
Education Committee

HB 1830

Brief Description: Concerning record checks for certain volunteers and contractors who will have access to children or persons with developmental disabilities.

Sponsors: Representatives Richards, Rude, Walen, Stonier and Leavitt.

Brief Summary of Bill

- Provides that an entity that requests a background record check may only access the resulting report in accordance with rules adopted by the Superintendent of Public Instruction (SPI).
- Requires that an entity requesting a record check for a prospective employee be provided notice from the Office of the Superintendent of Public Instruction in a reasonable time frame of any disqualification of an applicant and the basis for the disqualification.
- Requires the SPI to grant access to its record check database to entities that contract with public or private schools, school districts, and other entities to provide services by persons who will have regularly scheduled unsupervised access to children or persons with developmental disabilities.

Hearing Date: 2/11/25

Staff: Ethan Moreno (786-7386).

Background:

Records Checks.

School districts, educational service districts (ESDs), the Washington Center for Deaf and Hard of Hearing Youth (CDHY), the School for the Blind (WSSB), Federal Bureau of Indian Affairs

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(BIA) funded schools, charter schools, and state-tribal education compact schools (STECs), and contractors working for these entities must have a record check of a prospective employees who will:

- have regularly scheduled unsupervised access to children or persons with developmental disabilities; and
- receive criminal history record information or personally identifiable information from the record check.

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.

Applicants may be employed on a conditional basis pending completion of the record check, and the requesting entity may provide a copy of the record report to the applicant at the applicant's request.

Agency Rules—Record Reviews and Limited Database Access.

The Superintendent of Public Instruction (SPI) adopts rules to implement the record check requirements. The rules must include written procedures for:

- providing a school district, approved private school, the CDHY, the WSSB, BIA-funded school, charter school, STEC, or applicant for certification or employment access to and review of information obtained through the required record check; and
- limiting access to the SPI's confidential record check database to only those individuals processing record check information at:
 - the Office of the Superintendent of Public Instruction (OSPI);
 - the appropriate school district or districts;
 - approved private schools;
 - the CDHY;
 - the WSSB;
 - the appropriate ESD or ESDs;
 - the appropriate BIA-funded schools;
 - the appropriate charter schools; and
 - the appropriate STECs.

The SPI's record check database is the electronic database, or printed copy equivalent, maintained by the SPI or the SPI's designee that contains:

- the names and other identifiable information of individuals checked in accordance with record check provisions for teachers and public and private school employees; and
- whether there is any record of arrest and prosecution for the individual.

Summary of Bill:

Record Checks—Modified Requirements.

An entity that requests a record check may only access the resulting report in accordance with

rules adopted by the SPI. Additionally, an entity requesting a record check for a prospective employee must, within a reasonable time frame, be provided notice from the OSPI of any disqualification of an applicant, and the basis for the disqualification resulting from the record check.

Expanded Access to Record Check Database.

Record check rules of the SPI must grant access to its confidential record check database to individuals processing record check information at entities that contract with a public or private school, school district, ESD, or state agency to provide services by persons who will have regularly scheduled unsupervised access to children or persons with developmental disabilities.

Appropriation: None.

Fiscal Note: Requested on February 5, 2025.

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