

SHB 1296 - H AMD TO H AMD (H-1828.2/25) 355

By Representative Low

SCOPE AND OBJECT 03/12/2025

1 On page 5, after line 22 of the striking amendment, insert the
2 following:

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

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

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

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

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

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

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

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

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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