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**Early Learning & Human Services  
Committee**

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**HB 2658**

**Brief Description:** Exempting qualified licensed child care providers from school district and educational service district records check requirements.

**Sponsors:** Representative Kagi.

**Brief Summary of Bill**

- Exempts some Department of Early Learning background check clearance card holders from certain school-related records checks.

**Hearing Date:** 1/26/12

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

**Background:**

The Department of Early Learning (DEL) oversees and regulates licensed child care and early learning in Washington. Some DEL licensed child care providers operate in school-related settings. Both the DEL and school related entities (school districts, educational service districts, the Washington State School for the Deaf, the Washington State School for the Blind, and their contractors) are required to conduct records checks on individuals who may have unsupervised access to children.

Department of Early Learning Checks.

To determine whether an individual is of appropriate character, suitability, and competence to provide licensed child care and early learning services to children, the DEL is authorized to consider past involvement with Child Protective Services (CPS) or law enforcement agencies in order to establish a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child.

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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.*

In 2011 the Legislature enacted Second Substitute House Bill 1903, which required individuals applying for first-time licenses, all new employees, and other person who have not been previously qualified by the DEL to have unsupervised access to children in care to be fingerprinted and obtain a criminal history record check. (Prior to this legislation, fingerprint checks were only required for individuals who had not resided in Washington for more than three years prior to the date of application.)

If the DEL concludes the applicant is qualified to have unsupervised access to children in care, the DEL must issue a background check clearance card or certificate to the applicant. This clearance card is valid for three years and must be accepted by potential employers as proof that the applicant has successfully completed a background check.

The DEL must investigate and re-determine an applicant or licensee's background clearance if the DEL receives a complaint or information from individuals, law enforcement, or other government agencies. Background check clearance card or certificate holders are required to report non-conviction and conviction information to the DEL within 24 hours of the event. Child care agencies are required to report to the DEL any knowledge of the following information regarding any individual working in a child care agency:

- criminal charges or convictions;
- charges that might be reasonably related to the individual's suitability to provide care for or have unsupervised access to children or care; and
- negative actions.

Negative actions may include:

- a decision issued by an administrative law judge;
- a final determination, decision, or finding made by an agency following an investigation;
- an adverse agency action, including termination, revocation or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;
- a revocation, denial, or restriction placed on any professional license; or
- a final decision by a disciplinary board.

If that individual lacks the appropriate character, suitability, or competence to provide child care or early learning services, the DEL is authorized to invalidate the background card or certificate or suspend, modify, or revoke any license.

#### School Related Records Check.

Before hiring an employee, a school district, an educational service district, the Washington State School for the Deaf, the Washington State School for the Blind, and their contractors who have regularly unsupervised access to children must have a record check through the Washington State Patrol (WSP) and Federal Bureau of Investigation (FBI). If the applicant has had a record check within the previous two years, the requirement may be waived.

#### **Summary of Bill:**

Under this act, licensed child care providers who are contracted to provide child care through school districts and educational service districts, who hold valid background check clearance cards issued by the DEL, are not subject to the WSP and FBI checks required by school districts,

educational service districts, the Washington State School for the Deaf, the Washington State School for the Blind, and their contractors hiring employees who have regularly scheduled unsupervised access to children.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2012.

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