

**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. Statu-

tory 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.]