

HOUSE BILL REPORT

HB 2658

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to exempting qualified licensed child care providers from school district and educational service district records check requirements.

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

Sponsors: Representative Kagi.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/26/12, 1/31/12 [DPS].

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

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.

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.

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 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.

In 2011 the Legislature enacted Second Substitute House Bill 1903, which required individuals applying for first-time licenses, all new employees, and other persons 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; 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 check clearance 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 Substitute Bill:

Under this act, individuals who hold valid background check clearance cards issued by the DEL are not subject to the WSP and the FBI checks required of those seeking employment through school districts, educational service districts, the Washington State School for the Deaf, the Washington State School for the Blind, or their contractors.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that individuals (rather than "contracted licensed child care providers") who hold valid background check clearance cards are exempt from school-related checks.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The Office of the Superintendent of Public Instruction (OSPI) supports this effort. It reduces duplication. Changing the language from "contractors" to "school district employees" would be helpful. There is still a concern about school districts being able to look at records. It would be good to move forward with information sharing between the DEL and the OSPI.

(Opposed) None.

Persons Testifying: Representative Kagi, prime sponsor; and Bob Butts, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.