

SENATE BILL REPORT

SB 5774

As Reported by Senate Committee On:
Early Learning & K-12 Education, January 17, 2024
Ways & Means, February 5, 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: Senators Billig, Hawkins, Wilson, C., Wellman, Dozier, Frame, Kuderer, Lovick, Mullet, Nguyen, Nobles, Padden, Salomon and Shewmake.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/11/24, 1/17/24 [DPS-WM].
Ways & Means: 1/29/24, 2/05/24 [DPS (EDU), w/oRec].

Brief Summary of First Substitute Bill

- Requires the Department of Children, Youth, and Families, subject to appropriations, to maintain the capacity to roll, print, or scan fingerprints in at least ten of its early learning and child welfare offices for the purposes of fingerprint-based background checks.
- Specifies priorities for the office locations and limits staff support to a ratio of one-quarter full-time equivalent employees per office location.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5774 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

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.

Staff: Ailey Kato (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5774 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Gildon, Assistant Ranking Member, Operating; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Pedersen, Randall, Saldaña, Van De Wege and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke, Braun, Muzzall, Torres and Wagoner.

Staff: Josh Hinman (786-7281)

Background: State law and federal regulation require fingerprint-based background checks through the Washington State Patrol (WSP) and the Federal Bureau of Investigation (FBI) for:

- anyone who is authorized to care for or have unsupervised access to children in child care and early learning programs; and
- child welfare programs including foster care or adoptive placement.

Federal regulation allows prospective child care staff members to begin work on a provisional basis if they are supervised at all times and have completed and received the results of an FBI fingerprint check or a check of the state criminal repository using fingerprints.

During the COVID-19 pandemic, a Governor proclamation suspended and waived statutes relating to the administrative requirements related to fingerprint-based background checks for child care and foster and adoptive parents to increase the availability of these services. This proclamation has been rescinded.

According to the Department of Children, Youth, and Families (DCYF), effective January 1, 2024, all child care and early learning providers, including those not working directly with children or youth, who were previously allowed to work supervised after submitting their background check application, must complete fingerprints and have a cleared status in the Managed Education and Registry Tool to continue to work at a child care facility. DCYF works with a contractor to conduct the fingerprint process.

Summary of Bill (First Substitute): Subject to appropriations and to help satisfy background check requirements, DCYF must maintain the capacity to roll, print, or scan fingerprints in at least ten of DCFY's early learning and child welfare offices for the

purposes of WSP and FBI fingerprint-based background checks. Office locations must be prioritized based on proximity to existing fingerprinting service capacity, regional demand, and criteria to enhance timely access. Staff support is limited to a ratio of one-quarter full-time equivalent employees per office location.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Specifies that the fingerprinting must be in at least ten of DCYF's early learning and child welfare offices.
- Specifies that office locations shall be prioritized based on proximity to existing fingerprinting service capacity, regional demand, and criteria to enhance timely access.
- Limits staff support to a ratio of one-quarter full-time equivalent employees per office location.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): *The committee recommended a different version of the bill than what was heard.* PRO: This state and country is in a child care crisis. Many families have trouble accessing safe and affordable child care, which is needed for addressing workforce shortage issues in fields like retail and medical. There are a number of child care workforce shortage issues including meeting background check requirements. DCYF is working on improving the speed of the background check process, but another issue is having enough locations for applicants to get fingerprinted. A mobile fingerprinting unit would also be helpful. DCYF should also change the background check process.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Andy Billig, Prime Sponsor; Crystal Leatherman, Washington Retail Association; Colleen Condon; Susan Brown; Suzie Hanson, Washington Federation of Independent Schools; Malorie Toman, WA State Medical Association.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO:

Washington has workforce shortages, particularly in non-urban areas.

There is a workforce crisis. Four in five providers are experiencing shortages. Poverty-level wages. Anything to help recruitment and retention is helpful. Child care providers have called for this policy for many years.

Building an affordable and quality child care workforce supports the general workforce. A study indicated that lack of affordable child care ends up costing the United States \$122 billion per year. Testifier urges the Legislature to enact this bill to improve the Washington economy and provide for families.

Testifier is a child care center owner who opened a new center recently. There was a lag in servicing their child capacity due to waiting on staff to complete fingerprinting requirements. Some staff have to find appointments on select days at select time, and drive up to 55 miles away. For example, to a city hall that was only open on Tuesdays and Thursdays. These delays held off service capacity for two weeks.

Persons Testifying (Ways & Means): PRO: Senator Andy Billig, Prime Sponsor; Stephanie Smith, Learning to Grow; Emily Murphy, Child Care Aware of Washington; Crystal Leatherman, Washington Retail Association.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.