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**HOUSE BILL 1354**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Stonier, Simmons, Senn, Berry, Fitzgibbon,  
Goodman, Reed, Doglio, Macri, and Davis

Read first time 01/16/23. Referred to Committee on Education.

1 AN ACT Relating to parental involvement through volunteering in  
2 schools after a criminal conviction; amending RCW 28A.320.155 and  
3 28A.400.303; and adding a new section to chapter 28A.320 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 (1) When a school performs a records check under RCW 28A.400.303  
8 on a parent, the school must comply with the requirements in this  
9 subsection.

10 (a) The school must notify applicants for volunteer positions  
11 about the process for parents to submit criminal innocence or  
12 rehabilitation-related documents.

13 (b) For a parent with one or more criminal convictions who has  
14 submitted a criminal innocence or rehabilitation-related document  
15 addressing each conviction, the school may not deny the parent's  
16 volunteer application based on a criminal conviction if the parent  
17 signed a statement indicating that the parent has not been convicted  
18 of any crime since the date that the criminal innocence or  
19 rehabilitation-related document was issued.

20 (c) For a parent with one or more criminal convictions who has  
21 not submitted a criminal innocence or rehabilitation-related document

1 addressing each conviction, the school must complete the following  
2 process to determine whether to approve the parent's volunteer  
3 application. The school:

4 (i) Must consider the length of time since the commission of the  
5 last crime for which the parent was convicted and whether any  
6 criminal conviction involved a minor child victim; and

7 (ii) May consider: (A) The age of the parent on the date of the  
8 commission of the last crime for which the parent was convicted; (B)  
9 whether the parent has been approved by a state agency to have  
10 unsupervised access to children under 18 years of age or persons with  
11 developmental disabilities; or (C) limiting the parent's unsupervised  
12 access to children under 18 years of age and to persons with  
13 developmental disabilities if this would give the parent the  
14 opportunity to have meaningful involvement in the school.

15 (d) Within five days of denying the volunteer application of a  
16 parent, the school must notify the parent of the school's decision,  
17 state specific reasons for the denial, and provide the procedure for  
18 appealing the school's decision.

19 (2) A parent whose volunteer application has been denied under  
20 this section may appeal to the office of the superintendent of public  
21 instruction according to procedures established by the superintendent  
22 of public instruction.

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

25 (a) "Criminal innocence or rehabilitation-related document" means  
26 evidence that a criminal conviction is the subject of: (i)  
27 Expungement, pardon, vacation, annulment, certificate of  
28 rehabilitation, or other equivalent procedure based on a finding of  
29 the rehabilitation of the person convicted; (ii) a pardon, annulment,  
30 or other equivalent procedure based on a finding of innocence; or  
31 (iii) a certificate of restoration of opportunity under RCW 9.97.020.

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

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

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

1       **Sec. 2.** RCW 28A.320.155 and 1999 c 21 s 1 are each amended to  
2 read as follows:

3       (1) If a volunteer alerts a school (~~(district)~~) that the  
4 volunteer has undergone a criminal records check in accordance with  
5 applicable state law, including RCW 10.97.050, 28A.400.303,  
6 28A.410.010, or 43.43.830 through 43.43.845, within the two years  
7 before the time the volunteer is volunteering in the school, then the  
8 school may request that the volunteer furnish the school with a copy  
9 of the criminal history record information or sign a release to the  
10 business, school, organization, criminal justice agency, or juvenile  
11 justice or care agency, or other state agency that originally  
12 obtained the criminal history record information to permit the record  
13 information to be shared with the school. Once the school requests  
14 the information from the business, school, organization, or agency  
15 the information shall be furnished to the school. Any business,  
16 school, organization, agency, or its employee or official that shares  
17 the criminal history record information with the requesting school in  
18 accordance with this section is immune from criminal and civil  
19 liability for dissemination of the information.

20       If the criminal history record information is shared, the school  
21 must require the volunteer to sign a disclosure statement indicating  
22 that there has been no conviction since the completion date of the  
23 most recent criminal background inquiry.

24       (2) For the purposes of this section, "school" has the same  
25 meaning as in section 1 of this act.

26       **Sec. 3.** RCW 28A.400.303 and 2020 c 22 s 1 are each amended to  
27 read as follows:

28       (1)(a) School districts, educational service districts, the  
29 Washington center for deaf and hard of hearing youth, the state  
30 school for the blind, the office of the superintendent of public  
31 instruction, and their contractors shall require a record check  
32 through the Washington state patrol criminal identification system  
33 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and  
34 through the federal bureau of investigation criminal justice  
35 information systems before hiring the following employees:

36       (i) Employees who will have regularly scheduled unsupervised  
37 access to children or persons with developmental disabilities; and

38       (ii) Employees who receive criminal history record information or  
39 personally identifiable information from the record check.

1 (b) A record check under this section must include a fingerprint  
2 check using a complete Washington state criminal identification  
3 fingerprint card.

4 (c) The requesting entity may provide a copy of the record report  
5 to the applicant at the applicant's request.

6 (d) When necessary, applicants for employment may be employed on  
7 a conditional basis pending completion of the record check.

8 (e) If the applicant for employment has had a record check within  
9 the previous two years, the district, the Washington center for deaf  
10 and hard of hearing youth, the state school for the blind, the office  
11 of the superintendent of public instruction, or contractor may waive  
12 the requirement.

13 (f) Except as provided in subsection (2) of this section, the  
14 school district, pursuant to chapter 41.59 or 41.56 RCW, the  
15 Washington center for deaf and hard of hearing youth, the state  
16 school for the blind, the office of the superintendent of public  
17 instruction, or contractor hiring the employee shall determine who  
18 shall pay costs associated with the record check.

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

22 (3)(a) School districts, educational service districts, the  
23 Washington center for deaf and hard of hearing youth, the state  
24 school for the blind, federal bureau of Indian affairs-funded  
25 schools, charter schools established under chapter 28A.710 RCW,  
26 schools that are the subject of a state-tribal education compact  
27 under chapter 28A.715 RCW, and their contractors may use the process  
28 in subsection (1)(a) of this section to perform record checks for any  
29 prospective volunteer who will have regularly scheduled unsupervised  
30 access to children under (~~eighteen~~) 18 years of age or persons with  
31 developmental disabilities, during the course of his or her  
32 involvement with the school or organization under circumstances where  
33 access will or may involve the following:

34 (i) Groups of five or fewer children under (~~twelve~~) 12 years of  
35 age;

36 (ii) Groups of three or fewer children between (~~twelve~~) 12 and  
37 (~~eighteen~~) 18 years of age; or

38 (iii) Persons with developmental disabilities.

39 (b) When the prospective volunteer is a parent, guardian, or  
40 legal custodian of a student enrolled at one of the entities

1 described in (a) of this subsection, the entity must meet the  
2 requirements of section 1 of this act.

3 (c) For purposes of (a) of this subsection, "unsupervised" means  
4 not in the presence of:

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

7 (ii) Any relative or guardian of any of the children or persons  
8 with developmental disabilities to which the prospective employee or  
9 volunteer has access during the course of his or her involvement with  
10 the school or organization.

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

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

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