

**Chapter 110-06 WAC**  
**BACKGROUND CHECKS—EARLY LEARNING PROGRAMS**  
(Formerly: Chapter 170-06 WAC)

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**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

110-06-0060	Additional information the department may consider. [WSR 18-14-078, recodified as § 110-06-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0060, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0060, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0060, filed 4/30/08, effective 5/31/08.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.
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**WAC 110-06-0010 Purpose and scope.** (1) The purpose of this chapter is to establish rules for background checks conducted by the department of children, youth, and families (DCYF).

(2) The department conducts background checks on subject individuals who:

(a) Currently have a background clearance and are seeking to renew the authorization; and

(b) Are seeking a background check authorization for the first time.

(3) A background clearance authorizes subject individuals to:

(a) Work at a child care agency;

(b) Care for children receiving early learning services;

(c) Have unsupervised access to children receiving early learning services;

(d) Reside on the premises of a child care agency or certified facility; or

(e) Care for children in the child's or provider's home. These providers, also known as family, friends, and neighbors (FFN) or in-home/relative care providers are exempt from licensing and receive WCCC subsidies.

(4) The department conducts background checks to reduce the risk of harm to children from subject individuals who have been convicted of certain crimes or who pose a risk to children.

(5) State law requires the evaluation of background information to determine the character, suitability, and competence of persons who will work at an agency, or care for or have unsupervised access to children receiving early learning services or other agency authorized services.

(6) Subject to federal law, if any provision of this chapter conflicts with any substantive provision in any rule relating to background checks and qualifications of individuals who are authorized to care for or have unsupervised access to children receiving early learning services, the provisions in this chapter will govern.

(7) This chapter implements chapters 43.216 and 43.43 RCW including, but not limited to, DCYF responsibilities in RCW 43.216.260, 43.216.270 through 43.216.273, and 43.43.830 through 43.43.832.

(8) This chapter is intended to allow for the increased and continued portability of background check clearances for subject individuals who are authorized to care for or may have unsupervised access to children receiving early learning services.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0010, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0010, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0010, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0010, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0010, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0020 Definitions.** The following definitions apply to this chapter:

**"Authorized"** or **"authorization"** means approval by DCYF to work at a child care agency, care for children receiving early learning services from an agency, have unsupervised access to children receiving early learning services, or to reside on the premises of a child care agency or certified facility.

**"Certificate of parental improvement (CPI)"** has the same meaning as "certificate of parental improvement" in RCW 43.216.010.

**"Certificate of restoration of opportunity (CROP)"** means a certificate issued by a court under chapter 9.97 RCW that may restore an individual's eligibility for a license, certification, or background check authorization issued under chapter 43.216 RCW.

**"Certification"** or **"certified by DCYF"** means an agency that is legally exempt from licensing that has been certified by DCYF as meeting minimum licensing requirements.

**"Child care agency"** or **"agency"** has the same meaning as "agency" in RCW 43.216.010.

**"Conviction or other disposition adverse to the subject"** has the same meaning as "conviction or other disposition adverse to the subject" in RCW 10.97.030.

**"Conviction information"** means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject individual.

**"Department of children, youth, and families (DCYF)"** or **"department"** means the Washington state department of children, youth, and families.

**"Department of social and health services (DSHS)"** means the Washington state department of social and health services.

**"Disqualified"** or **"disqualify"** means a DCYF determination or finding was issued to a subject individual that because of their background information history, they are prohibited from:

(a) Caring for or having unsupervised access to children receiving early learning services;

(b) Working at a child care agency; or

(c) Residing at the premises of a child care agency or certified facility.

**"Early learning services"** means programs and services including, but not limited to, the early childhood education and assistance program (ECEAP), head start, licensed child care, and license-exempt child care services.

**"FBI"** means the Federal Bureau of Investigation.

**"In-home/relative provider"** or **"family, friends, and neighbors provider"** or **"FFN provider"** means an individual who is exempt from child care licensing standards, meets the requirements of chapter 110-16 WAC, and is approved for working connections child care (WCCC) payments under WAC 110-15-0125.

**"Licensee"** means the individual, person, organization, or legal entity named on the child care license issued by DCYF and responsible for operating the child care facility or agency.

**"Negative action"** has the same meaning as "negative action" in RCW 43.216.010. A negative action includes a court order or court judgment that finds the subject individual's child dependent and the basis for such finding is RCW 13.34.030(6) or other equivalent state or federal statute.

**"Nonconviction information"** has the same meaning as "nonconviction information" in RCW 43.216.010.

**"Nonexpiring license"** or **"nonexpiring full license"** means a license authorized under RCW 43.216.305 that is issued to a licensee following the initial licensing period.

**"Pending criminal charge"** means a criminal charge for a crime that has not yet resulted in a final judgment, acquittal, conviction, plea, dismissal, or withdrawal.

**"Premises"** has the same meaning as "premises" in WAC 110-300-0005.

**"Secretary's list"** means the conduct and crimes described in WAC 110-06-0120 and the federal disqualifying crimes and conduct described in 42 U.S.C. Sec. 9858f and C.F.R. Sec. 98.43.

**"Subject individual"** means:

(a) An individual who is 16 years of age or older and is seeking:

(i) A background check authorization to have unsupervised access to children receiving early learning services;

(ii) A background check authorization to care for children receiving early learning services;

(iii) A background check authorization to work at a child care agency;

(iv) A background check authorization to reside at the premises of a child care agency or certified facility;

(v) A reauthorization of a background check authorization previously issued by DCYF; or

(vi) A new background check authorization, having been previously issued a background check authorization.

(b) A person who is 13 through 15 years of age who is seeking or has obtained a background check authorization under WAC 110-06-0045.

(c) Examples of "subject individual" include, but are not limited to:

- (i) A person who is seeking an application for a child care agency license or a DCYF certification;
- (ii) An individual who is currently a licensed or certified child care provider who is seeking:
  - (A) A continuation of a nonexpiring license or renewal of a certificate; or
  - (B) A renewal of DCYF's authorization to care for or have unsupervised access to children receiving early learning services;
- (iii) A person who is a relative provider, in-home provider, or is employed by an early learning provider, including assistants and other persons who are temporarily employed by an early learning provider;
- (iv) A person who is a volunteer or intern that provides early learning services;
- (v) A person who contracts with an early learning provider;
- (vi) A person who is 16 years of age or older who:
  - (A) Resides at, or will be moving onto, the premises where early learning services will or are provided; or
  - (B) Will care for or have unsupervised access to children receiving early learning services;
- (vii) All owners, operators, lessees, or directors of the agency or facility, or their designees; and
- (viii) Licensees.

**"Unsupervised access"** means not in the presence of a subject individual who is an employee of a child care agency and is authorized by DCYF to be alone with children receiving early learning services from the same agency. For purposes of this definition, unsupervised access includes, but is not limited to, access to children receiving early learning services who are not within constant visual or auditory range of the individual authorized by DCYF to be alone with children receiving early learning services.

**"WCCC"** means working connections child care.

**"WSP"** means the Washington state patrol.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0020, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0020, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0020, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0020, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0020, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0040 Background clearance requirements.** This section applies to all subject individuals, except for in-home/relative providers.

(1) Subject individuals must complete the DCYF background check application process on or before the dates described in WAC 110-06-0041, 110-06-0045, and at least once every three years thereafter. The background check process includes, but is not limited to:

- (a) Submitting a completed background check application with the DCYF background check unit;
  - (b) Completing the required fingerprint process;
  - (c) Completing the required interstate background check process for each state the subject individual has lived outside of Washington state in the five years preceding the background check application; and
  - (d) Paying all required fees as provided in WAC 110-06-0044.
- (2) All subject individuals who are seeking renewals of their DCYF authorizations must:
- (a) Submit a new background check application to DCYF;
  - (b) Submit payment of all required fees described in WAC 110-06-0044;
  - (c) Complete the required fingerprint process if the subject individual lives or has lived outside of Washington state since the previous background check was completed, or has not previously completed the fingerprint process required by this section; and
  - (d) Complete the required interstate background check process for each state the subject individual has lived outside of Washington state in the five years preceding the background check application.
- (3) All subject individuals who submit background check applications and are seeking background check authorizations or reauthorizations must disclose whether they have:
- (a) Been convicted of any crime;
  - (b) Any pending criminal charges; and
  - (c) Been or are the subject to any negative action.
- (4) Subject individuals must not have unsupervised access to children in care unless they have obtained DCYF authorization under this chapter.
- (5) Subject individuals who have been disqualified by DCYF must not be present on the premises when early learning services are provided to children.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0040, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, 42 U.S.C. 9858, et seq. and 45 C.F.R. 98.43. WSR 19-21-064, § 110-06-0040, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0040, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0040, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0040, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0040, filed 4/30/08, effective 5/31/08.]

- WAC 110-06-0041 Requirements for early learning service providers.**
- (1) This section applies to all providers other than in-home/relative providers.
  - (2) Early learning services providers must require a subject individual to complete the DCYF background check application:
    - (a) Prior to the date of hire;

- (b) By the date a subject individual age sixteen or older moves onto the premises; or
  - (c) By the date a subject individual who lives on the premises turns sixteen years old.
- (3) Beginning October 1, 2020, a subject individual must receive from DCYF a background check clearance authorization prior to the first date of employment.

[Statutory Authority: RCW 43.216.055, 43.216.065, 42 U.S.C. 9858, et seq. and 45 C.F.R. 98.43. WSR 19-21-064, § 110-06-0041, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0041, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0041, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0041, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0041, filed 5/30/12, effective 7/1/12.]

**WAC 110-06-0042 Departmental investigation and redetermination.**

(1) The department will investigate and conduct redeterminations of background clearances of subject individuals if the department receives a complaint or information that causes the department to conclude a background check clearance redetermination is necessary to verify that a subject individual has the appropriate character, suitability, and competence to have unsupervised access to children receiving early learning services. The complaint or information may be received from individuals, law enforcement agencies, or other federal, state, or local government agencies.

(2) Subject to the requirements in RCW 43.216.270, and based on a determination that an individual lacks the appropriate character, suitability, or competence to be approved for a background check authorization, the department may:

- (a) Invalidate their background check authorization; or
- (b) Suspend, modify, or revoke any child care license issued by DCYF.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0042, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0042, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0042, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0042, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0042, filed 5/30/12, effective 7/1/12.]

**WAC 110-06-0043 Early learning providers' duty to report conviction information, negative actions, or pending criminal charges.** (1) Early learning services providers must report to the department within 24 hours of learning that a subject individual associated with their

services who is authorized to have unsupervised access to children, has a background that includes any conviction information, pending criminal charge, or negative action.

(2) Subject individuals who have been issued background check authorizations under this chapter must report to the department within 24 hours after becoming aware that they are the subject of conviction information, pending criminal charge, or negative action they have not reported to the department.

(3) Individuals' background check authorizations may be disqualified if they intentionally or knowingly fail to report to the department as required under subsection (1) or (2) of this section. This disqualification will be in addition to any other agency action that may be imposed as a result of a violation of this chapter, applicable provisions within Title 110 WAC, or chapter 43.216 RCW.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0043, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0043, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0043, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0043, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0043, filed 5/30/12, effective 7/1/12.]

**WAC 110-06-0044 Background check fees.** This section applies to all subject individuals other than in-home/relative providers.

(1) Subject individuals must pay for the cost of the background check process. The fees include:

(a) Fingerprint process fees as defined by WSP, FBI, DSHS, and the DCYF fingerprint contractor; and

(b) The DCYF administrative fee of \$12.00.

(2) DCYF administrative fee payments may be paid by:

(a) Debit or credit card;

(b) Mailing a personal check, cashier's check, or money order to: Department of Children, Youth, and Families (DCYF)

Attn: PBC

P.O. Box 40971

Olympia, WA 98504-0971; or

(c) Electronic funds transfer that does not involve a debit or credit card. For purposes of this section, "electronic funds transfer" means an online system that allows for the secure transfer of money from one bank account to an account designated by DCYF.

(3) The department will not issue background check authorizations to subject individuals who fail to pay the required fees in subsection (1) of this section.

(4) A processing fee of \$25 will be charged by DCYF for any check, money order, or electronic funds transfer that is reported as not having sufficient funds.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0044, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0044,

filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0044, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0044, filed 5/30/12, effective 7/1/12.]

**WAC 110-06-0045 Background checks for minor individuals under 16 years of age.** (1) All agencies, licensees, and certified facilities must possess a copy of background check authorizations for minor subject individuals who work or reside at the licensed or certified agency. The requirements described in this subsection apply to minor subject individuals who are:

(a) Fourteen through 15 years of age, before the date they begin working for a licensed or certified child care; or

(b) Thirteen through 15 years of age on or before the date they begin or continue to reside in a licensed or certified family home child care. Subject individuals who are 13 through 15 years of age and who begin to reside in a licensed or certified facility after their 13th birthday, must complete the required DCYF minor individual background check application process within seven days after moving into the licensed family home child care.

(2) Subject individuals identified in subsection (1)(a) or (b) of this section must not have unsupervised access to children receiving early learning services.

(3) Background check applications for minor subject individuals must be signed by them and their parent or guardian.

(4) Minor subject individuals' character, suitability, and competence determinations will be made pursuant to the requirements described in this chapter.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0045, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0045, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0045, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0045, filed 5/30/12, effective 7/1/12.]

**WAC 110-06-0046 Requirements for license-exempt in-home/relative providers.** (1) This section applies to license-exempt in-home/relative providers. The background check process must be completed for individuals described in (a) through (c) of this subsection before they have unsupervised access to children and at least once every three years thereafter:

(a) All license-exempt in-home/relative providers who apply to care for a consumer's child who is eligible to receive WCCC benefits;

(b) Subject individuals 16 years of age or older who are residing with a license-exempt in-home/relative provider if the provider cares for the child eligible to receive WCCC benefits in the provider's home, and the home is not where the child resides; and

(c) Subject individuals 16 years of age or older who begin to reside with a license-exempt in-home/relative provider after the date the provider begins to care for the child eligible to receive WCCC



benefits in the provider's home, and the home is not where the child resides.

(2) Subject individuals who are seeking background check authorizations must complete the background check application process by:

(a) Submitting a completed background check application;

(b) Completing the required fingerprint process; and

(c) Completing the required interstate background check process for each state they have lived outside of Washington state in the five years preceding the background check application.

(3) Subject individuals completing the DCYF background check process must disclose whether they have:

(a) Been convicted of any crime;

(b) Any pending criminal charges; and

(c) Been or are the subject of any negative actions.

(4) Subject individuals must not have unsupervised access to children in care before obtaining a DCYF background check authorization under this chapter.

(5) Subject individuals who have been disqualified by DCYF must not be present on the premises when early learning services are provided to children.

(6) DCYF will pay the cost of the background check process. The fees include:

(a) Fingerprint process fees as defined by WSP, FBI, DSHS, and the DCYF fingerprint contractor; and

(b) The DCYF administrative fee.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0046, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0046, filed 12/18/18, effective 1/18/19.]

**WAC 110-06-0050 Department action following completion of background inquiries.** (1) As part of the background check process the department will conduct the background check investigation and evaluation described in this section to determine whether subject individuals must be disqualified.

(2) Subject individuals must be disqualified when their background information includes conviction information or pending criminal charges described in WAC 110-06-0070(1) or conduct described in WAC 110-06-0070 (4) or (5).

(3) Subject to the requirements of WAC 110-06-0070(3) and after comparing subject individuals' background information with the secretary's list to determine whether to disqualify under WAC 110-06-0070(1), DCYF may conduct a character, suitability, and competence assessment of the subject individuals.

(4) Subject to the requirements of this chapter and after comparing subject individuals' background information with the secretary's list to determine whether to disqualify under WAC 110-06-0070(6), the department must conduct a character, suitability, and competence assessment of the subject individuals.

(5) For purposes of DCYF's investigation, evaluation, and determination, the following standards apply:

(a) A pending criminal charge that has been filed in the appropriate court, a deferred prosecution, or a deferred sentence must be given the same weight as a conviction.

(b) If the conviction or pending criminal charge has been renamed it is given the same weight as the previous named conviction or pending criminal charge.

(c) Convictions or pending criminal charges whose titles include the word "attempted," "conspiracy," or "solicitation" are given the same weight as those titles without the word "attempted," "conspiracy," or "solicitation."

(d) The term "conviction" may include convictions or dispositions for crimes committed as either an adult or juvenile.

(e) Convictions and pending criminal charges from other states or jurisdictions will be treated the same as a crime or pending criminal charge in Washington state. If the elements of the crime from the foreign jurisdiction are not identical or not substantially similar to its Washington equivalent, or if the foreign statute is broader than the Washington definition of the particular crime, the subject individuals' conduct, as evidenced by the indictment or information, will be analyzed to determine whether the conduct would have violated the comparable Washington statute.

(f) Crimes will not be considered convictions if they have been the subject of an expungement, pardon, annulment, certification of rehabilitation, vacated, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or the conviction has been vacated, the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(g) If the subject individuals' background information contains a CPI or CROP, DCYF must:

(i) Disqualify them if their background information contains a conviction or pending criminal charge that is listed in WAC 110-06-0120(2); or

(ii) Assess their character, suitability, and competence to determine whether they should be disqualified if the CPI or CROP does not apply to a:

(A) Pending criminal charge or conviction of a crime; or

(B) Negative action under WAC 110-06-0120 (3) or (4).

(h) A CROP does not apply to founded findings of child abuse or neglect. A child abuse or neglect finding must be considered by the department.

(i) A CROP and CPI must be included as part of the criminal history record reports, qualifying letters, assessments, or other reports.

(j) Subject individuals' background check authorizations may be suspended if they are the subject of a child protective services investigation. The length of the suspension may not exceed the following time period:

(i) As defined in RCW 26.44.020, the department makes an unfounded determination; or

(ii) The date a negative action determination is issued or the date a negative action becomes final, whichever is longer.

(k) If the department suspends a subject individual's background check authorization for the time period described in (j)(ii) of this subsection, the department may disqualify them under the requirements described in this chapter.

(l) Subject individuals who request a hearing or appeals a department decision to disqualify will not be authorized to care for or have unsupervised access to children receiving early learning services during the time period the hearing request or appeal is pending.

(6) If DCYF has reason to believe that additional information or reports are needed to determine whether subject individuals have the character, suitability, and competence to care for or have unsupervised access to children receiving early learning services, DCYF may request that they provide such reports or additional information. Subject individuals who do not provide the requested information may be disqualified.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0050, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0050, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0050, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0050, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0050, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0070 Background check decisions.**

**Background information that may or must disqualify subject individuals.**

(1) Subject individuals must be permanently disqualified if they have a background that includes a pending criminal charge or conviction information of a crime listed in WAC 110-06-0120(2).

(2) If subject individuals have a background that includes a negative action, or a pending criminal charge or conviction information, that involves any of the conduct described in the secretary's list under WAC 110-06-0120 (3) or (4), DCYF may disqualify them if it determines they do not have the appropriate character, suitability, or competence to be authorized or reauthorized.

(3) DCYF must consider the following factors related to subject individuals' backgrounds when assessing character, suitability, and competence:

(a) Whether they have a background containing any of the permanently disqualifying pending criminal charges or convictions on the secretary's list that are described in WAC 110-06-0120(2);

(b) Whether they have a background containing any pending criminal charges or convictions on the secretary's list that are described in WAC 110-06-0120(3) or negative actions described in WAC 110-06-0120(4);

(c) Whether they have obtained a CROP or CPI for any of the background that is described in WAC 110-06-0120 (3) or (4);

(d) The amount of time that has passed since the pending criminal charge, conviction information, or negative action;

(e) The seriousness of the crime and/or their actions that led to the pending criminal charge, conviction, or negative action;

(f) The number, types, and age of other pending criminal charges, convictions, or negative actions in their background;

(g) Their age at the time of the pending criminal charge, conviction, or the issuance of the negative action determination;

(h) The length and consistency of employment history before and after the pending criminal charge, conviction, or negative action;

(i) The employment or character references and any other information regarding their fitness to be authorized;

(j) The completion of services or other evidence of rehabilitation since the pending criminal charge, conviction, or negative action;

(k) The subject individuals' role or purpose in delivering early learning services; and

(l) How their conduct that is the basis for their pending criminal charge, conviction, or negative action, is conduct that shows they do not have the appropriate character, suitability, and competence to receive a background authorization.

(4) Subject individuals who are registered or required to be registered on a state sex offender registry, state sex offender repository, or the national sex offender registry, must be disqualified.

(5) Subject individuals who knowingly make a materially false statement in connection with the criminal background check application must be disqualified.

(6) DCYF issues decisions within 45 days of completed background application submission dates, notwithstanding delays incurred by applicants or other entities required to provide background information.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0070, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0070, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0070, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0070, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0070, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0080 Notice of disqualification.** (1) DCYF will send written notice to subject individuals who are disqualified by the background check.

(2) If DCYF sends a notice of disqualification, subject individuals will not be authorized to:

(a) Care for or have unsupervised access to children receiving early learning services; or

(b) Be present on the early learning service's premises during the hours when child care is provided.

(3) Any decision by DCYF to disqualify subject individuals under this chapter are effective immediately upon receipt of written notice from the department to the subject individual.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0080, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0080, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0080, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200,

43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0080, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0080, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0090 Administrative hearing to contest disqualification.** (1) A subject individual may request an administrative hearing to contest the department's disqualification decision under WAC 110-06-0070.

(2) The early learning services provider cannot contest the department's decision on behalf of any other person, including a prospective employee.

(3) The administrative hearing will take place before an administrative law judge employed by the office of administrative hearings, pursuant to chapter 34.05 RCW, and chapter 110-03 WAC.

[Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0090, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0090, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0090, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0100 Requesting an administrative hearing.** (1) Subject individuals have a right to contest a disqualification decision under WAC 110-06-0070. Subject individuals must request a hearing within 28 days of receipt of the written disqualification decision.

(2) Requests for hearings must meet the requirements of chapter 110-03 WAC.

(3) Any decision by the department to disqualify subject individuals under this chapter will remain in effect pending the outcome of the administrative hearing or review under chapter 110-03 WAC, notwithstanding any provision of chapter 110-03 WAC to the contrary.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0100, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0100, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0100, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0100, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0110 Limitations on challenges to disqualifications.** Administrative hearings requested to challenge background check dis-

qualifications may not be used to adjudicate the basis for disqualification, including:

- (1) Pending criminal charges or criminal convictions;
- (2) Findings of child abuse or neglect as defined in chapter 26.44 RCW, or findings of abandonment, abuse, neglect, exploitation, or financial exploitation of a vulnerable adult as defined in chapter 74.34 RCW, if the subject individuals:
  - (a) Failed to request a hearing to contest the finding after receiving notice of the finding from DCYF; or
  - (b) Were notified of the finding and requested a hearing to contest the finding, but the finding was upheld by final administrative order or superior court order;
- (3) Court orders finding subject individuals' children to be dependent as defined in chapter 13.34 RCW; or
- (4) Negative actions, if the subject individuals were previously given the right of review or hearing right and final decisions or findings have been issued.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0110, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0110, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0110, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0110, filed 4/30/08, effective 5/31/08.]

**WAC 110-06-0115 Department decision to vacate disqualification decisions.**

(1) Subject to the requirements contained in this chapter, the department may not reconsider whether earlier decisions to disqualify subject individuals will be vacated unless the department determines a change has occurred in the circumstances of a subject individual between the date of disqualification and the date the request to vacate the disqualification is made. Subject to the requirements contained in this chapter, to receive a background check authorization under this section, the department must review the subject individual's background and assess their character, suitability, and competence to determine whether the change in circumstances demonstrates the subject individual should receive an authorization.

(2) To determine whether there has been a change in circumstances, the department must consider the factors described in subsection (3) of this section. A change in circumstances includes, but is not limited to, the following:

(a) Two years have passed since the issuance of a disqualification.

(b) The issuance of a valid CROP that pertains to a crime that was the sole basis of the subject individual's disqualification.

(c) If the sole basis for the disqualification was for a pending criminal charge or conviction that has been dismissed, vacated, the subject of a pardon, annulment, or other equivalent procedure.

(d) The issuance of a valid CPI that pertains to a negative action that was the sole basis of the subject individual's disqualification. The CPI must pertain to conduct by the subject individual that

resulted in a founded finding of negligent treatment or maltreatment, physical abuse, or a dependency finding that was the result of a finding that the subject individual abused or neglected the child under RCW 13.34.030 (6) (b).

(e) If the sole basis for the disqualification was a negative action that has been dismissed, vacated, annulled, or other equivalent procedure.

(3) Before subject individuals are issued a background check authorization under this section, the department must review their background and assess their character, suitability, and competence. In this assessment, the department considers the following factors related to the subject individual's background:

(a) Whether the subject individual has a pending criminal charge or conviction on the secretary's list described in WAC 110-06-0120(2);

(b) Whether the subject individual has a background containing any of the information described in the secretary's list in WAC 110-06-0120 (3) or (4);

(c) The amount of time that has passed since the pending criminal charge, conviction, or negative action information that is the sole basis, or partial basis, of the subject individual's prior disqualification;

(d) The seriousness of the crime or subject individual's actions that led to the pending criminal charge, conviction, or negative action that was the sole basis, or partial basis, of the subject individual's prior disqualification;

(e) The number, types, and age of other pending criminal charges, conviction information, or negative actions in the subject individual's background;

(f) The subject individual's age at the time of the negative action determination, pending criminal charge or conviction that is the sole basis, or partial basis, of the subject individual's prior disqualification;

(g) The completion of services or other evidence of rehabilitation since the pending criminal charge, conviction, or negative action that is the sole basis, or partial basis of the subject individual's prior disqualification;

(h) The subject individual's role or purpose in delivering early learning services;

(i) The length and consistency of employment history between the date the disqualification was issued and the date the subject individual asks the department to vacate the disqualification decision;

(j) The employment or character references and any other information regarding the subject individual's fitness to be authorized.

(4) If a CROP or CPI has been issued for a crime or negative action described in the secretary's list in WAC 110-06-0120 (3) or (4) that was the sole basis for a disqualification, the department must vacate the disqualification. If a disqualification is vacated for any reason under this section, the department must conduct a new background check investigation and evaluation as described in this chapter.

(5) As part of the background check process under this section, the department will conduct the background check investigation, evaluation, and assessment as described in this chapter.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0115, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42

U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0115, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0115, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0115, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0115, filed 5/30/12, effective 7/1/12.]

**WAC 110-06-0120 Secretary's list.** (1) The crimes and conduct described in this section constitute the secretary's list.

(2) Subject to the requirements described in this chapter, the department must permanently disqualify subject individuals who have a pending criminal charge or conviction for any of the crimes listed in this subsection.

Citation	Description
RCW 9A.42.060	Abandonment of a dependent person in the first degree (if the victim is a child)
RCW 9A.42.070	Abandonment of a dependent person in the second degree (if the victim is a child)
RCW 10.95.020	Aggravated murder
RCW 9A.48.020	Arson in the first degree
RCW 9A.48.030	Arson in the second degree
RCW 9A.36.011	Assault in the first degree
RCW 9A.36.021	Assault in the second degree
RCW 9A.36.031	Assault in the third degree (if causes bodily harm)
RCW 9A.36.120	Assault of a child in the first degree
RCW 9A.36.130	Assault of a child in the second degree
RCW 9A.36.140	Assault of a child in the third degree
RCW 9A.52.020	Burglary in the first degree (if child or spouse is assaulted)
RCW 9A.44.083	Child molestation in the first degree
RCW 9A.44.086	Child molestation in the second degree
RCW 9A.44.089	Child molestation in the third degree
RCW 9A.64.030	Child buying or selling
RCW 9.68A.100	Commercial sexual abuse of a minor
RCW 9.68A.090	Communication with minor for immoral purposes (if a felony)
RCW 69.50.415	Controlled substances homicide (if the victim is a child)
RCW 9A.42.020	Criminal mistreatment in the first degree (if the victim is a child)



<b>Citation</b>	<b>Description</b>
RCW 9A.42.030	Criminal mistreatment in the second degree (if the victim is a child)
RCW 9A.36.100	Custodial assault (if causes bodily harm)
RCW 9A.40.060	Custodial interference in the first degree (if the victim is a child)
RCW 9A.40.070	Custodial interference in the second degree (if the victim is a child; and the conviction is the subject individual's second or subsequent conviction of custodial interference in the second degree)
RCW 9A.44.160	Custodial sexual misconduct in the first degree (if the victim is a child)
RCW 9.68A.050	Dealing in depictions of minor engaged in sexually explicit conduct in the first degree or second degree
RCW 9A.36.045	Drive-by shooting (if the victim is a child)
RCW 9A.42.100	Endangerment with a controlled substance (if the victim is a child)
RCW 9A.56.120	Extortion in the first degree (if the victim is a child)
RCW 9A.56.130	Extortion in the second degree (if the victim is a child)
RCW 9A.36.080	Hate crime offense (if the victim is a child)
RCW 9A.32.055	Homicide by abuse (if the victim is a child)
RCW 9A.64.020	Incest in the first degree or second degree (if the victim is a child)
RCW 9A.88.010	Indecent exposure (if a felony and the victim is a child)
RCW 9A.44.100	Indecent liberties
RCW 9A.40.020	Kidnapping in the first degree
RCW 9A.40.030	Kidnapping in the second degree
RCW 9A.40.090	Luring (if the victim is a child)
RCW 9A.32.060	Manslaughter in the first degree (if the victim is a child)
RCW 9A.32.070	Manslaughter in the second degree (if the victim is a child)
RCW 9A.32.030	Murder in the first degree
RCW 9A.32.050	Murder in the second degree
RCW 9.68A.070	Possession of depictions of minor engaged in sexually explicit conduct in the first degree or second degree
RCW 9.68A.101	Promoting commercial sexual abuse of a minor
RCW 9.68.140	Promoting pornography (if the victim is a child)

<b>Citation</b>	<b>Description</b>
RCW 9A.88.070	Promoting prostitution in the first degree (if the victim is a child)
RCW 9.68A.102	Promoting travel for commercial sexual abuse of a minor
RCW 9A.44.040	Rape in the first degree
RCW 9A.44.050	Rape in the second degree
RCW 9A.44.060	Rape in the third degree
RCW 9A.44.073	Rape of a child in the first degree
RCW 9A.44.076	Rape of a child in the second degree
RCW 9A.44.079	Rape of a child in the third degree
RCW 9A.56.200	Robbery in the first degree (if the victim is a child)
RCW 9A.56.210	Robbery in the second degree (if the victim is a child)
RCW 9.68A.060	Sending, bringing into state depictions of minor engaged in sexually explicit conduct in the first degree or second degree
RCW 9.68A.040	Sexual exploitation of a minor
RCW 9A.44.093	Sexual misconduct with a minor in the first degree
RCW 9A.40.040	Unlawful imprisonment (if the victim is a child)
RCW 46.61.520	Vehicular homicide (if the victim is a child)

(3) Subject to the requirements described in this chapter, the department may disqualify subject individuals who have a pending criminal charge or conviction for a crime listed in this subsection.

<b>Citation</b>	<b>Description</b>
RCW 9A.42.060	Abandonment of a dependent person in the first degree (if the victim is not a child)
RCW 9A.42.070	Abandonment of a dependent person in the second degree (if the victim is not a child)
RCW 9A.42.080	Abandonment of a dependent person in the third degree
RCW 16.52.205	Animal cruelty in the first degree
RCW 16.52.207	Animal cruelty in the second degree
RCW 9A.36.031	Assault in the third degree (if no bodily harm)
RCW 9A.36.041	Assault in the fourth degree
RCW 9A.52.020	Burglary in the first degree (if a child or spouse is not assaulted)
RCW 9A.52.030	Burglary in the second degree
RCW 9A.36.070	Coercion
RCW 9.68A.090	Communication with minor for immoral purposes (if a gross misdemeanor)

<b>Citation</b>	<b>Description</b>
RCW 69.50.415	Controlled substances homicide (if the victim is not a child)
RCW 9A.46.120	Criminal gang intimidation
RCW 9A.60.040	Criminal impersonation in the first degree
RCW 9A.42.020	Criminal mistreatment in the first degree (if the victim is not a child)
RCW 9A.42.030	Criminal mistreatment in the second degree (if the victim is not a child)
RCW 9A.42.035	Criminal mistreatment in the third degree
RCW 9A.42.037	Criminal mistreatment in the fourth degree
RCW 9.05.060	Criminal sabotage
RCW 9A.36.100	Custodial assault (if no bodily harm)
RCW 9A.40.060	Custodial interference in the first degree (if the victim is not a child)
RCW 9A.40.070	Custodial interference in the second degree (if the victim is not a child)
RCW 9A.44.160	Custodial sexual misconduct in the first degree (if the victim is not a child)
RCW 9A.44.170	Custodial sexual misconduct in the second degree
RCW 9.61.260	Cyberstalking
RCW 9A.36.045	Drive-by shooting (if the victim is not a child)
RCW 46.61.502	Driving under the influence of intoxicating liquor, marijuana, or any drug (if the conviction was for a felony or the conviction occurred within three years of the date of the subject individual's request for authorization)
RCW 46.52.020	Duty in case of personal injury or death or damage to attended vehicle or other property – Penalties (if a felony)
RCW 9A.42.100	Endangerment with a controlled substance (if the victim is not a child)
RCW 9A.56.120	Extortion in the first degree (if the victim is not a child)
RCW 9A.56.130	Extortion in the second degree (if the victim is not a child)
RCW 9A.44.132	Failure to register as sex offender or kidnapping offender

<b>Citation</b>	<b>Description</b>
RCW 66.44.270	Furnishing liquor to minors (only if the subject individual sells, gives, or otherwise supplies liquor to a person under the age of 21 years; or permits any person under that age to consume liquor on the subject individual's property or on any property under the subject individual's control)
RCW 9A.46.020	Harassment
RCW 9A.36.080	Hate crime offense (if the victim is not a child)
RCW 9A.32.055	Homicide by abuse (if the victim is not a child)
RCW 79A.60.050	Homicide by watercraft
RCW 9.40.120	Incendiary devices
RCW 9A.64.020	Incest in the first degree or second degree (if the victim is not a child)
RCW 9A.88.010	Indecent exposure (if felony and victim is not a child, or if a misdemeanor)
RCW 9A.82.060	Leading organized crime
RCW 46.61.685	Leaving children unattended in standing vehicle with motor running
RCW 9.91.060	Leaving children unattended in parked automobile
RCW 9A.40.090	Luring (if the victim is not a child)
RCW 70.74.270	Malicious placement of an explosive in the first, second, or third degree
RCW 70.74.272	Malicious placement of an imitation device in the first degree or second degree
RCW 9A.32.060	Manslaughter in the first degree (if the victim is not a child)
RCW 9A.32.070	Manslaughter in the second degree (if the victim is not a child)
RCW 46.61.5249	Negligent driving in the first degree (if the conviction occurred within three years of the date of the subject individual's request for authorization)
RCW 46.61.504	Physical control of vehicle under the influence (if felony)
RCW 9.68.140	Promoting pornography (if the victim is not a child)
RCW 9A.88.070	Promoting prostitution in the first degree (if the victim is not a child)
RCW 9A.88.080	Promoting prostitution in the second degree
RCW 9A.36.060	Promoting a suicide attempt
RCW 9A.36.050	Reckless endangerment
RCW 9A.76.070	Rendering criminal assistance in the first degree

<b>Citation</b>	<b>Description</b>
RCW 9A.52.025	Residential burglary
RCW 9A.56.200	Robbery in the first degree (if the victim is not a child)
RCW 9A.56.210	Robbery in the second degree (if the victim is not a child)
RCW 9A.44.096	Sexual misconduct with a minor in the second degree
RCW 9A.44.105	Sexually violating human remains
RCW 9A.46.110	Stalking
RCW 9.61.230	Telephone harassment (if felony)
RCW 9A.40.100	Trafficking in the first degree or second degree
RCW 13.32A.080	Unlawful harboring of a minor
RCW 9A.40.040	Unlawful imprisonment (if the victim is not a child)
RCW 69.53.010	Unlawful use of a building for drug abuse purposes
RCW 9.41.225	Use of machine gun or bump-fire stock in felony
RCW 46.61.522	Vehicular assault
RCW 46.61.520	Vehicular homicide (if the victim is not a child)
RCW 9.68A.075	Viewing depictions of minor engaged in sexually explicit conduct in the first or second degree
RCW 26.50.110	Violation of sexual assault protection order under chapter 7.90 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of stalking no-contact order or stalking protection order under chapter 7.92 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of human trafficking no-contact order under chapter 9A.40 if a felony under RCW 26.50.110
RCW 26.50.110	Violation of an order restricting contact under RCW 9A.46.080
RCW 26.50.110	Violation of promoting prostitution no-contact order under chapter 9A.88 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of domestic violence no-contact order under chapter 10.99 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of dissolution proceeding restraining order under chapter 26.09 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of paternity proceeding restraining order under chapter 26.26A or 26.26B RCW if a felony under RCW 26.50.110

<b>Citation</b>	<b>Description</b>
RCW 26.50.110	Violation of a domestic violence order for protection under chapter 26.50 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of an order for protection of a vulnerable adult under chapter 74.34 RCW if a felony under RCW 26.50.110
RCW 10.14.170	Violation of civil antiharassment protection order
RCW 69.52.030	Violation of the Uniform Controlled Substances Act (manufacture, distribute, or possess with intent to distribute)
Chapter 69.50 RCW (Article IV Offenses and penalties)	Except for controlled substance homicide if the child is a victim (RCW 69.50.415), any violation of the Uniform Controlled Substances Act
RCW 69.41.020	The unlawful obtaining or attempting to obtain a legend drug, or procure or attempt to procure the administration of a legend drug
RCW 69.41.030	Sale or delivery of legend drug without prescription or order
RCW 69.43.070	Sale, transfer, or furnishing of any substance listed in RCW 69.43.010 with knowledge or intent the recipient will use the substance to unlawfully manufacture a controlled substance; or the receipt of any substance listed in RCW 69.43.010 with intent to use the substance unlawfully to manufacture a controlled substance
RCW 9A.44.115	Voyeurism
RCW 69.41.030	Sale or delivery of legend drug without prescription or order

(4) Subject to the requirements described in this chapter, the department may disqualify subject individuals who have a background that includes any negative action that is based on the conduct described in this subsection.

(a) The abuse, neglect, exploitation, or abandonment of a vulnerable adult, child, or juvenile.

(b) The suspension, termination, revocation, denial, or restriction of a license, professional license, or certification.

(c) The suspension, termination, or revocation of a state or federal contract.

(d) The relinquishment of a license, certification, or contract in lieu of an agency negative action.

(5) Under 42 U.S.C. § 9858f (c) (1) (B) subject individuals must be disqualified and not authorized for employment at a licensed or certified child care facility, if they knowingly make a materially false statement in connection with their criminal background check.

(6) Under 42 U.S.C. § 9858f (c) (1) (C) subject individuals must be disqualified and not authorized for employment at a licensed or certi-

fied child care facility, if they are registered, or are required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0120, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0120, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0120, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 14-13-002, § 170-06-0120, filed 6/4/14, effective 7/5/14. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0120, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0120, filed 4/30/08, effective 5/31/08.]