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**Early Learning & Human Services  
Committee**

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**HB 1419**

**Brief Description:** Allowing the department of early learning and the department of social and health services to share background check information.

**Sponsors:** Representatives Kagi, Roberts and Dickerson; by request of Department of Early Learning.

**Brief Summary of Bill**

- Requires the Department of Social and Health Services (DSHS) and the Department of Early Learning to share federal fingerprint-based background check information results to fulfill their respective background check responsibilities.

**Hearing Date:** 2/1/11

**Staff:** Megan Palchak (786-7120).

**Background:**

The Relationship Between Department of Early Learning and the Department of Social and Health Services.

Prior to July 1, 2006, the Department of Early Learning (DEL) existed within the Department of Social and Health Services (DSHS) as the Division of Child Care and Early Learning (DCCEL). One function of the DCCEL was to perform background checks on applicants for child care licenses and early learning service. When the DEL became an independent agency, background check rules that applied to the DCCEL became obsolete for the purposes of regulating licensed child care and early learning services. Emergency rules were adopted to allow the DEL to perform background checks independently of the DSHS.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## Background Check Requirements.

### *The Department of Social and Health Services.*

The DSHS is required to investigate the conviction records, pending charges, and disciplinary board final decisions of any person who will or may have unsupervised access to children or vulnerable adults. The investigation may include an examination of state and national criminal data. The DSHS conducts fingerprint-based background checks through the Washington State Patrol (WSP) and the Federal Bureau of Investigation (FBI).

### *The Department of Early Learning.*

The DEL, in consultation with law enforcement personnel, is required to investigate the conviction record or pending charges of each agency and its staff seeking re-licensure, and other persons having unsupervised access to children. When considering the character, suitability, and competence of applicants, the DEL is required to fingerprint applicants who have not resided in Washington three years prior to application. Fingerprints shall be forwarded to the WSP and the FBI.

### *The Washington State Patrol.*

The Secretary of the DSHS may require fingerprint-based background checks on applicants or service providers through WSP and the FBI *at any time*, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state for less than three years.

### **Summary of Bill:**

The DEL and the DSHS are required to share federal fingerprint-based background check results in order to fulfill the DEL and the DSHS's joint responsibility to check the background of any individual who may have unsupervised access to vulnerable adults, children, or juveniles.

The DSHS's authorization to examine state and national criminal identification data is changed to a requirement to complete fingerprint-based background checks through both the WSP and the FBI.

**Appropriation:** None.

**Fiscal Note:** Available.

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