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**FOURTH SUBSTITUTE SENATE BILL 5533**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Braun, Darneille, and Zeiger)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to certifying a person's documented improvement  
2 related to founded findings; amending RCW 74.13.700, 74.13.020,  
3 43.43.832, 74.39A.056, 43.20A.710, and 43.216.010; reenacting and  
4 amending RCW 43.216.270; adding new sections to chapter 74.13 RCW;  
5 adding a new section to chapter 18.20 RCW; adding a new section to  
6 chapter 18.51 RCW; and providing an effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13  
9 RCW to read as follows:

10 (1) The department shall develop and implement a process by which  
11 an individual who is the subject of a founded finding of negligent  
12 treatment or maltreatment or physical abuse as defined in RCW  
13 26.44.020 or by rule or an individual whose child was found by a  
14 court to be dependent as a result of a finding that the individual  
15 abused or neglected their child pursuant to RCW 13.34.030(6)(b) may  
16 request the secretary issue a certificate of parental improvement.

17 (2) The secretary shall respond to a request for a certificate of  
18 parental improvement and notify the requestor of the secretary's  
19 determination to issue or deny that request within sixty days of the  
20 receipt of a complete request.

1 (3) The secretary shall issue a certificate of parental  
2 improvement if, on a more probable than not basis, the requestor has  
3 the character, suitability, and competence to care for children and  
4 meets the other requirements of this section.

5 (4) The secretary may not issue a certificate of parental  
6 improvement to any individual if:

7 (a) Fewer than five years have passed since the requestor's last  
8 founded finding of child abuse or neglect as defined in RCW  
9 26.44.020;

10 (b) Fewer than two years have passed since the secretary's denial  
11 of an individual's request for a certificate of parental improvement;

12 (c) The requestor has a final founded finding for sexual abuse,  
13 sexual exploitation, or physical abuse if the conduct that was the  
14 basis for the physical abuse finding involved cutting, burning,  
15 interfering with a child's breathing, shaking a child under three, or  
16 threatening a child with a deadly weapon;

17 (d) The requestor has any conviction or pending criminal  
18 investigation for:

19 (i) Any felony offense involving the physical neglect of a child  
20 under chapter 9A.42 RCW;

21 (ii) Any felony offense under chapter 9A.32 or 9A.36 RCW  
22 involving a physical injury or death of a child;

23 (iii) Any felony domestic violence offense committed against a  
24 family or household member as defined in chapter 10.99 RCW;

25 (iv) A felony offense against a child under chapter 9.68A RCW;

26 (v) Any of the following felony offenses:

27 (A) Any felony defined under any law as a class A felony or an  
28 attempt to commit a class A felony;

29 (B) Criminal solicitation of or criminal conspiracy to commit a  
30 class A felony;

31 (C) Manslaughter in the first or second degree;

32 (D) Indecent liberties;

33 (E) Kidnapping in the second degree;

34 (F) Arson in the second degree;

35 (G) Extortion in the first degree;

36 (H) Robbery in the second degree;

37 (I) Drive-by shooting; and

38 (J) Vehicular homicide; or

1 (vi) Any out-of-state, federal, or state conviction for a felony  
2 offense that is comparable to an offense listed in this subsection  
3 (4) (d); or

4 (e) The individual applying for a certificate of parental  
5 improvement has already received one certificate of parental  
6 improvement and is the alleged perpetrator in a subsequent, final  
7 founded finding of child abuse or neglect.

8 (5) The secretary shall consider the following when determining  
9 whether to issue a certificate of parental improvement:

10 (a) Documentation of any founded finding of child abuse or  
11 neglect and the underlying documentation the entity that issued the  
12 finding relied upon to make that finding;

13 (b) Findings from any civil adjudication proceeding as defined in  
14 RCW 43.43.830;

15 (c) Referral history alleging child abuse or neglect against the  
16 requestor;

17 (d) The length of time that has elapsed since the founded finding  
18 of child abuse or neglect;

19 (e) Whether a court made a finding that the requestor's child was  
20 dependent pursuant to chapter 13.34 RCW, the length of time elapsed  
21 since that dependency proceeding was dismissed, and the outcome of  
22 the dependency proceeding, including whether the child was returned  
23 to the requestor's home;

24 (f) Any documentation submitted by the requestor indicating  
25 whether the requestor successfully addressed the circumstances that  
26 led to the founded finding of physical abuse or negligent treatment  
27 or maltreatment including, but not limited to: A declaration by the  
28 requestor signed under penalty of perjury; recent assessments or  
29 evaluations of the requestor; and completion or progress toward  
30 completion of recommended court-ordered treatment, services, or  
31 programs;

32 (g) Any pending criminal or civil actions against the requestor;

33 (h) Background checks as authorized under RCW 10.97.050,  
34 43.43.833, and 43.43.834, and the federal bureau of investigation;

35 (i) Personal and professional references submitted by the  
36 requestor from employers, professionals, and agencies familiar with  
37 the requestor who can address the requestor's current character;

38 (j) Any education, volunteer work, employment history, or  
39 community involvement of the requestor identified by the requestor;  
40 and

1 (k) Any additional information the secretary deems relevant.

2 (6) However, in deciding whether to grant a request for a  
3 certificate of parental improvement under subsection (5) of this  
4 section, the secretary must accept the underlying founded finding as  
5 valid and may not review the merits of that founded finding.

6 (7) The department shall enact rules to implement the process  
7 identified in this section.

8 (8) Governmental entities, and their officers, agents, employees,  
9 and volunteers are not liable in tort for any of their acts or  
10 omissions in issuing certificates of parental improvement including,  
11 but not limited to, any determination to issue the certificate, or  
12 any later act of an individual who received a certificate.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13  
14 RCW to read as follows:

15 (1) A person who applies for a certificate of parental  
16 improvement pursuant to section 1 of this act has the right to seek  
17 review of the secretary's denial of this certificate request as  
18 provided in this section.

19 (2) The written notice provided by the department denying a  
20 request for a certificate of parental improvement must be sent by  
21 mail to the requestor's last known address and include at least the  
22 following information in plain language:

23 (a) The reason or reasons for the secretary's denial of a  
24 certificate of parental improvement request following a founded  
25 finding of physical abuse or negligent treatment or maltreatment; and

26 (b) That the requestor has a right to challenge the secretary's  
27 decision not to issue a certificate of parental improvement,  
28 including a description of the process for requesting a review of the  
29 secretary's decision to deny a request for a certificate of parental  
30 improvement.

31 (3) Within forty-five calendar days after the department has  
32 placed a notice in the mail to the address on the request notifying  
33 the requestor that the secretary is denying the request for a  
34 certificate of parental improvement pursuant to section 1 of this  
35 act, the requestor may request that the secretary review this  
36 determination. The request for review must be made in writing.

37 (4) If a requestor does not request a review as provided in this  
38 section, the requestor may not further challenge the secretary's  
39 decision not to issue a certificate of parental improvement following

1 a founded finding of physical abuse or negligent treatment or  
2 maltreatment.

3 (5) Upon receipt of a written request for review, the secretary  
4 shall review and, if appropriate, may change the decision and issue a  
5 certificate of parental improvement. The secretary may designate the  
6 appropriate staff to conduct this review. The review must be  
7 completed within thirty days after receiving the written request for  
8 review. Upon completion of this review, the department shall notify  
9 the requestor in writing of the secretary's determination.

10 (6) If the secretary does not alter the decision not to issue a  
11 certificate of parental improvement following a child abuse or  
12 neglect finding, the requestor may request an adjudicative hearing to  
13 contest this decision. The adjudicative proceeding is governed by the  
14 administrative procedure act, chapter 34.05 RCW, and this section.  
15 The request for an adjudicative proceeding must be filed within  
16 forty-five calendar days of the date that the department placed the  
17 agency review determination in the mail to the address on the  
18 request. If a timely request for an adjudicative proceeding is not  
19 made as provided in this section, the requestor may not further  
20 challenge the secretary's decision and has no right to review by the  
21 secretary, an adjudicative hearing, or judicial review of the  
22 determination not to issue a certificate of parental improvement.

23 (7) Reviews and hearings conducted under this section are  
24 confidential and are not open to the public. Information about  
25 reports, reviews, and hearings may be disclosed only in accordance  
26 with federal and state laws pertaining to child welfare records and  
27 child protective services reports.

28 (8) The secretary shall establish procedures for reviewing  
29 requests for certificates of parental improvement and requests to  
30 alter the decision to deny a request for a certificate of parental  
31 improvement by administrative rule, including by emergency rule  
32 making if necessary. The secretary may adopt additional rules to  
33 implement this section.

34 **Sec. 3.** RCW 74.13.700 and 2014 c 88 s 4 are each amended to read  
35 as follows:

36 (1) In determining the character, suitability, and competence of  
37 an individual, the department may not:

38 (a) Deny or delay a license or approval of unsupervised access to  
39 children to an individual solely because of a crime or civil

1 infraction involving the individual or entity revealed in the  
2 background check process that does not fall within the categories of  
3 disqualifying crimes described in the adoption and safe families act  
4 of 1997 or does not relate directly to child safety, permanence, or  
5 well-being; (~~or~~)

6 (b) Deny or delay a license or approval of unsupervised access to  
7 children to an individual solely because of a founded finding of  
8 physical abuse or negligent treatment or maltreatment by the  
9 applicant or solely because the applicant's child was found by a  
10 court to be dependent as a result of a finding that the parent abused  
11 or neglected the child pursuant to RCW 13.34.030(6)(b) when that  
12 founded finding or court finding is accompanied by a certificate of  
13 parental improvement as defined in this chapter related to the same  
14 incident; or

15 (c) Delay the issuance of a license or approval of unsupervised  
16 access to children by requiring the individual to obtain records  
17 relating to a crime or civil infraction revealed in the background  
18 check process that does not fall within the categories of  
19 disqualifying crimes described in the adoption and safe families act  
20 of 1997 or does not relate directly to child safety, permanence, or  
21 well-being.

22 (2) If the department determines that an individual does not  
23 possess the character, suitability, or competence to provide care or  
24 have unsupervised access to a child, it must provide the reasons for  
25 its decision in writing with copies of the records or documents  
26 related to its decision to the individual within ten days of making  
27 the decision.

28 (3) For purposes of this section, "individual" means a relative  
29 as defined in RCW 74.15.020(2)(a), an "other suitable person" under  
30 chapter 13.34 RCW, a person pursuing licensing as a foster parent, or  
31 a person employed or seeking employment by a business or organization  
32 licensed by the department or with whom the department has a contract  
33 to provide care, supervision, case management, or treatment of  
34 children in the care of the department. "Individual" does not include  
35 long-term care workers defined in RCW 74.39A.009(~~(a)~~) whose  
36 background checks are conducted as provided in RCW 74.39A.056.

37 (4) The department or its officers, agents, or employees may not  
38 be held civilly liable based upon its decision to grant or deny  
39 unsupervised access to children if the background information it

1 relied upon at the time the decision was made did not indicate that  
2 child safety, permanence, or well-being would be a concern.

3 **Sec. 4.** RCW 74.13.020 and 2019 c 172 s 7 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "Case management" means convening family meetings,  
8 developing, revising, and monitoring implementation of any case plan  
9 or individual service and safety plan, coordinating and monitoring  
10 services needed by the child and family, caseworker-child visits,  
11 family visits, and the assumption of court-related duties, excluding  
12 legal representation, including preparing court reports, attending  
13 judicial hearings and permanency hearings, and ensuring that the  
14 child is progressing toward permanency within state and federal  
15 mandates, including the Indian child welfare act.

16 (2) "Child" means:

17 (a) A person less than eighteen years of age; or

18 (b) A person age eighteen to twenty-one years who is eligible to  
19 receive the extended foster care services authorized under RCW  
20 74.13.031.

21 (3) "Child protective services" has the same meaning as in RCW  
22 26.44.020.

23 (4) "Child welfare services" means social services including  
24 voluntary and in-home services, out-of-home care, case management,  
25 and adoption services which strengthen, supplement, or substitute  
26 for, parental care and supervision for the purpose of:

27 (a) Preventing or remedying, or assisting in the solution of  
28 problems which may result in families in conflict, or the neglect,  
29 abuse, exploitation, or criminal behavior of children;

30 (b) Protecting and caring for dependent, abused, or neglected  
31 children;

32 (c) Assisting children who are in conflict with their parents,  
33 and assisting parents who are in conflict with their children, with  
34 services designed to resolve such conflicts;

35 (d) Protecting and promoting the welfare of children, including  
36 the strengthening of their own homes where possible, or, where  
37 needed;

1 (e) Providing adequate care of children away from their homes in  
2 foster family homes or day care or other child care agencies or  
3 facilities.

4 "Child welfare services" does not include child protection  
5 services.

6 (5) "Child who is a candidate for foster care" means a child who  
7 the department identifies as being at imminent risk of entering  
8 foster care but who can remain safely in the child's home or in a  
9 kinship placement as long as services or programs that are necessary  
10 to prevent entry of the child into foster care are provided, and  
11 includes but is not limited to a child whose adoption or guardianship  
12 arrangement is at risk of a disruption or dissolution that would  
13 result in a foster care placement. The term includes a child for whom  
14 there is reasonable cause to believe that any of the following  
15 circumstances exist:

16 (a) The child has been abandoned by the parent as defined in RCW  
17 13.34.030 and the child's health, safety, and welfare is seriously  
18 endangered as a result;

19 (b) The child has been abused or neglected as defined in chapter  
20 26.44 RCW and the child's health, safety, and welfare is seriously  
21 endangered as a result;

22 (c) There is no parent capable of meeting the child's needs such  
23 that the child is in circumstances that constitute a serious danger  
24 to the child's development;

25 (d) The child is otherwise at imminent risk of harm.

26 (6) "Department" means the department of children, youth, and  
27 families.

28 (7) "Extended foster care services" means residential and other  
29 support services the department is authorized to provide to dependent  
30 children. These services include, but are not limited to, placement  
31 in licensed, relative, or otherwise approved care, or supervised  
32 independent living settings; assistance in meeting basic needs;  
33 independent living services; medical assistance; and counseling or  
34 treatment.

35 (8) "Family assessment" means a comprehensive assessment of child  
36 safety, risk of subsequent child abuse or neglect, and family  
37 strengths and needs that is applied to a child abuse or neglect  
38 report. Family assessment does not include a determination as to  
39 whether child abuse or neglect occurred, but does determine the need



1 for services to address the safety of the child and the risk of  
2 subsequent maltreatment.

3 (9) "Medical condition" means, for the purposes of qualifying for  
4 extended foster care services, a physical or mental health condition  
5 as documented by any licensed health care provider regulated by a  
6 disciplining authority under RCW 18.130.040.

7 (10) "Nonminor dependent" means any individual age eighteen to  
8 twenty-one years who is participating in extended foster care  
9 services authorized under RCW 74.13.031.

10 (11) "Out-of-home care services" means services provided after  
11 the shelter care hearing to or for children in out-of-home care, as  
12 that term is defined in RCW 13.34.030, and their families, including  
13 the recruitment, training, and management of foster parents, the  
14 recruitment of adoptive families, and the facilitation of the  
15 adoption process, family reunification, independent living, emergency  
16 shelter, residential group care, and foster care, including relative  
17 placement.

18 (12) "Performance-based contracting" means the structuring of all  
19 aspects of the procurement of services around the purpose of the work  
20 to be performed and the desired results with the contract  
21 requirements set forth in clear, specific, and objective terms with  
22 measurable outcomes. Contracts shall also include provisions that  
23 link the performance of the contractor to the level and timing of  
24 reimbursement.

25 (13) "Permanency services" means long-term services provided to  
26 secure a child's safety, permanency, and well-being, including foster  
27 care services, family reunification services, adoption services, and  
28 preparation for independent living services.

29 (14) "Prevention and family services and programs" means specific  
30 mental health prevention and treatment services, substance abuse  
31 prevention and treatment services, and in-home parent skill-based  
32 programs that qualify for federal funding under the federal family  
33 first prevention services act, P.L. 115-123. For purposes of this  
34 chapter, prevention and family services and programs are not remedial  
35 services or family reunification services as described in RCW  
36 13.34.025(2).

37 (15) "Primary prevention services" means services which are  
38 designed and delivered for the primary purpose of enhancing child and  
39 family well-being and are shown, by analysis of outcomes, to reduce

1 the risk to the likelihood of the initial need for child welfare  
2 services.

3 (16) "Secretary" means the secretary of the department.

4 (17) "Supervised independent living" includes, but is not limited  
5 to, apartment living, room and board arrangements, college or  
6 university dormitories, and shared roommate settings. Supervised  
7 independent living settings must be approved by the department or the  
8 court.

9 (18) "Unsupervised" has the same meaning as in RCW 43.43.830.

10 (19) "Voluntary placement agreement" means, for the purposes of  
11 extended foster care services, a written voluntary agreement between  
12 a nonminor dependent who agrees to submit to the care and authority  
13 of the department for the purposes of participating in the extended  
14 foster care program.

15 (20) "Certificate of parental improvement" means a certificate  
16 issued under section 1 of this act to an individual who has a founded  
17 finding of physical abuse or negligent treatment or maltreatment, or  
18 a court finding that the individual's child was dependent as a result  
19 of a finding that the individual abused or neglected their child  
20 pursuant to RCW 13.34.030(6)(b).

21 NEW SECTION. Sec. 5. A new section is added to chapter 18.20  
22 RCW to read as follows:

23 Assisted living facilities, as defined in this chapter, may not  
24 automatically deny a prospective volunteer or employee solely because  
25 of a founded finding of child abuse or neglect involving the  
26 individual revealed in the record check or a court finding or a court  
27 finding that the individual's child was dependent as a result of a  
28 finding that the individual abused or neglected their child pursuant  
29 to RCW 13.34.030(6)(b) when that founded finding or court finding is  
30 accompanied by a certificate of parental improvement as defined in  
31 chapter 74.13 RCW related to the same incident without conducting a  
32 review to determine the individual's character, suitability, and  
33 competency to volunteer with vulnerable adults.

34 NEW SECTION. Sec. 6. A new section is added to chapter 18.51  
35 RCW to read as follows:

36 Nursing homes, as defined in this chapter, may not automatically  
37 deny a prospective volunteer or employee solely because of a founded  
38 finding of child abuse or neglect involving the individual revealed

1 in the record check or a court finding or a court finding that the  
2 individual's child was dependent as a result of a finding that the  
3 individual abused or neglected their child pursuant to RCW  
4 13.34.030(6)(b) when that founded finding or court finding is  
5 accompanied by a certificate of parental improvement as defined in  
6 chapter 74.13 RCW related to the same incident without conducting a  
7 review to determine the individual's character, suitability, and  
8 competency to volunteer with vulnerable adults.

9 **Sec. 7.** RCW 43.43.832 and 2019 c 146 s 6 are each amended to  
10 read as follows:

11 (1) The Washington state patrol identification and criminal  
12 history section shall disclose conviction records as follows:

13 (a) An applicant's conviction record, upon the request of a  
14 business or organization as defined in RCW 43.43.830, a  
15 developmentally disabled person, or a vulnerable adult as defined in  
16 RCW 43.43.830 or his or her guardian;

17 (b) The conviction record of an applicant for certification, upon  
18 the request of the Washington professional educator standards board;

19 (c) Any conviction record to aid in the investigation and  
20 prosecution of child, developmentally disabled person, and vulnerable  
21 adult abuse cases and to protect children and adults from further  
22 incidents of abuse, upon the request of a law enforcement agency, the  
23 office of the attorney general, prosecuting authority, or the  
24 department of social and health services; and

25 (d) A prospective client's or resident's conviction record, upon  
26 the request of a business or organization that qualifies for  
27 exemption under section 501(c)(3) of the internal revenue code of  
28 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter  
29 or transitional housing for children, persons with developmental  
30 disabilities, or vulnerable adults.

31 (2) The secretary of the department of social and health services  
32 and the secretary of children, youth, and families must establish  
33 rules and set standards to require specific action when considering  
34 the information received pursuant to subsection (1) of this section,  
35 and when considering additional information including but not limited  
36 to civil adjudication proceedings as defined in RCW 43.43.830 and any  
37 out-of-state equivalent, in the following circumstances:

38 (a) When considering persons for state employment in positions  
39 directly responsible for the supervision, care, or treatment of

1 children, vulnerable adults, or individuals with mental illness or  
2 developmental disabilities provided that: For persons residing in a  
3 home that will be utilized to provide foster care for dependent  
4 youth, a criminal background check will be required for all persons  
5 aged sixteen and older and the department of social and health  
6 services may require a criminal background check for persons who are  
7 younger than sixteen in situations where it may be warranted to  
8 ensure the safety of youth in foster care;

9 (b) When considering persons for state positions involving  
10 unsupervised access to vulnerable adults to conduct comprehensive  
11 assessments, financial eligibility determinations, licensing and  
12 certification activities, investigations, surveys, or case  
13 management; or for state positions otherwise required by federal law  
14 to meet employment standards;

15 (c) When licensing agencies or facilities with individuals in  
16 positions directly responsible for the care, supervision, or  
17 treatment of children, developmentally disabled persons, or  
18 vulnerable adults, including but not limited to agencies or  
19 facilities licensed under chapter 74.15 or 18.51 RCW;

20 (d) When contracting with individuals or businesses or  
21 organizations for the care, supervision, case management, or  
22 treatment, including peer counseling, of children, developmentally  
23 disabled persons, or vulnerable adults, including but not limited to  
24 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,  
25 or 74.39A RCW or Title 71A RCW;

26 (e) When individual providers (~~((are paid by the state))~~) as  
27 defined in RCW 74.39A.240 or providers ((are)) paid by home care  
28 agencies ((~~to~~)) provide in-home services involving unsupervised  
29 access to persons with physical, mental, or developmental  
30 disabilities or mental illness, or to vulnerable adults as defined in  
31 chapter 74.34 RCW, including but not limited to services provided  
32 under chapter 74.39 or 74.39A RCW.

33 (3) The secretary of the department of children, youth, and  
34 families shall investigate the conviction records, pending charges,  
35 and other information including civil adjudication proceeding records  
36 of current employees and of any person actively being considered for  
37 any position with the department who will or may have unsupervised  
38 access to children, or for state positions otherwise required by  
39 federal law to meet employment standards. "Considered for any  
40 position" includes decisions about (a) initial hiring, layoffs,

1 reallocations, transfers, promotions, or demotions, or (b) other  
2 decisions that result in an individual being in a position that will  
3 or may have unsupervised access to children as an employee, an  
4 intern, or a volunteer.

5 (4) The secretary of the department of children, youth, and  
6 families shall adopt rules and investigate conviction records,  
7 pending charges, and other information including civil adjudication  
8 proceeding records, in the following circumstances:

9 (a) When licensing or certifying agencies with individuals in  
10 positions that will or may have unsupervised access to children who  
11 are in child day care, in early learning programs, or receiving early  
12 childhood education services, including but not limited to licensees,  
13 agency staff, interns, volunteers, contracted providers, and persons  
14 living on the premises who are sixteen years of age or older;

15 (b) When authorizing individuals who will or may have  
16 unsupervised access to children who are in child day care, in early  
17 learning programs, or receiving early childhood learning education  
18 services in licensed or certified agencies, including but not limited  
19 to licensees, agency staff, interns, volunteers, contracted  
20 providers, and persons living on the premises who are sixteen years  
21 of age or older;

22 (c) When contracting with any business or organization for  
23 activities that will or may have unsupervised access to children who  
24 are in child day care, in early learning programs, or receiving early  
25 childhood learning education services;

26 (d) When establishing the eligibility criteria for individual  
27 providers to receive state paid subsidies to provide child day care  
28 or early learning services that will or may involve unsupervised  
29 access to children; and

30 (e) When responding to a request from an individual for a  
31 certificate of parental improvement under chapter 74.13 RCW.

32 (5) Whenever a state conviction record check is required by state  
33 law, persons may be employed or engaged as volunteers or independent  
34 contractors on a conditional basis pending completion of the state  
35 background investigation. Whenever a national criminal record check  
36 through the federal bureau of investigation is required by state law,  
37 a person may be employed or engaged as a volunteer or independent  
38 contractor on a conditional basis pending completion of the national  
39 check. The office of financial management shall adopt rules to

1 accomplish the purposes of this subsection as it applies to state  
2 employees.

3 (6) (a) For purposes of facilitating timely access to criminal  
4 background information and to reasonably minimize the number of  
5 requests made under this section, recognizing that certain health  
6 care providers change employment frequently, health care facilities  
7 may, upon request from another health care facility, share copies of  
8 completed criminal background inquiry information.

9 (b) Completed criminal background inquiry information may be  
10 shared by a willing health care facility only if the following  
11 conditions are satisfied: The licensed health care facility sharing  
12 the criminal background inquiry information is reasonably known to be  
13 the person's most recent employer, no more than twelve months has  
14 elapsed from the date the person was last employed at a licensed  
15 health care facility to the date of their current employment  
16 application, and the criminal background information is no more than  
17 two years old.

18 (c) If criminal background inquiry information is shared, the  
19 health care facility employing the subject of the inquiry must  
20 require the applicant to sign a disclosure statement indicating that  
21 there has been no conviction or finding as described in RCW 43.43.842  
22 since the completion date of the most recent criminal background  
23 inquiry.

24 (d) Any health care facility that knows or has reason to believe  
25 that an applicant has or may have a disqualifying conviction or  
26 finding as described in RCW 43.43.842, subsequent to the completion  
27 date of their most recent criminal background inquiry, shall be  
28 prohibited from relying on the applicant's previous employer's  
29 criminal background inquiry information. A new criminal background  
30 inquiry shall be requested pursuant to RCW 43.43.830 through  
31 43.43.842.

32 (e) Health care facilities that share criminal background inquiry  
33 information shall be immune from any claim of defamation, invasion of  
34 privacy, negligence, or any other claim in connection with any  
35 dissemination of this information in accordance with this subsection.

36 (f) Health care facilities shall transmit and receive the  
37 criminal background inquiry information in a manner that reasonably  
38 protects the subject's rights to privacy and confidentiality.

39 (7) The department of social and health services may not consider  
40 any final founded finding of physical abuse or negligent treatment or

1 maltreatment of a child made pursuant to chapter 26.44 RCW that is  
2 accompanied by a certificate of parental improvement or dependency as  
3 a result of a finding of abuse or neglect pursuant to chapter 13.34  
4 RCW that is accompanied by a certificate of parental improvement when  
5 evaluating an applicant or employee's character, competency, and  
6 suitability pursuant to any background check authorized or required  
7 by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules  
8 adopted thereunder.

9       **Sec. 8.** RCW 74.39A.056 and 2018 c 278 s 8 are each amended to  
10 read as follows:

11       (1) (a) All long-term care workers shall be screened through state  
12 and federal background checks in a uniform and timely manner to  
13 verify that they do not have a history that would disqualify them  
14 from working with vulnerable persons. The department must process  
15 background checks for long-term care workers and make the information  
16 available to employers, prospective employers, and others as  
17 authorized by law.

18       (b) (i) Except as provided in (b) (ii) of this subsection, for  
19 long-term care workers hired on or after January 7, 2012, the  
20 background checks required under this section shall include checking  
21 against the federal bureau of investigation fingerprint  
22 identification records system and against the national sex offenders  
23 registry or their successor programs. The department shall require  
24 these long-term care workers to submit fingerprints for the purpose  
25 of investigating conviction records through both the Washington state  
26 patrol and the federal bureau of investigation. The department shall  
27 not pass on the cost of these criminal background checks to the  
28 workers or their employers.

29       (ii) This subsection does not apply to long-term care workers  
30 employed by community residential service businesses until January 1,  
31 2016.

32       (c) The department shall share state and federal background check  
33 results with the department of health in accordance with RCW  
34 18.88B.080.

35       (d) Background check screening required under this section and  
36 department rules is not required for an employee of a consumer  
37 directed employer if all of the following circumstances apply:

38       (i) The individual has an individual provider contract with the  
39 department;

1 (ii) The last background check on the contracted individual  
2 provider is still valid under department rules and did not disqualify  
3 the individual from providing personal care services;

4 (iii) Employment by the consumer directed employer is the only  
5 reason a new background check would be required; and

6 (iv) The department's background check results have been shared  
7 with the consumer directed employer.

8 (2) (~~No provider, or its staff, or long-term care worker, or~~  
9 ~~prospective provider or long-term care worker, with a stipulated~~  
10 ~~finding of fact, conclusion of law, an agreed order, or finding of~~  
11 ~~fact, conclusion of law, or final order issued by a disciplining~~  
12 ~~authority or a court of law or entered into a state registry with a~~  
13 ~~final substantiated finding of abuse, neglect, exploitation, or~~  
14 ~~abandonment of a minor or a vulnerable adult as defined in chapter~~  
15 ~~74.34 RCW shall be employed in the care of and have unsupervised~~  
16 ~~access to vulnerable adults)) A provider may not be employed in the  
17 care of and have unsupervised access to vulnerable adults if:~~

18 (a) The provider is on the vulnerable adult abuse registry or on  
19 any other registry based upon a finding of abuse, abandonment,  
20 neglect, or financial exploitation of a vulnerable adult;

21 (b) On or after October 1, 1998, the department of children,  
22 youth, and families, or its predecessor agency, has made a founded  
23 finding of abuse or neglect of a child against the provider. If the  
24 provider has received a certificate of parental improvement under  
25 chapter 74.13 RCW pertaining to the finding, the provider is not  
26 disqualified under this section;

27 (c) A disciplining authority, including the department of health,  
28 has made a finding of abuse, abandonment, neglect, financial  
29 exploitation of a minor or a vulnerable adult against the provider;  
30 or

31 (d) A court has issued an order that includes a finding of fact  
32 or conclusion of law that the provider has committed abuse,  
33 abandonment, neglect, financial exploitation of a minor or vulnerable  
34 adult. If the provider has received a certificate of parental  
35 improvement under chapter 74.13 RCW pertaining to the finding of fact  
36 or conclusion of law, the provider is not disqualified under this  
37 section.

38 (3) The department shall establish, by rule, a state registry  
39 which contains identifying information about long-term care workers  
40 identified under this chapter who have final substantiated findings



1 of abuse, neglect, financial exploitation, or abandonment of a  
2 vulnerable adult as defined in RCW 74.34.020. The rule must include  
3 disclosure, disposition of findings, notification, findings of fact,  
4 appeal rights, and fair hearing requirements. The department shall  
5 disclose, upon request, final substantiated findings of abuse,  
6 neglect, financial exploitation, or abandonment to any person so  
7 requesting this information. This information must also be shared  
8 with the department of health to advance the purposes of chapter  
9 18.88B RCW.

10 (4) For the purposes of this section, "provider" means:

11 (a) An individual provider as defined in RCW 74.39A.240;

12 (b) An employee, licensee, or contractor of any of the following:

13 A home care agency licensed under chapter 70.127 RCW; a nursing home  
14 under chapter 18.51 RCW; an assisted living facility under chapter  
15 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a  
16 certified resident services and supports agency licensed or certified  
17 under chapter 71A.12 RCW; an adult family home under chapter 70.128  
18 RCW; or any long-term care facility certified to provide medicaid or  
19 medicare services; and

20 (c) Any contractor of the department who may have unsupervised  
21 access to vulnerable adults.

22 (5) The department shall adopt rules to implement this section.

23 **Sec. 9.** RCW 43.216.270 and 2018 c 59 s 1 and 2018 c 58 s 69 are  
24 each reenacted and amended to read as follows:

25 (1) (a) In determining whether an individual is of appropriate  
26 character, suitability, and competence to provide child care and  
27 early learning services to children, the department may consider the  
28 history of past involvement of child protective services or law  
29 enforcement agencies with the individual for the purpose of  
30 establishing a pattern of conduct, behavior, or inaction with regard  
31 to the health, safety, or welfare of a child. No report of child  
32 abuse or neglect that has been destroyed or expunged under RCW  
33 26.44.031 may be used for such purposes. No unfounded or inconclusive  
34 allegation of child abuse or neglect as defined in RCW 26.44.020 may  
35 be disclosed to a provider licensed under this chapter.

36 (b) The department may not deny or delay a license to provide  
37 child care and early learning services under this chapter to an  
38 individual solely because of a founded finding of physical abuse or  
39 negligent treatment or maltreatment involving the individual revealed

1 in the background check process or solely because the individual's  
2 child was found by a court to be dependent as a result of a finding  
3 that the individual abused or neglected their child pursuant to RCW  
4 13.34.030(6)(b) when that founded finding or court finding is  
5 accompanied by a certificate of parental improvement as defined in  
6 chapter 74.13 RCW related to the same incident.

7 (2) In order to determine the suitability of individuals newly  
8 applying for an agency license, new licensees, their new employees,  
9 and other persons who newly have unsupervised access to children in  
10 child care, shall be fingerprinted.

11 (a) The fingerprints shall be forwarded to the Washington state  
12 patrol and federal bureau of investigation for a criminal history  
13 record check.

14 (b)(i) All individuals applying for first-time agency licenses,  
15 all new employees, and other persons who have not been previously  
16 qualified by the department to have unsupervised access to children  
17 in child care must be fingerprinted and obtain a criminal history  
18 record check pursuant to this section.

19 (ii) Persons required to be fingerprinted and obtain a criminal  
20 history record check pursuant to this section must pay for the cost  
21 of this check as follows: The fee established by the Washington state  
22 patrol for the criminal background history check, including the cost  
23 of obtaining the fingerprints; and a fee paid to the department for  
24 the cost of administering the individual-based/portable background  
25 check clearance registry. The fee paid to the department must be  
26 deposited into the individual-based/portable background check  
27 clearance account established in RCW 43.216.273. The licensee may,  
28 but need not, pay these costs on behalf of a prospective employee or  
29 reimburse the prospective employee for these costs. The licensee and  
30 the prospective employee may share these costs.

31 (c) The secretary shall use the fingerprint criminal history  
32 record check information solely for the purpose of determining  
33 eligibility for a license and for determining the character,  
34 suitability, and competence of those persons or agencies, excluding  
35 parents, not required to be licensed who are authorized to care for  
36 children.

37 (d) Criminal justice agencies shall provide the secretary such  
38 information as they may have and that the secretary may require for  
39 such purpose.

1 (e) No later than July 1, 2013, all agency licensees holding  
2 licenses prior to July 1, 2012, persons who were employees before  
3 July 1, 2012, and persons who have been qualified by the department  
4 before July 1, 2012, to have unsupervised access to children in child  
5 care, must submit a new background application to the department. The  
6 department must require persons submitting a new background  
7 application pursuant to this subsection (2)(e) to pay a fee to the  
8 department for the cost of administering the individual-based/  
9 portable background check clearance registry. This fee must be paid  
10 into the individual-based/portable background check clearance account  
11 established in RCW 43.216.273. The licensee may, but need not, pay  
12 these costs on behalf of a prospective employee or reimburse the  
13 prospective employee for these costs. The licensee and the  
14 prospective employee may share these costs.

15 (f) The department shall issue a background check clearance card  
16 or certificate to the applicant if after the completion of a  
17 background check the department concludes the applicant is qualified  
18 for unsupervised access to children in child care. The background  
19 check clearance card or certificate is valid for three years from the  
20 date of issuance. A valid card or certificate must be accepted by a  
21 potential employer as proof that the applicant has successfully  
22 completed a background check as required under this chapter. For  
23 purposes of renewal of the background clearance card or certificate,  
24 all agency licensees holding a license, persons who are employees,  
25 and persons who have been previously qualified by the department,  
26 must submit a new background application to the department on a date  
27 to be determined by the department. The fee requirements applicable  
28 to this section also apply to background clearance renewal  
29 applications.

30 (g) The original applicant for an agency license, licensees,  
31 their employees, and other persons who have unsupervised access to  
32 children in child care shall submit a new background check  
33 application to the department, on a form and by a date as determined  
34 by the department.

35 (h) The payment requirements applicable to (a) through (g) of  
36 this subsection do not apply to persons who:

37 (i) Provide regularly scheduled care for a child or children in  
38 the home of the provider or in the home of the child or children for  
39 periods of less than twenty-four hours or, if necessary due to the

1 nature of the parent's work, for periods equal to or greater than  
2 twenty-four hours;

3 (ii) Receive child care subsidies; and

4 (iii) Are exempt from licensing under this chapter.

5 (i) The applicant and agency shall maintain on-site for  
6 inspection a copy of the background check clearance card or  
7 certificate.

8 (j) Individuals who have been issued a background check clearance  
9 card or certificate shall report nonconviction and conviction  
10 information to the department within twenty-four hours of the event  
11 constituting the nonconviction or conviction information.

12 (k) The department shall investigate and conduct a  
13 redetermination of an applicant's or licensee's background clearance  
14 if the department receives a complaint or information from  
15 individuals, a law enforcement agency, or other federal, state, or  
16 local government agency. Subject to the requirements contained in RCW  
17 43.216.325 and 43.216.327 and based on a determination that an  
18 individual lacks the appropriate character, suitability, or  
19 competence to provide child care or early learning services to  
20 children, the department may: (i) Invalidate the background card or  
21 certificate; or (ii) suspend, modify, or revoke any license  
22 authorized by this chapter.

23 (3) To satisfy the shared background check requirements of the  
24 department of children, youth, and families, the office of the  
25 superintendent of public instruction, and the department of social  
26 and health services, each department shall share federal fingerprint-  
27 based background check results as permitted under the law. The  
28 purpose of this provision is to allow these departments to fulfill  
29 their joint background check responsibility of checking any  
30 individual who may have unsupervised access to vulnerable adults,  
31 children, or juveniles. These departments may not share the federal  
32 background check results with any other state agency or person.

33 (4) Individuals who have completed a fingerprint background check  
34 as required by the office of the superintendent of public  
35 instruction, consistent with RCW 28A.400.303, and have been  
36 continuously employed by the same school district or educational  
37 service district, can meet the requirements in subsection (2) of this  
38 section by providing a true and accurate copy of their Washington  
39 state patrol and federal bureau of investigation background check  
40 report results to the department or if the school district or the

1 educational service district provides an affidavit to the department  
2 that the individual has been authorized to work by the school  
3 district or educational service district after completing a record  
4 check consistent with RCW 28A.400.303. The department may require  
5 that additional background checks be completed that do not require  
6 additional fingerprinting and may charge a fee for these additional  
7 background checks.

8 **Sec. 10.** RCW 43.20A.710 and 2014 c 88 s 2 are each amended to  
9 read as follows:

10 (1) The secretary shall investigate the conviction records,  
11 pending charges and disciplinary board final decisions of:

12 (a) Any current employee or applicant seeking or being considered  
13 for any position with the department who will or may have  
14 unsupervised access to children, vulnerable adults, or individuals  
15 with mental illness or developmental disabilities. This includes, but  
16 is not limited to, positions conducting comprehensive assessments,  
17 financial eligibility determinations, licensing and certification  
18 activities, investigations, surveys, or case management; or for state  
19 positions otherwise required by federal law to meet employment  
20 standards;

21 (b) Individual providers (~~who are paid by the state~~) as defined  
22 in RCW 74.39A.240 and providers who are paid by home care agencies to  
23 provide in-home services involving unsupervised access to persons  
24 with physical, mental, or developmental disabilities or mental  
25 illness, or to vulnerable adults as defined in chapter 74.34 RCW,  
26 including but not limited to services provided under chapter 74.39 or  
27 74.39A RCW; and

28 (c) Individuals or businesses or organizations for the care,  
29 supervision, case management, or treatment of children, persons with  
30 developmental disabilities, or vulnerable adults, including but not  
31 limited to services contracted for under chapter 18.20, 70.127,  
32 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

33 (2) The secretary shall require a fingerprint-based background  
34 check through both the Washington state patrol and the federal bureau  
35 of investigation as provided in RCW 43.43.837. Unless otherwise  
36 authorized by law, the secretary shall use the information solely for  
37 the purpose of determining the character, suitability, and competence  
38 of the applicant.

1 (3) Except as provided in subsection (4) of this section, an  
2 individual provider or home care agency provider who has resided in  
3 the state less than three years before applying for employment  
4 involving unsupervised access to a vulnerable adult as defined in  
5 chapter 74.34 RCW must be fingerprinted for the purpose of  
6 investigating conviction records through both the Washington state  
7 patrol and the federal bureau of investigation. This subsection  
8 applies only with respect to the provision of in-home services funded  
9 by medicaid personal care under RCW 74.09.520, community options  
10 program entry system waiver services under RCW 74.39A.030, or chore  
11 services under RCW 74.39A.110. However, this subsection does not  
12 supersede RCW 74.15.030(2)((~~b~~)).

13 (4) Long-term care workers, as defined in RCW 74.39A.009, who are  
14 hired after January 7, 2012, are subject to background checks under  
15 RCW 74.39A.056, except that the department may require a background  
16 check at any time under RCW 43.43.837. For the purposes of this  
17 subsection, "background check" includes, but is not limited to, a  
18 fingerprint check submitted for the purpose of investigating  
19 conviction records through both the Washington state patrol and the  
20 federal bureau of investigation.

21 (5) An individual provider or home care agency provider hired to  
22 provide in-home care for and having unsupervised access to a  
23 vulnerable adult as defined in chapter 74.34 RCW must have no  
24 conviction for a disqualifying crime under RCW 43.43.830 and  
25 43.43.842. An individual or home care agency provider must also have  
26 no conviction for a crime relating to drugs as defined in RCW  
27 43.43.830. This subsection applies only with respect to the provision  
28 of in-home services funded by medicaid personal care under RCW  
29 74.09.520, community options program entry system waiver services  
30 under RCW 74.39A.030, or chore services under RCW 74.39A.110.

31 (6) The secretary shall provide the results of the state  
32 background check on long-term care workers, including individual  
33 providers, to the persons hiring them or to their legal guardians, if  
34 any, for their determination of the character, suitability, and  
35 competence of the applicants. If the person elects to hire or retain  
36 an individual provider after receiving notice from the department  
37 that the applicant has a conviction for an offense that would  
38 disqualify the applicant from having unsupervised access to persons  
39 with physical, mental, or developmental disabilities or mental  
40 illness, or to vulnerable adults as defined in chapter 74.34 RCW,

1 then the secretary shall deny payment for any subsequent services  
2 rendered by the disqualified individual provider.

3 (7) Criminal justice agencies shall provide the secretary such  
4 information as they may have and that the secretary may require for  
5 such purpose.

6 (8) Any person whose criminal history would otherwise disqualify  
7 the person under this section from a position which will or may have  
8 unsupervised access to children, vulnerable adults, or persons with  
9 mental illness or developmental disabilities shall not be  
10 disqualified if the department of social and health services reviewed  
11 the person's otherwise disqualifying criminal history through the  
12 department of social and health services' background assessment  
13 review team process conducted in 2002 and determined that such person  
14 could remain in a position covered by this section, or if the  
15 otherwise disqualifying conviction or disposition has been the  
16 subject of a pardon, annulment, or other equivalent procedure.

17 (9) The department may not consider any founded finding of  
18 physical abuse or negligent treatment or maltreatment of a child made  
19 pursuant to chapter 26.44 RCW that is accompanied by a certificate of  
20 parental improvement or dependency as a result of a finding of abuse  
21 or neglect pursuant to chapter 13.34 RCW that is accompanied by a  
22 certificate of parental improvement when evaluating an applicant or  
23 employee's character, competency, and suitability pursuant to any  
24 background check authorized or required by this chapter, RCW  
25 74.39A.056 or 43.43.832, or any of the rules adopted thereunder.

26 **Sec. 11.** RCW 43.216.010 and 2017 3rd sp.s. c 6 s 201 are each  
27 amended to read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30 (1) "Agency" means any person, firm, partnership, association,  
31 corporation, or facility that provides child care and early learning  
32 services outside a child's own home and includes the following  
33 irrespective of whether there is compensation to the agency:

34 (a) "Child day care center" means an agency that regularly  
35 provides early childhood education and early learning services for a  
36 group of children for periods of less than twenty-four hours;

37 (b) "Early learning" includes but is not limited to programs and  
38 services for child care; state, federal, private, and nonprofit  
39 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional  
2 development for early learning professionals;

3 (c) "Family day care provider" means a child care provider who  
4 regularly provides early childhood education and early learning  
5 services for not more than twelve children in the provider's home in  
6 the family living quarters;

7 (d) "Nongovernmental private-public partnership" means an entity  
8 registered as a nonprofit corporation in Washington state with a  
9 primary focus on early learning, school readiness, and parental  
10 support, and an ability to raise a minimum of five million dollars in  
11 contributions;

12 (e) "Service provider" means the entity that operates a community  
13 facility.

14 (2) "Agency" does not include the following:

15 (a) Persons related to the child in the following ways:

16 (i) Any blood relative, including those of half-blood, and  
17 including first cousins, nephews or nieces, and persons of preceding  
18 generations as denoted by prefixes of grand, great, or great-great;

19 (ii) Stepfather, stepmother, stepbrother, and stepsister;

20 (iii) A person who legally adopts a child or the child's parent  
21 as well as the natural and other legally adopted children of such  
22 persons, and other relatives of the adoptive parents in accordance  
23 with state law; or

24 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
25 this subsection, even after the marriage is terminated;

26 (b) Persons who are legal guardians of the child;

27 (c) Persons who care for a neighbor's or friend's child or  
28 children, with or without compensation, where the person providing  
29 care for periods of less than twenty-four hours does not conduct such  
30 activity on an ongoing, regularly scheduled basis for the purpose of  
31 engaging in business, which includes, but is not limited to,  
32 advertising such care;

33 (d) Parents on a mutually cooperative basis exchange care of one  
34 another's children;

35 (e) Nursery schools that are engaged primarily in early childhood  
36 education with preschool children and in which no child is enrolled  
37 on a regular basis for more than four hours per day;

38 (f) Schools, including boarding schools, that are engaged  
39 primarily in education, operate on a definite school year schedule,



1 follow a stated academic curriculum, and accept only school age  
2 children;

3 (g) Seasonal camps of three months' or less duration engaged  
4 primarily in recreational or educational activities;

5 (h) Facilities providing child care for periods of less than  
6 twenty-four hours when a parent or legal guardian of the child  
7 remains on the premises of the facility for the purpose of  
8 participating in:

9 (i) Activities other than employment; or

10 (ii) Employment of up to two hours per day when the facility is  
11 operated by a nonprofit entity that also operates a licensed child  
12 care program at the same facility in another location or at another  
13 facility;

14 (i) Any entity that provides recreational or educational  
15 programming for school age children only and the entity meets all of  
16 the following requirements:

17 (i) The entity utilizes a drop-in model for programming, where  
18 children are able to attend during any or all program hours without a  
19 formal reservation;

20 (ii) The entity does not assume responsibility in lieu of the  
21 parent, unless for coordinated transportation;

22 (iii) The entity is a local affiliate of a national nonprofit;  
23 and

24 (iv) The entity is in compliance with all safety and quality  
25 standards set by the associated national agency;

26 (j) A program operated by any unit of local, state, or federal  
27 government;

28 (k) A program located within the boundaries of a federally  
29 recognized Indian reservation, licensed by the Indian tribe;

30 (l) A program located on a federal military reservation, except  
31 where the military authorities request that such agency be subject to  
32 the licensing requirements of this chapter;

33 (m) A program that offers early learning and support services,  
34 such as parent education, and does not provide child care services on  
35 a regular basis.

36 (3) "Applicant" means a person who requests or seeks employment  
37 in an agency.

38 (4) "Conviction information" means criminal history record  
39 information relating to an incident which has led to a conviction or  
40 other disposition adverse to the applicant.

1 (5) "Department" means the department of children, youth, and  
2 families.

3 (6) "Early achievers" means a program that improves the quality  
4 of early learning programs and supports and rewards providers for  
5 their participation.

6 (7) "Early childhood education and assistance program contractor"  
7 means an organization that provides early childhood education and  
8 assistance program services under a signed contract with the  
9 department.

10 (8) "Early childhood education and assistance program provider"  
11 means an organization that provides site level, direct, and high  
12 quality early childhood education and assistance program services  
13 under the direction of an early childhood education and assistance  
14 program contractor.

15 (9) "Early start" means an integrated high quality continuum of  
16 early learning programs for children birth-to-five years of age.  
17 Components of early start include, but are not limited to, the  
18 following:

19 (a) Home visiting and parent education and support programs;  
20 (b) The early achievers program described in RCW 43.216.085;  
21 (c) Integrated full-day and part-day high quality early learning  
22 programs; and

23 (d) High quality preschool for children whose family income is at  
24 or below one hundred ten percent of the federal poverty level.

25 (10) "Education data center" means the education data center  
26 established in RCW 43.41.400, commonly referred to as the education  
27 research and data center.

28 (11) "Employer" means a person or business that engages the  
29 services of one or more people, especially for wages or salary to  
30 work in an agency.

31 (12) "Enforcement action" means denial, suspension, revocation,  
32 modification, or nonrenewal of a license pursuant to RCW  
33 43.216.325(1) or assessment of civil monetary penalties pursuant to  
34 RCW 43.216.325(3).

35 (13) "Extended day program" means an early childhood education  
36 and assistance program that offers early learning education for at  
37 least ten hours per day, a minimum of two thousand hours per year, at  
38 least four days per week, and operates year-round.

1 (14) "Full day program" means an early childhood education and  
2 assistance program that offers early learning education for a minimum  
3 of one thousand hours per year.

4 (15) "Low-income child care provider" means a person who  
5 administers a child care program that consists of at least eighty  
6 percent of children receiving working connections child care subsidy.

7 (16) "Low-income neighborhood" means a district or community  
8 where more than twenty percent of households are below the federal  
9 poverty level.

10 (17) "Negative action" means a court order, court judgment, or an  
11 adverse action taken by an agency, in any state, federal, tribal, or  
12 foreign jurisdiction, which results in a finding against the  
13 applicant reasonably related to the individual's character,  
14 suitability, and competence to care for or have unsupervised access  
15 to children in child care. This may include, but is not limited to:

16 (a) A decision issued by an administrative law judge;

17 (b) A final determination, decision, or finding made by an agency  
18 following an investigation;

19 (c) An adverse agency action, including termination, revocation,  
20 or denial of a license or certification, or if pending adverse agency  
21 action, the voluntary surrender of a license, certification, or  
22 contract in lieu of the adverse action;

23 (d) A revocation, denial, or restriction placed on any  
24 professional license; or

25 (e) A final decision of a disciplinary board.

26 (18) "Nonconviction information" means arrest, founded  
27 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
28 or other negative action adverse to the applicant.

29 (19) "Nonschool age child" means a child who is age six years or  
30 younger and who is not enrolled in a public or private school.

31 (20) "Part day program" means an early childhood education and  
32 assistance program that offers early learning education for at least  
33 two and one-half hours per class session, at least three hundred  
34 twenty hours per year, for a minimum of thirty weeks per year.

35 (21) "Private school" means a private school approved by the  
36 state under chapter 28A.195 RCW.

37 (22) "Probationary license" means a license issued as a  
38 disciplinary measure to an agency that has previously been issued a  
39 full license but is out of compliance with licensing standards.

1 (23) "Requirement" means any rule, regulation, or standard of  
2 care to be maintained by an agency.

3 (24) "School age child" means a child who is five years of age  
4 through twelve years of age and is attending a public or private  
5 school or is receiving home-based instruction under chapter 28A.200  
6 RCW.

7 (25) "Secretary" means the secretary of the department.

8 (26) "Washington state preschool program" means an education  
9 program for children three-to-five years of age who have not yet  
10 entered kindergarten, such as the early childhood education and  
11 assistance program.

12 (27) "Certificate of parental improvement" means a certificate  
13 issued under section 1 of this act to an individual who has a founded  
14 finding of physical abuse or negligent treatment or maltreatment, or  
15 a court finding that the individual's child was dependent as a result  
16 of a finding that the individual abused or neglected their child  
17 pursuant to RCW 13.34.030(6)(b).

18 NEW SECTION. **Sec. 12.** This act takes effect January 1, 2021.

--- END ---