
HOUSE BILL 1189

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By Representatives Simmons, Ortiz-Self, Macri, Peterson, Davis, Ormsby, Stonier, and Hill

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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 approving or denying the volunteer
16 application of a parent, the school must notify the parent of the
17 school's decision. If denying the application, the school must also
18 state specific reasons for the denial and provide the appeal process
19 under subsection (2) of this section.

20 (2) (a) A parent whose volunteer application has been denied under
21 this section may appeal the decision to the office of the
22 superintendent of public instruction. The appeal process must follow
23 rules established by the superintendent of public instruction.

24 (b) The superintendent of public instruction must adopt rules in
25 accordance with chapter 34.05 RCW to establish the appeal process
26 referenced in (a) of this subsection.

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

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

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

38 (c) "School" means a school district, educational service
39 district, the Washington center for deaf and hard of hearing youth,
40 the state school for the blind, a federal bureau of Indian affairs-

1 funded school, a charter school established under chapter 28A.710
2 RCW, a school that is the subject of a state-tribal education compact
3 under chapter 28A.715 RCW, or a contractor of one of these entities.

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

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

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

24 (b) If the criminal history record information is shared, the
25 school must require the volunteer to sign a disclosure statement
26 indicating that there has been no conviction since the completion
27 date of the most recent criminal background inquiry.

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

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

32 (1)(a) School districts, educational service districts, the
33 Washington center for deaf and hard of hearing youth, the state
34 school for the blind, the office of the superintendent of public
35 instruction, and their contractors shall require a record check
36 through the Washington state patrol criminal identification system
37 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and

1 through the federal bureau of investigation criminal justice
2 information systems before hiring the following employees:

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

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

7 (b) A record check under this section must include a fingerprint
8 check using a complete Washington state criminal identification
9 fingerprint card.

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

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

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

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

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

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

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

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

5 (iii) Persons with developmental disabilities.

6 (b) When the prospective volunteer is a parent, grandparent,
7 guardian, or legal custodian of a student enrolled at one of the
8 entities described in (a) of this subsection, the entity must meet
9 the requirements of section 1 of this act.

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

12 (i) Another employee or volunteer from the same school or
13 organization; or

14 (ii) Any relative or guardian of any of the children or persons
15 with developmental disabilities to which the prospective employee or
16 volunteer has access during the course of his or her involvement with
17 the school or organization.

18 (4) Individuals who hold a valid portable background check
19 clearance card issued by the department of children, youth, and
20 families consistent with RCW 43.216.270 can meet the requirements in
21 subsection (1) of this section by providing a true and accurate copy
22 of their Washington state patrol and federal bureau of investigation
23 background report results to the office of the superintendent of
24 public instruction.

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

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