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**Early Learning & Children's  
Services Committee**

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**HB 1462**

**Brief Description:** Creating additional safeguards for child care.

**Sponsors:** Representatives Dickerson, Kagi, Hunter, Kenney, Appleton, Roberts, Green, Ericks, Morrell and Lantz.

**Brief Summary of Bill**

- Requires the sharing of information between former, current, and prospective employers who are licensed child care providers about sexual misconduct and other abuse by prospective employees.
- Directs the Department of Early Learning to establish a publically-accessible website for posting information regarding complaints and enforcement actions against child care providers.

**Hearing Date:** 2/2/07

**Staff:** Sydney Forrester (786-7120).

**Background:**

Types of Background Information

Background information is available from several sources. For example, information about misdemeanor and felony convictions is available through the Washington State Patrol(WSP) and the Federal Bureau of Investigation (WSP). Misdemeanor conviction information may be available from local jurisdictions as well. Information about child abuse and neglect allegations, related findings, and dependency cases is maintained by the Children's Administration (CA) in the Department of Social and Health Services (DSHS). County court systems and local law enforcement offices maintain information about domestic violence protection orders and other protective orders. Other industry specific databases at the state and national level maintain

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information regarding disciplinary actions against professional licenses such as teaching certificates and a variety of health care provider licenses.

*Department of Early Learning Licensing and Approval Process*

The Department of Early Learning (DEL) licenses child care centers and family day-care homes. License requirements include investigation of dependency records in the CA database and a criminal background check for the person seeking the license and on employees of the licensee.

The DEL also approves some unlicensed providers to provide care to children and receive state subsidies under the Working Connections Child Care Program (WCCC). Approval of unlicensed providers also includes a criminal background check on the provider and persons over the age of 16 years residing in the home. The DEL reports it recently has begun also investigating the dependency records of persons approved to receive WCCC subsidies.

Criminal background checks for licensed providers and for unlicensed providers approved under WCCC look at information about criminal convictions maintained by the Washington State Patrol (WSP), and in some cases at information maintained in the FBI's national database. The criminal background check is done using a person's name and date of birth only if the person has resided in Washington for the past three years or more. This type of check looks at records of convictions in Washington. For persons who have resided in Washington less than three years seeking a license, employment with a licensee, or approval for receipt of WCCC subsidies, the criminal background check is done using fingerprints matched against the FBI's national database.

*Access to Information About Child Care Providers*

One of the focuses of recent early learning policy developments is providing parents with information about providers, including information about complaints and enforcement actions against a provider. The DEL is required to disclose upon request information about complaints on record that have resulted in enforcement actions.

**Summary of Bill:**

The DEL statute is revised to include an additional purpose for which the chapter is intended to function: to provide tools to promote the hiring of suitable providers of child care. This purpose is to be achieved by providing parents with access to information about providers; giving providers with known information regarding prospective employees' sexual misconduct or other abusive misconduct.

The DEL is directed to disclose complaint information regardless if a request has been made or not. The DEL is expressly authorized to make this information and information about enforcement actions and inspections accessible via a website. The DEL must post to a website accessible to the public information about: (1) actions against licensees and their employees, including any written reprimand related to abuse or sexual misconduct; and (2) license suspension and stays of suspension; surrender; revocation; denial; and reinstatement.

Prospective employees of a licensed center of family day-care home are required to authorize the sharing of information, if any, regarding past sexual misconduct or abuse by the applicant, between the prospective employer and current or past employers. Prospective employers must request and current and past employers must disclose such information. Employers who disclose such information in good faith are immune from civil liability for the disclosure. Use of the

information is limited to persons making hiring decisions and evaluating the prospective employee's qualification for employment. Misuse of the information is a misdemeanor.

The DEL is directed to adopt rules defining sexual misconduct, verbal abuse, and physical abuse. Such definitions must include a requirement that the DEL has determined there is sufficient information to conclude that the misconduct occurred and that it resulted in the prospective employee leaving his or her position with a former employer.

The DEL and child care providers must notify the parent(s) of a child alleged to be the victim, target, or recipient of sexual misconduct or other abuse at the first opportunity and within forty-eight hours of receiving such a report. Parents also must be provided information at least annually regarding their rights under the public records disclosure act to request records regarding the employees.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.