, the state school for the~~
9 ~~blind, or contractor))~~) may waive the requirement. The district,
10 pursuant to chapter 41.59 or 41.56 RCW, (~~(the state school for the~~
11 ~~deaf, the state school for the blind, or contractor hiring the~~
12 ~~employee))~~) shall determine who shall pay costs associated with the
13 record check.

14 **Sec. 2.** RCW 43.43.838 and 2005 c 421 s 5 are each amended to read
15 as follows:

16 (1) After January 1, 1988, and notwithstanding any provision of RCW
17 43.43.700 through 43.43.810 to the contrary, the state patrol shall
18 furnish a transcript of the conviction record pertaining to any person
19 for whom the state patrol or the federal bureau of investigation has a
20 record upon the written request of:

21 (a) The subject of the inquiry;

22 (b) Any business or organization for the purpose of conducting
23 evaluations under RCW 43.43.832;

24 (c) The department of social and health services;

25 (d) Any law enforcement agency, prosecuting authority, or the
26 office of the attorney general; or

27 (e) The department of social and health services for the purpose of
28 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or
29 72.23 RCW, or any later-enacted statute which purpose is to regulate or
30 license a facility which handles vulnerable adults. However, access to
31 conviction records pursuant to this subsection (1)(e) does not limit or
32 restrict the ability of the department to obtain additional information
33 regarding conviction records and pending charges as set forth in RCW
34 74.15.030(2)(b).

35 (2) The state patrol shall by rule establish fees for disseminating
36 records under this section to recipients identified in subsection
37 (1)(a) and (b) of this section. The state patrol shall also by rule

1 establish fees for disseminating records in the custody of the national
2 crime information center. The revenue from the fees shall cover, as
3 nearly as practicable, the direct and indirect costs to the state
4 patrol of disseminating the records. No fee shall be charged to a
5 nonprofit organization for the records check. (~~In the case of record
6 checks using fingerprints requested by school districts and educational
7 service districts, the state patrol shall charge only for the
8 incremental costs associated with checking fingerprints in addition to
9 name and date of birth.~~) Record checks requested by school districts
10 and educational service districts using only name and date of birth
11 shall continue to be provided free of charge.

12 (3) No employee of the state, employee of a business or
13 organization, or the business or organization is liable for defamation,
14 invasion of privacy, negligence, or any other claim in connection with
15 any lawful dissemination of information under RCW 43.43.830 through
16 43.43.840 or 43.43.760.

17 (4) Before July 26, 1987, the state patrol shall adopt rules and
18 forms to implement this section and to provide for security and privacy
19 of information disseminated under this section, giving first priority
20 to the criminal justice requirements of this chapter. The rules may
21 include requirements for users, audits of users, and other procedures
22 to prevent use of civil adjudication record information or criminal
23 history record information inconsistent with this chapter.

24 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
25 employer to make an inquiry not specifically authorized by this
26 chapter, or be construed to affect the policy of the state declared in
27 chapter 9.96A RCW.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.41 RCW
29 to read as follows:

30 The state school for the blind shall require a record check through
31 the Washington state patrol criminal identification system under RCW
32 43.43.830 through 43.43.834, 10.97.030, and 10.97.050, and through the
33 federal bureau of investigation, before hiring an employee. The record
34 check shall include a fingerprint check.

35 (1) Contractors who are retained by the state school for the blind
36 shall not be required to conduct a record check unless the contractor
37 will have regularly scheduled unsupervised access to children. For the

1 purpose of this section "contractor" means one that agrees to furnish
2 materials or perform services at a specified price, particularly for
3 grounds maintenance or construction work.

4 (2) The requesting entity shall provide a copy of the record report
5 to the applicant. When necessary, applicants may be employed on a
6 conditional basis pending completion of the investigation. If the
7 applicant has had a record check within the previous two years, the
8 state school for the blind may waive the requirement. The state school
9 for the blind shall determine who shall pay costs associated with the
10 record check.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.42 RCW
12 to read as follows:

13 The state school for the deaf shall require a record check through
14 the Washington state patrol criminal identification system under RCW
15 43.43.830 through 43.43.834, 10.97.030, and 10.97.050, and through the
16 federal bureau of investigation, before hiring an employee. The record
17 check shall include a fingerprint check.

18 (1) Contractors who are retained by the state school for the deaf
19 shall not be required to conduct a record check unless the contractor
20 will have regularly scheduled unsupervised access to children. For the
21 purpose of this section "contractor" means one that agrees to furnish
22 materials or perform services at a specified price, particularly for
23 grounds maintenance or construction work.

24 (2) The requesting entity shall provide a copy of the record report
25 to the applicant. When necessary, applicants may be employed on a
26 conditional basis pending completion of the investigation. If the
27 applicant has had a record check within the previous two years, the
28 state school for the deaf may waive the requirement. The state school
29 for the deaf shall determine who shall pay costs associated with the
30 record check.

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