

# SENATE BILL REPORT

## SB 5714

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As of February 16, 2011

**Title:** An act relating to implementing a portable background check clearance registry for licensed and regulated child care facilities.

**Brief Description:** Regarding background check clearance for licensed and regulated child care facilities.

**Sponsors:** Senators Kohl-Welles, Litzow, McAuliffe, Harper and Kline.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/11.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Jennifer Strus (786-7316)

**Background:** The Department of Early Learning (DEL) oversees and regulates child care licensing in Washington. In consultation with law enforcement, the DEL investigates the conviction record or pending charges of any person having unsupervised access to children. Fingerprint-based background checks are only required of applicants who have not resided in Washington for three years prior to the date of application.

Fingerprint-based criminal history record checks are conducted at the expense of the licensed child care provider, or licensee. The licensee is not authorized to pass this cost on to employees or prospective employees, unless the employee is determined to be unsuitable based on his or her criminal history.

**Summary of Bill:** By July 1, 2012, DEL must establish and maintain an individual-based or portable background check clearance registry. Any person seeking a child care license or employment in a child care facility that is licensed or regulated by DEL must submit a background check application on forms directed by DEL. Licensees, their employees and persons qualified to have unsupervised access to children must submit a new background application within one year following the creation of the portable background check registry.

All first time agency license applicants, other applicants and persons having unsupervised access to children must be fingerprinted. The applicant must pay for the costs of obtaining the fingerprint criminal history record check. DEL is to use the record generated by the

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fingerprint check solely to determine whether an applicant is eligible for a license and to determine the character, suitability, and competence of those persons or agencies not required to be licensed who are authorized to care for children.

DEL must issue to the applicant a background check clearance card or certificate if, after the completion of the background check, DEL concludes that the applicant is qualified for unsupervised access to children in care. The card or certificate is valid for three years from the date it was issued. Persons or agencies that have previously been issued a background check clearance card or certificate must submit a new background check application to DEL 180 days before the card or certificate expires.

Individuals who have been issued background check clearance cards or certificates must report to DEL nonconviction and conviction information within 24 hours of the event constituting the nonconviction or conviction information.

If any individual, law enforcement agency or other federal, state, or local government agency complains about an applicant or licensee, DEL must investigate and conduct a redetermination of the applicant's or licensee's background clearance. Subject to licensing requirements, and based upon a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, DEL may invalidate the background card or certificate or suspend, modify, or revoke any license.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.