2220-S AMH STEE WARG 406

**SHB 2220** - H AMD TO H AMD (2220-S AMH DOLA WARG 398)  **1680**

By Representative Steele

**ADOPTED 02/19/2020**

 On page 1, beginning on line 7 of the striking amendment, after "school must" strike all material through "subsection" on line 22, and insert "complete a criminal history review"

 On page 3, line 5 of the striking amendment, after "act." insert the following:

"**Sec. 3.** RCW 28A.400.303 and 2019 c 266 s 20 are each amended to read as follows:

(1) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children or developmentally disabled persons shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity may provide a copy of the record report to the applicant at the applicant's request. When necessary, 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, the Washington center for deaf and hard of hearing youth, the state school for the blind, or contractor may waive the requirement. Except as provided in subsection (2) of this section, the district, pursuant to chapter 41.59 or 41.56 RCW, the Washington center for deaf and hard of hearing youth, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

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

(3)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, federal bureau of Indian affairs-funded schools, charter schools established under chapter 28A.710 RCW, schools that are the subject of a state-tribal education compact under chapter 28A.715 RCW, and their contractors ((~~may use the process in subsection (1) of this section to perform record checks for any prospective volunteer who will have regularly scheduled unsupervised access to children under eighteen 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 the following:~~

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

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

~~(iii) Developmentally disabled persons.~~

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

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

~~(ii) Any relative or guardian of any of the children or developmentally disabled persons to which the prospective employee or volunteer has access during the course of his or her involvement with the school or organization.~~)) must require criminal history record checks for prospective volunteers as follows:

(i) If a prospective volunteer will have unsupervised access to children under eighteen years of age or persons with developmental disabilities during the course of his or her involvement with the school, the school must require a fingerprint record check through the Washington state patrol criminal identification system and the federal bureau of investigation; and

(ii) If a prospective volunteer will not unsupervised access to children under eighteen years of age or persons with developmental disabilities during the course of his or her involvement with the school, the school must, at a minimum, require a name and birthdate record check through the Washington state patrol criminal identification system.

 (b) The cost of record checks under this subsection (3) must be paid by or reimbursed by the office of the superintendent of public instruction.

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

(5) The cost of record checks must include: The fees established by the Washington state patrol and the federal bureau of investigation for the criminal history background checks; a fee paid to the superintendent of public instruction for the cost of administering this section and RCW 28A.195.080 and 28A.410.010; and other applicable fees for obtaining the fingerprints."

Correct the title.

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|  |  EFFECT:  (1) Requires that schools (a defined term) complete a criminal history review for any parent with a criminal history, rather than requiring the school to disregard the criminal history if the parent submits certain documents.(2) Directs schools to require criminal history record checks for all prospective volunteers as follows:(a) If a prospective volunteer will have unsupervised access to children under eighteen years of age or persons with developmental disabilities during the course of his or her involvement with the school, the school must require a fingerprint record check through the Washington state patrol criminal identification system and the federal bureau of investigation; and(b) If a prospective volunteer will not have unsupervised access to children under eighteen years of age or persons with developmental disabilities during the course of his or her involvement with the school, the school must, at a minimum, require a name and birthdate record check through the Washington state patrol criminal identification system.(3) Provides that the cost of record checks must be paid by or reimbursed by the Office of the Superintendent of Public Instruction. |

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