

# SENATE BILL REPORT

## SB 6404

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, January 30, 2018

**Title:** An act relating to background checks for persons providing child care services.

**Brief Description:** Concerning background checks for persons providing child care services.

**Sponsors:** Senators Wellman, Mullet, Fain, Hunt and Kuderer; by request of Department of Early Learning.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/23/18, 1/30/18 [DP, w/oRec].

**Brief Summary of Bill**

- Requires child care licensees and their employees to submit a new background application with accompanying fees to the Department of Children, Youth, and Families (DCYF) when renewing their background clearance cards or certificates.
- Provides that background check payment requirements do not apply to in-home/relative providers who receive child care subsidies.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass.

Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Billig, Hunt, Mullet and Pedersen.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Zeiger, Ranking Member; Hawkins, Padden and Rivers.

**Staff:** Ailey Kato (786-7434)

**Background:** DCYF. In 2017, the Legislature passed a bill that created the new DCYF. On July 1, 2018, all powers, duties, and functions from the Department of Early Learning (DEL) will transfer to DCYF.

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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.*

Child Care Background Checks. Any individual who has unsupervised access to children in a licensed child care must submit to a fingerprint background check. Fingerprints must be forwarded to the Washington State Patrol and Federal Bureau of Investigation for a criminal history record check.

DCYF must issue a background check clearance card or certificate if the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for three years from the date of issue. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check.

Background Check Fees. Persons who must be fingerprinted must pay a fee established by the Washington State Patrol for the criminal history check and a fee to DCYF for the cost of administering the individual-based/portable background check clearance registry.

Family, Friends, and Neighbor Child Care. This type of child care is exempt from licensing if certain requirements are met.

The Working Connections Child Care program is federally and state-funded and offers child care subsidies to families with an income at or below 200 percent of the federal poverty level—\$49,200 for a family of four. The state pays part of the cost of child care when a parent is employed, self-employed, or meets the requirements for Temporary Assistance for Needy Families or WorkFirst programs.

The state may pay family, friends, and neighbors for caring for children of eligible families. These caregivers are called in-home/relative providers and must meet certain requirements including background checks.

The 2017-19 state operating budget included \$408,000 in federal funding to reimburse family, friends, and neighbors for background checks.

**Summary of Bill:** For the purposes of renewing background clearance cards or certificates, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by DCYF, must submit a new background application to DCYF on a date to be determined. Fee requirements apply to background clearance renewal applications.

Payment requirements for background checks do not apply to persons who:

- provide regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than 24 hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than 24 hours;
- receive child care subsidies; and
- are exempt from child care licensing.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on July 1, 2018.

**Staff Summary of Public Testimony:** PRO: Washington has many family, friends, and neighbors receiving child care subsidies for short-term periods. The department does not want its first engagement with these child care providers to be a requirement to pay for a background check, which federal law now requires.

OTHER: Child care providers, especially in rural areas, find it burdensome to get to a background check vendor. It requires child care providers to figure out when a vendor is in the area and who can substitute for them. Existing family child care providers should also get the background check fee waived.

**Persons Testifying:** PRO: Senator Lisa Wellman, Prime Sponsor; Frank Ordway, Department of Early Learning.

OTHER: Alex Hur, SEIU 925.

**Persons Signed In To Testify But Not Testifying:** No one.