

HOUSE BILL REPORT

SSB 5774

As Passed House - Amended:

February 28, 2024

Title: An act relating to increasing the capacity to conduct timely fingerprint-based background checks for prospective child care employees and other programs.

Brief Description: Increasing the capacity to conduct timely fingerprint-based background checks for prospective child care employees and other programs.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Billig, Hawkins, Wilson, C., Wellman, Dozier, Frame, Kuderer, Lovick, Mullet, Nguyen, Nobles, Padden, Salomon and Shewmake).

Brief History:

Committee Activity:

Human Services, Youth, & Early Learning: 2/20/24, 2/21/24 [DPA];

Appropriations: 2/23/24, 2/26/24 [DPA(HSEL)].

Floor Activity:

Passed House: 2/28/24, 95-0.

Brief Summary of Substitute Bill (As Amended by House)

- Requires, subject to appropriated funding, that the Department of Children, Youth, and Families maintain the capacity to roll, print, or scan fingerprints in at least seven of its early learning and child welfare offices for background checks of specified categories of persons.

HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

Majority Report: Do pass as amended. Signed by 10 members: Representatives Senn, Chair; Cortes, Vice Chair; Rule, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan, Dent, Goodman, Ortiz-Self and Taylor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 1 member: Representative Walsh.

Staff: Omeara Harrington (786-7136).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Human Services, Youth, & Early Learning. Signed by 28 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Tharinger and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Macri, Vice Chair.

Staff: Jordan Clarke (786-7123).

Background:

Criminal History Information.

The Washington State Patrol's (WSP's) Criminal History Records Section is the central repository for criminal history record information for Washington. Criminal history record information consists of fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout the state. The WSP facilitates background checks for other agencies, employers, and the public.

Federal Bureau of Investigation (FBI) records are compiled from records received from local, state, federal, tribal, and international criminal justice agencies. Federal law allows for the exchange of criminal records and related information within the possession of the FBI with authorized officials of the federal government, states, Indian tribes, cities, and penal and other institutions.

Background Check Requirements.

Persons with certain criminal history, pending charges, or history of other disqualifying negative action are ineligible to work in positions where they will have unsupervised access to children or vulnerable adults. A person must pass a fingerprint-based state and federal background check through the WSP and the FBI before working in a position with such unsupervised access.

The Department of Children, Youth, and Families (DCYF) must require a fingerprint-based background check of any individual who:

- is applying for a license to provide certain foster or maternity care services, or is an

- adult living in a home where a child is placed;
- is applying for employment or already employed at a group care facility, regardless of whether the applicant is working directly with children;
- is newly applying for a child care license, is newly licensed, is an employee of a child care agency that is newly licensed, or will newly have unsupervised access to children in child care; or
- has resided in the state less than three consecutive years before application and is applying for employment, promotion, reallocation, or transfer to a position that may require unsupervised access to children or juveniles; is a business or individual contracted to provide developmental disabilities services; or is a person age 16 or older who is residing with or under the care of an applicant or service provider providing foster care or other services.

The DCYF contracts with a third-party provider to collect fingerprints for background check purposes.

Summary of Amended Bill:

Subject to appropriated funding, the DCYF must maintain the capacity to roll, print, or scan fingerprints in at least seven of its early learning and child welfare offices for the purposes of WSP and FBI background checks of prospective and current child care employees, licensed group care employees, families, and relatives involved in child welfare. Office locations must be prioritized based on proximity to existing fingerprinting service capacity, regional demand, and criteria to enhance timely access. Staff support of at least 0.5 full-time equivalent employees per office location must be provided for this purpose.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony (Human Services, Youth, & Early Learning):

(In support) Child care should be accessible to working families, and a big piece of this is facilitating the child care workforce. It is important to remove barriers to get people to the point where they can actually work. Fingerprinting has proven to be a barrier, as some people have to drive 60 miles to get to a fingerprint site. Even when a fingerprinting site is closer for new staff, an appointment still has to be scheduled. Some providers have had to close rooms because staff cannot be fingerprinted in a timely manner. One child care center has 110 potential slots, but can only fill 53, largely because they do not have enough staff to serve that center. Another center needed to quickly onboard a new teacher when they started an infant program, but it took weeks to get the background check completed because of the difficulty in providing fingerprints. This change will make the background check

system more accessible to teachers. It is important to support changes like this one that help schools onboard newly hired individuals in safe and simple ways. Seven locations is not very many, so hopefully this will be a stepping stone to expand these services in the future. More work needs to be done to improve the return time on the background checks once fingerprints are submitted.

(Opposed) None.

(Other) This bill puts forth a good way to remove barriers to obtaining background checks. By expanding capacity in DCYF offices, caregivers who are involved in the life of children and in child welfare will have immediate access to fingerprinting. The underlying bill had some technical and operational challenges and only allowed for limited staffing.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Human Services, Youth, & Early Learning): (In support) Wendy Bart, Olympic Peninsula YMCA; Alan Leshner, Inland Northwest YMCA; Stephanie Smith; Colleen Condon and Laura Murphey, Washington Childcare Center Association; and Suzie Hanson, Washington Federation of Independent Schools.

(Other) Allison Krutsinger, Department of Children, Youth, and Families.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Human Services, Youth, & Early Learning): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.