

SENATE BILL REPORT

SB 5316

As Amended by House, April 12, 2023

Title: An act relating to background check and licensing fees for programs administered by the department of children, youth, and families.

Brief Description: Concerning background check and licensing fees for programs administered by the department of children, youth, and families.

Sponsors: Senators Wilson, C., Billig and Nobles.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/25/23, 2/01/23 [DP-WM].
Ways & Means: 2/09/23, 2/22/23 [DP, DNP, w/oRec].

Floor Activity: Passed Senate: 3/7/23, 30-18.
Passed House: 4/12/23, 87-10.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families to pay background check fees for all foster care and child care applicants and service providers.
- Makes background check clearance cards or certificates valid for five years instead of three years from the date of issue.
- Makes a temporary waiver of child care licensing fees permanent.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Ailey Kato (786-7434)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Nguyen, Pedersen, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Torres and Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun and Muzzall.

Staff: Joshua Hinman (786-7281)

Background: Background Checks for Foster Care. State law requires background checks, which includes a fingerprint and a criminal history record check, when the Department of Children, Youth, and Families (DCYF) seeks to approve an applicant or service provider for a foster care or adoptive placement.

DCYF pays fees charged by the Washington State Patrol and the Federal Bureau of Investigation (FBI) for foster care and relative or kinship care. DCYF does not pay the fees for employees of child placing agencies, group care, and contracted service providers.

Background Checks for Child Care. State law requires DCYF to conduct background checks on anyone who is authorized to care for or have unsupervised access to children in child care and early learning programs.

People who require a background check must pay for the cost of the check, including the fee established by the Washington State Patrol, the cost of obtaining a fingerprint, and a fee paid to DCYF for the cost of administering the individual-based or portable background check clearance registry.

DCYF must issue a background check clearance card or certificate if DCYF concludes the applicant is qualified for unsupervised access to children in child care. This card must be accepted by a potential employer as proof that the background check was successfully completed and is valid for three years.

DCYF must maintain an individual-based or portable background check clearance registry, subject to appropriation.

In the 2022 supplemental operating budget, the background check fee for child care providers was waived in fiscal year 2023.

Child Care Licensing Fees. Under state law, it is unlawful for any agency to care for children unless the agency is licensed by DCYF.

Before 2021, DCYF was allowed to charge fees to child care licensees. DCYF was also allowed to waive the fees when the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage to the state.

DCYF must establish the fees charged by rule. The annual fee is \$30 for family home providers. For child care centers, the annual fee is \$125 for the first 12 children plus \$12 for each additional child.

During the 2021 session, the Legislature prohibited DCYF from charging child care licensing fees until June 30, 2023.

Summary of Bill: Background Checks for Foster Care and Child Care. DCYF must pay the background check fees charged by the Washington State Patrol and the FBI for all foster care and child care applicants and service providers.

References to background check fees are removed from state law.

The background check clearance card or certificate is valid for five years, instead of three years, from the date of issuance.

DCYF must maintain an individual-based or portable background check clearance registry regardless of appropriations.

Child Care Licensing Fees. The prohibition on DCYF charging child care licensing fees is made permanent. This prohibition takes effect immediately.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and section 5 takes effect immediately.

Staff Summary of Public Testimony (Early Learning & K-12 Education): PRO: Child care licensing and background check fees were waived during the pandemic to help provide stability, and these policies should be continued. Waiving these fees could also help speed

up the background check process as well remove a financial barrier for potential employees. This policy should be coupled with funding to ensure that fingerprint checks can be completed at DCYF regional offices.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Claire Wilson, Prime Sponsor; Colleen Condon, Lilac City ELC; Elodia Gutierrez; Emily Murphy, Child Care Aware of Washington.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: The childcare workforce is in crisis and experiencing poverty-level wages. Funding the waiver of licensing fees will help. Per background check fees, we encourage funding a fingerprinting office at DCYF, as requested in their Decision Package. This is a key issue for rural areas.

Timeliness of background checks impacts providers. We want to make sure to get the staff in the classroom as quickly as possible. We can lose them to other job opportunities. The current waiver is helping timeliness, as background checks can cause a 7 to 10 day delay in hiring. DCYF waits until receipt of payment before processing background checks.

Persons Testifying (Ways & Means): PRO: Emily Murphy, Child Care Aware of Washington; Colleen Condon, Washington Childcare Center Association.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Adds a null and void clause.
- Restores current law expiring the prohibition on DCYF charging child care licensing fees on June 30, 2023—rather than removing the expiration date and making the prohibition on these fees permanent.
- Removes a provision that only applied to fiscal year 2023.