

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

By Representative Steele

ADOPTED 02/19/2020

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

4
5 On page 3, line 5 of the striking amendment, after "act." insert
6 the following:

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

9 (1) School districts, educational service districts, the
10 Washington center for deaf and hard of hearing youth, the state
11 school for the blind, and their contractors hiring employees who
12 will have regularly scheduled unsupervised access to children or
13 developmentally disabled persons shall require a record check
14 through the Washington state patrol criminal identification system
15 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and
16 through the federal bureau of investigation before hiring an
17 employee. The record check shall include a fingerprint check using a
18 complete Washington state criminal identification fingerprint card.
19 The requesting entity may provide a copy of the record report to the
20 applicant at the applicant's request. When necessary, applicants may
21 be employed on a conditional basis pending completion of the
22 investigation. If the applicant has had a record check within the
23 previous two years, the district, the Washington center for deaf and
24 hard of hearing youth, the state school for the blind, or contractor
25 may waive the requirement. Except as provided in subsection (2) of
26 this section, the district, pursuant to chapter 41.59 or 41.56 RCW,
27 the Washington center for deaf and hard of hearing youth, the state

1 school for the blind, or contractor hiring the employee shall
2 determine who 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) 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~~
12 ~~process in subsection (1) of this section to perform record checks~~
13 ~~for any prospective volunteer who will have regularly scheduled~~
14 ~~unsupervised access to children under eighteen years of age or~~
15 ~~developmentally disabled persons, during the course of his or her~~
16 ~~involvement with the school or organization under circumstances~~
17 ~~where access will or may involve the following:~~

- 18 ~~(i) Groups of five or fewer children under twelve years of age;~~
- 19 ~~(ii) Groups of three or fewer children between twelve and~~
20 ~~eighteen years of age; or~~
- 21 ~~(iii) Developmentally disabled persons.~~

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

- 24 ~~(i) Another employee or volunteer from the same school or~~
25 ~~organization; or~~
- 26 ~~(ii) Any relative or guardian of any of the children or~~
27 ~~developmentally disabled persons to which the prospective employee~~
28 ~~or volunteer has access during the course of his or her involvement~~
29 ~~with the school or organization.)~~ must require criminal history
30 record checks for prospective volunteers as follows:

31 (i) If a prospective volunteer will have unsupervised access to
32 children under eighteen years of age or persons with developmental
33 disabilities during the course of his or her involvement with the
34 school, the school must require a fingerprint record check through

1 the Washington state patrol criminal identification system and the
2 federal bureau of investigation; and

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

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

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

19 (5) The cost of record checks must include: The fees established
20 by the Washington state patrol and the federal bureau of
21 investigation for the criminal history background checks; a fee paid
22 to the superintendent of public instruction for the cost of
23 administering this section and RCW 28A.195.080 and 28A.410.010; and
24 other applicable fees for obtaining the fingerprints."
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26 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:

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(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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