Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Education Committee

HB 1189

Brief Description: Addressing parental involvement through volunteering in schools after a criminal conviction.

Sponsors: Representatives Simmons, Ortiz-Self, Macri, Peterson, Davis, Ormsby, Stonier and Hill.

Brief Summary of Bill

- Requires school districts and other public educational entities to follow specific procedures when receiving, evaluating, approving, and denying applications from students' parents, grandparents, guardians, and legal custodians who are volunteering to have unsupervised access to minors or individuals with developmental disabilities and who have criminal convictions on their record checks.

Hearing Date: 1/27/25

Staff: Megan Wargacki (786-7194).

Background:

Certain entities are authorized to conduct record checks on prospective volunteers who will have regularly scheduled unsupervised access to minors or individuals with developmental disabilities. This applies when the volunteer's involvement with the school may involve unsupervised access to: (1) groups of five or fewer children under 12 years of age; (2) groups of three or fewer children between 12 and 18 years of age; or (3) persons with developmental disabilities.

The entities authorized to conduct these records checks are school districts, educational service

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districts, the Washington Center for Deaf and Hard of Hearing Youth, the School for the Blind, Federal Bureau of Indian Affairs funded schools, charter schools, and state-tribal education compact schools, and contractors working for these entities.

A "record check" is a criminal history background check conducted through the Washington State Patrol's criminal identification system using a state fingerprint card, as well as through the Federal Bureau of Investigation's criminal justice information systems.

"Unsupervised" refers to situations where the prospective volunteer is not in the presence of another volunteer from the same school, nor any relative or guardian of the minors or persons with developmental disabilities to whom the volunteer has access.

Summary of Bill:

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 contractors working for these entities—collectively referred to as "schools"—must comply with specific procedures when conducting record checks on prospective volunteers who will have regularly scheduled unsupervised access to minors or individuals with developmental disabilities.

Schools must inform volunteer applicants who are parents, grandparents, guardians, or legal custodians of a student enrolled at the school about the option to submit documents demonstrating criminal innocence or rehabilitation. These documents include evidence that a criminal conviction has been: (1) expunged, pardoned, vacated, annulled, accompanied by a certificate of rehabilitation, or resolved through a similar procedure based on a finding of rehabilitation; (2) a pardoned, annulled, or resolved through a similar procedure based on a finding of innocence; or (3) addressed with a Certificate of Restoration of Opportunity.

If an applicant submits such documents and signs a statement affirming that no additional convictions have occurred since the issuance of the criminal innocence or rehabilitation-related document, the school may not deny the application based on the underlying criminal conviction.

If the applicant does not submit a criminal innocence or rehabilitation-related document addressing each conviction, the school must conduct an evaluation to determine whether to approve the application. This evaluation must include: (1) the length of time since the most recent conviction; and (2) whether any conviction involved a minor child victim. The school may consider other factors, as well as whether restricting the applicant's unsupervised access could still allow meaningful involvement in the school.

Within five days of approving or denying a volunteer application, the school must notify the applicant of the school's decision. If the application is denied, the school must provide specific reasons for the denial and information on how to appeal the decision to the Office of the Superintendent of Public Instruction.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.