

SENATE BILL REPORT

SB 5714

As Reported by Senate Committee On:
Human Services & Corrections, February 17, 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, 2/17/11 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Baxter, Carrell, Harper and McAuliffe.

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 (Recommended Substitute): The applicant must pay for the costs of obtaining the fingerprint criminal history record check. DEL is to use the record generated by the fingerprint check solely to determine whether an applicant is eligible for a license and

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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 one year from the date it was issued and must be renewed annually.

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.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Removes the provisions requiring DEL to institute a portable background check registry. Removes the requirement that all applicants must undergo a fingerprint-based background check. Provides that the background check card or certificate is good for one year and must be renewed annually.

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.

Staff Summary of Public Testimony on Original Bill: PRO: Have discussed the portability issue in past years and while it is a good idea, the cost has been a factor in the past. Worked with DEL on the bill, and they support the concept. While the applicant would pay for the background check, and the background card, it is good for three years and can be used with different child care providers. It would also help providers with new employees who have to wait before they can have unsupervised access to children until their background check is complete. Good idea to have all providers and employees go through a fingerprint background check.

OTHER: Support the concept but there is a cost to it. Provides benefits to both the child care providers and employees.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor.

OTHER: Amy Blondin, DEL.