

**HB 1296** - H AMD 447

By Representative Low

OUT OF ORDER 03/12/2025

1 On page 5, after line 26, insert the following:

2

3 "Sec. 104. RCW 28A.400.303 and 2020 c 22 s 1 are each amended  
4 to read as follows:

5 (1)(a) School districts, educational service districts, the  
6 Washington center for deaf and hard of hearing youth, the state  
7 school for the blind, the office of the superintendent of public  
8 instruction, and their contractors shall require a record check  
9 through the Washington state patrol criminal identification system  
10 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and  
11 through the federal bureau of investigation criminal justice  
12 information systems before hiring the following employees:

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

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

17 (b) A record check under this section must include a fingerprint  
18 check using a complete Washington state criminal identification  
19 fingerprint card.

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

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

24 (e) If the applicant for employment has had a record check  
25 within the previous two years, the district, the Washington center  
26 for deaf and hard of hearing youth, the state school for the blind,  
27

1 the office of the superintendent of public instruction, or  
2 contractor may waive the requirement.

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

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

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

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

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

27 (iii) Persons with developmental disabilities.

28 (b) The entities listed in (a) of this subsection are not  
29 obligated to impose the cost of record checks on prospective  
30 volunteers.

31 (c) A volunteer is not authorized to commence regularly scheduled  
32 unsupervised volunteer work with persons with developmental  
33 disabilities or groups of minors as described in (a)(i) and (ii) of  
34

1 this subsection until the record check has been received and  
2 considered by the entity.

3 (d) For purposes of (a) of this subsection, "unsupervised"  
4 means 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  
10 with 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 investigation  
20 for the criminal history background checks; a fee paid to the  
21 superintendent of public instruction for the cost of administering  
22 this section and RCW 28A.195.080 and 28A.410.010; and other applicable  
23 fees for obtaining the fingerprints."

EFFECT: (1) Requires, rather than allows, the following  
educational entities to conduct criminal history record checks on  
prospective volunteers who will have regularly scheduled  
unsupervised access to small groups of minors or individuals with  
developmental disabilities: 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, state-tribal education compact  
schools, and their contractors.

(2) Specifies that the educational entities are not obligated to  
impose the cost of record checks on prospective volunteers.

(3) Prohibits the prospective volunteer from commencing regularly  
scheduled unsupervised volunteer work with persons with

developmental disabilities or small groups of minors until the record check has been received and considered by the educational entity.

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