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**ENGROSSED SUBSTITUTE HOUSE BILL 2220**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House Education (originally sponsored by Representatives Dolan, Callan, Ortiz-Self, Ryu, Appleton, Valdez, Frame, Davis, Ormsby, Irwin, Wylie, Doglio, Santos, and Peterson)

AN ACT Relating to parental involvement through volunteering in schools after a criminal conviction; amending RCW 28A.400.303; adding a new section to chapter 28A.605 RCW; and adding a new section to chapter 28A.345 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.605 RCW to read as follows:

(1) If a criminal history record check performed as part of the volunteer application process for a parent applicant indicates that the parent has a criminal history, the school must complete a criminal history review. When performing a criminal history review a school must consider the length of time since the commission of the last crime for which the parent pled guilty or was convicted, and whether any crime involved a minor child victim. In addition, the school may consider: (a) The age of the parent on the date of the commission of the last crime for which the parent pled guilty or was convicted; (b) whether the parent has been approved by a state agency to have unsupervised access to children under eighteen years of age or persons with developmental disabilities; and (c) whether providing limited access to children under eighteen years of age and to persons with developmental disabilities within a teacher's classroom would give the parent the opportunity to have meaningful involvement in the school.

(2) Within five days of denying the volunteer application of a parent, the school must notify the parent of the school's decision, state specific reasons for the denial, and provide the procedure for appealing the school's decision to the school's governing body.

(3) A school must notify parent applicants for volunteer positions about the process for submitting documents and statements related to application review and approval.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Criminal history record check" means any record check through either the Washington state patrol or the federal bureau of investigation, including as authorized under RCW 28A.400.303.

(b) "Parent" means a parent, grandparent, guardian, or legal custodian of a student enrolled at a school.

(c) "School" means a school district, an educational service district, the Washington center for deaf and hard of hearing youth, the state school for the blind, a federal bureau of Indian affairs-funded school, a charter school established under chapter 28A.710 RCW, or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW, or a contractor of a school.

(d) "Unsupervised" has the same meaning as in RCW 28A.400.303

NEW SECTION. **Sec.**  A new section is added to chapter 28A.345 RCW to read as follows:

The Washington state school directors' association, in consultation with the office of the superintendent of public instruction and the office of the education ombuds, must develop a model parent volunteer policy and procedure that addresses the application review and approval requirements in section 1 of this act. By September 1, 2020, the Washington state school directors' association must post the model policy and procedure on its web site. For the purposes of this section, "parent" has the same meaning as in section 1 of this act.

**Sec.**  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.

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