
Early Learning & Human Services Committee

HB 1903

Brief Description: Requiring background checks for all child care licensees and employees.

Sponsors: Representatives Orwall, Goodman, Roberts, Reykdal, Kagi, Kenney and Kelley.

Brief Summary of Bill

- Requires the Department of Early Learning (DEL) to establish and maintain an individual-based background check clearance registry.
- Requires all first-time agency license applicants to obtain fingerprint-based background checks.
- Requires applicants to pay for the cost of obtaining the fingerprint-based background check.
- Requires the DEL to issue a background check clearance card, or certificate, to successful applicants.
- Validates clearance cards, or certificates, for three years, unless the DEL determines the applicant lacks the appropriate character, suitability, or competence to provide childcare or early learning services.

Hearing Date: 2/15/11

Staff: Megan Palchak (786-7120).

Background:

The Department of Early Learning (DEL) oversees and regulates child care licensing in Washington. In consultation with law enforcement, the DEL investigates the conviction record or pending charges of any person having unsupervised access to children. Fingerprint-based background checks are only required of applicants who have not resided in Washington for three years prior to the date of application.

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.

Fingerprint-based criminal history record checks are conducted at the expense of the licensed child care provider, or licensee. The licensee is not authorized to pass this cost on to employees or prospective employees, unless the employee is determined to be unsuitable based on his or her criminal history.

Summary of Bill:

The Department of Early Learning (DEL) is required to establish and maintain an individual-based, or portable, background check clearance registry by December 31, 2011. All *first-time agency applicants* are required to complete a fingerprint-based background check. Applicants are required to pay for the background check. If the applicant passes the background check, the DEL is required to issue a background check clearance card or certificate to the applicant. This clearance card, or certificate, is valid for three years and must be accepted by potential employers. A copy of the background check clearance card or certificate must be kept on-site.

Background check clearance card or certificate holders are required to report non-conviction and conviction information to DEL within 24 hours of the event. The DEL shall investigate and re-determine an applicant or licensee's background clearance if the DEL receives a complaint or information from individuals, law enforcement, or other government agencies. If that individual lacks the appropriate character, suitability, or competence to provide childcare or early learning services, the DEL is authorized to invalidate the background card or certificate or suspend, modify, or revoke any license.

Existing licensees and their employees who have been qualified by the DEL to have unsupervised access to children must submit a new background check application within one year following the creation of the portable background check registry.

Appropriation: None.

Fiscal Note: Requested on February 9, 2011.

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