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

ESSB 5317

Brief Description: Creating additional safeguards for child care.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland, Hargrove, Stevens, Regala and McAuliffe).

Brief Summary of Engrossed Substitute Bill

- Directs the Department of Early Learning to establish a publically-accessible website for posting information regarding complaints and enforcement actions against child care providers.
- Requires notification within 48 hours to the parent of a child who is the alleged victim of abuse by a child care provider or employee.
- Expands the purpose of the DEL statutes to include providing information to licensees regarding prospective employees' sexual misconduct or other abusive conduct.

Hearing Date: 3/29/07

Staff: Sydney Forrester (786-7120).

Background:

Types of Background Information

Background check 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 (FBI). Misdemeanor conviction information is 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) within 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

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protective orders. Other industry- or occupation-specific databases at the state and national level maintain information regarding disciplinary actions against professional licenses such as teaching certificates and various health care provider licenses.

Department of Early Learning Licensing and Approval Processes

The Department of Early Learning (DEL) licenses child care centers and family day-care homes. Minimum licensing requirements include a determination by the DEL regarding the individual's character, suitability, and competence as well as a criminal background check of the individual seeking the license, employees of the licensee, and others who have unsupervised access to children in care.

The DEL also approves some unlicensed persons to provide childcare subsidized by the state 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.

Types of Background Checks

For persons who have lived in Washington three or more years, the criminal background check is conducted through the WSP using the individual's name and date of birth matched against the state's criminal conviction database. For others who have resided in Washington less than three years, the criminal background check is conducted through the WSP and the FBI using the individual's fingerprints matched against a national criminal conviction database.

As part of its licensing process and for the approval of unlicensed providers under WCCC, the DEL also investigates child abuse and neglect records maintained by the CA. The DEL may consider this information but may not disclose the information, except for founded allegations.

Access to Information About Licensed Child Care Providers

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

Summary of Bill:

The express purposes for which the DEL chapter is intended to function are amended to include the additional purpose of providing tools to promote the hiring of suitable providers of child care. This purpose is to be achieved by:

- (1) providing parents with access to information about providers;
- (2) giving providers known information regarding prospective employees' sexual misconduct or other abusive conduct;
- (3) providing parents with licensing complaint histories regarding providers; and
- (4) requiring background checks of applicants for employment in all licensed and regulated child care facilities.

The DEL is directed to disclose complaint information regardless of whether the information has been requested. The DEL is expressly authorized to make this information and information about enforcement actions and inspections accessible via a public 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; stays of suspension; surrender; revocation; denial; and reinstatement.

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 48 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 child care employees.

Appropriation: None.

Fiscal Note: Not requested.

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