
HOUSE BILL 2220

State of Washington

66th Legislature

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By Representative Dolan

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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 eighteen years of age or
11 persons with developmental disabilities; or (C) limiting the parent's
12 unsupervised access to children under eighteen years of age and to
13 persons with developmental disabilities if this would give the parent
14 the opportunity to have meaningful involvement in the school.

15 (d) Within five days of denying the volunteer application of a
16 parent, the school must notify the parent of the school's decision,
17 state specific reasons for the denial, and provide the procedure for
18 appealing the school's decision.

19 (2) A parent whose volunteer application has been denied under
20 this section may appeal to the office of the superintendent of public
21 instruction according to procedures established by the superintendent
22 of public instruction.

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

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

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

34 (c) "School" means a school district, educational service
35 district, the Washington center for deaf and hard of hearing youth,
36 the state school for the blind, a federal bureau of Indian affairs-
37 funded school, a charter school established under chapter 28A.710
38 RCW, a school that is the subject of a state-tribal education compact
39 under chapter 28A.715 RCW, or their contractors.

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

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

3 (1) If a volunteer alerts a school (~~(district)~~) that the
4 volunteer has undergone a criminal records check in accordance with
5 applicable state law, including RCW 10.97.050, 28A.400.303,
6 28A.410.010, or 43.43.830 through 43.43.845, within the two years
7 before the time the volunteer is volunteering in the school, then the
8 school may request that the volunteer furnish the school with a copy
9 of the criminal history record information or sign a release to the
10 business, school, organization, criminal justice agency, or juvenile
11 justice or care agency, or other state agency that originally
12 obtained the criminal history record information to permit the record
13 information to be shared with the school. Once the school requests
14 the information from the business, school, organization, or agency
15 the information shall be furnished to the school. Any business,
16 school, organization, agency, or its employee or official that shares
17 the criminal history record information with the requesting school in
18 accordance with this section is immune from criminal and civil
19 liability for dissemination of the information.

20 If the criminal history record information is shared, the school
21 must require the volunteer to sign a disclosure statement indicating
22 that there has been no conviction since the completion date of the
23 most recent criminal background inquiry.

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

26 **Sec. 3.** RCW 28A.400.303 and 2019 c 266 s 20 are each amended to
27 read as follows:

28 (1) School districts, educational service districts, the
29 Washington center for deaf and hard of hearing youth, the state
30 school for the blind, and their contractors hiring employees who will
31 have regularly scheduled unsupervised access to children or
32 (~~(developmentally disabled)~~) persons with developmental disabilities
33 shall require a record check through the Washington state patrol
34 criminal identification system under RCW 43.43.830 through 43.43.834,
35 10.97.030, and 10.97.050 and through the federal bureau of
36 investigation before hiring an employee. The record check (~~(shall)~~)
37 must include a fingerprint check using a complete Washington state
38 criminal identification fingerprint card. The requesting entity may
39 provide a copy of the record report to the applicant at the

1 applicant's request. When necessary, applicants may be employed on a
2 conditional basis pending completion of the investigation. If the
3 applicant has had a record check within the previous two years, the
4 district, the Washington center for deaf and hard of hearing youth,
5 the state school for the blind, or contractor may waive the
6 requirement. Except as provided in subsection (2) of this section,
7 the district, pursuant to chapter 41.59 or 41.56 RCW, the Washington
8 center for deaf and hard of hearing youth, the state school for the
9 blind, or contractor hiring the employee shall determine who shall
10 pay costs associated with the record check.

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

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

- 26 (i) Groups of five or fewer children under twelve years of age;
27 (ii) Groups of three or fewer children between twelve and
28 eighteen years of age; or
29 (iii) (~~Developmentally disabled~~) Persons with developmental
30 disabilities.

31 (b) When the prospective volunteer is a parent, guardian, or
32 legal custodian of a student enrolled at one of the entities
33 described in (a) of this subsection, the entity must meet the
34 requirements of section 1 of this act.

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

- 37 (i) Another employee or volunteer from the same school or
38 organization; or
39 (ii) Any relative or guardian of any of the children or
40 (~~developmentally disabled~~) persons with developmental disabilities

1 to which the prospective employee or volunteer has access during the
2 course of his or her involvement with the school or organization.

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

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

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