



## Background Checks Webinar Q&A January 25, 2024

**Q: Will this recording be publicly available after?**

A: Yes, you can find it [online here](#).

**Q: Will you be sharing the language of "paragraph (a)(2)" on this webinar?**

A: Section 1 and 2 are provided below. For the full text of the Child Care and Development Fund (CCDF) federal requirements: <https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-98/subpart-E/section-98.43>.

Additional guidance can also be found here: <https://www.acf.hhs.gov/occ/faq/child-care-and-development-fund-final-rule-frequently-asked-questions>

*(a) (1) States, Territories, and Tribes, through coordination of the Lead agency with other State, territorial, and tribal agencies, shall have in effect:*

*(i) Requirements, policies, and procedures to require and conduct criminal background checks for child care staff members (including prospective child care staff members) of all licensed, regulated, or registered child care providers and all child care providers eligible to deliver services for which assistance is provided under this part as described in paragraph (a)(2) of this section;*

*(ii) Licensing, regulation, and registration requirements, as applicable, that prohibit the employment of child care staff members as described in paragraph (c) of this section; and*

*(iii) Requirements, policies, and procedures in place to respond as expeditiously as possible to other States', Territories', and Tribes' requests for background check results in order to accommodate the 45 day timeframe required in paragraph (e)(1) of this section.*

*(2) In this section:*

*(i) Child care provider means a center based child care provider, a family child care provider, or another provider of child care services for compensation and on a regular basis that:*

*(A) Is not an individual who is related to all children for whom child care services are provided; and*

*(B) Is licensed, regulated, or registered under State law or eligible to receive assistance provided under this subchapter; and*

*(ii) Child care staff member means an individual (other than an individual who is related to all children for whom child care services are provided):*

*(A) Who is employed by a child care provider for compensation, including contract employees or self-employed individuals;*

*(B) Whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or*

*(C) Any individual residing in a family child care home who is age 18 and older.*

**Q: What will DCYF be doing to streamline the process for staff to get cleared within 48 hours?**

A: A small percentage of applicants can be cleared in that short timeframe, but it is possible if all the steps move quickly, however that depends on a lot of different variables. I provided those variables below and what DCYF is doing to reduce the delays that impact the majority of the background checks:

- Turnaround time for applicant to schedule a fingerprint appointment: DCYF proposed Senate Bill 5774 to expand fingerprinting services to DCYF offices to allow for more fingerprinting availability.
- Turnaround time for Federal Bureau of Investigation (FBI), Washington State Patrol (WSP), Department of Social and Health Services (DSHS), and DCYF to process the fingerprint check: Approx 80% of the fingerprint results are distributed to DCYF automatically and DCYF process the results within 1-hour.



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- DCYF staff are working with MERIT and Background Check IT teams to make adjustments to the application that could cause delays due to technical issues in the system.

### **Q: How long are background checks currently taking on average?**

A: According to the latest report from the system, the average turnaround time to complete a fingerprint check in January 2024 was 6 calendar days. In analyzing data from January 1, 2023-December 31, 2023, the average turnaround time was 12 calendar days. 3% (637 out of 18,771) of the background checks required a suitability assessment, which took an average of 15 days. Please note that turnaround times fluctuate and can change based on different variables. However, the system has the capability to produce reports with turnaround times, and DCYF can provide the most current information when it is requested.

### **Q: Do background checks include immigration/citizenship information?**

A: No, the background checks are assessing criminal history information or negative actions.

### **Q: How many applications are typical in a month? What percent of applications are rejected?**

A: Based on the report in our system 18,771 fingerprint checks were processed in 2023 and approximately 9% of the fingerprints were rejected. An average of 1564 applications were processed each month.

### **Q: Are there conversations with the Office of the Superintendent of Public Instruction (OSPI) to align the two background check process? It would be great if one background check worked for both systems?**

A: While DCYF may share background check results with OSPI, OSPI's background check requirements do not meet the CCDF requirements for Early Learning background checks.

### **Q: Is the goal to get to three day turn around?**

A: It will always be our goal to reduce turnaround times through our internal processes. Unfortunately, other turnaround times throughout the fingerprint process are not within our control, but we are still advocating for changes to improve them, and we are frequently analyzing and making adjustments to our processes that may cause any delays, big or small.

### **Q: What steps do you actively take in the character assessment process to remove bias when you are determining an individual's suitability?**

A: Our entire team's goal is to achieve fair, equitable, and safe decision-making through our processes, our people, and gathering/analyzing data to hold ourselves accountable. Aside from the training that comes from daily experience, staff attend racial, equity, and social justice trainings when offered and required annually. We sought out a separate anti-bias training to attend in March and continue to seek out trainings aside from what is required. The vetting process when hiring staff includes questions that aim to capture their natural abilities to recognize bias and intentionally keep it in check. We do not hire individuals without this. Having an equity mindset is not an expectation, it is a requirement, and although a requirement, staff embrace it. We use a trauma-informed approach when interviewing individuals with a focus on lived experience, rehabilitation, that allow an opportunity to get the individual's perspective. We have a tiered decision-making approach with three different layers that provides checks and balances to promote fair and safe decision making. Suitability assessment specialists can approve an individual's background check with oversight from their supervisor, and the assessment must travel through their supervisor, and finally the Background Check Manager before a disqualification is issued. If a suitability assessment is disqualified, individuals have a right to appeal the decision through the courts.

### **Q: Employers used to get notified at the same time as the employee about setting up a fingerprint appointment. Is there any way to get that put back into place. Not everyone checks their email on a regular basis.**

A: Employer notifications were an option in the previous system, and an ask to turn them back on has been submitted to our IT team. They are researching to determine if it is an option in the Portable Background Check (PBC). We agree it would be very helpful to turn them back on.



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**Q: Is there a way that tribal agencies can partner with DCYF so that we are having to send applicants to do fingerprinting twice?**

A: Per Mindy Flett with Office of Tribal Relations (OTR), you can email [DCYF.tribalrelations@dcyf.wa.gov](mailto:DCYF.tribalrelations@dcyf.wa.gov) for assistance.

**Q: What are the road blocks to adding more places to get fingerprinting?**

A: Over the last few years, DCYF worked with the fingerprint vendor IDEMIA and various DCYF offices to pilot a project to add fingerprinting to DCYF offices. We had the equipment and services available through the vendor ready to go, and DCYF offices were willing, but they did not have the staffing to support the extra duties. That led to the proposed legislation to require fingerprinting in DCYF offices and more FTE to support that requirement.

**Q: Who do we need to talk to get MORE than 10 offices? Who rejected the 48?**

A: If SB 5774 passes, that will allow DCYF to provide this fingerprint service, gather data to determine the benefits of the expansions, and pitch for more next session. More information about the original bill and substitute bill can be found on the [Washington State Legislature](http://Washington State Legislature) site and the current bill report: [5774 SBR EDU OC 24.pdf \(wa.gov\)](https://www.leg.wa.gov/bills/2023/5774_SBR_EDU_OC_24.pdf)

**Q: How much does it cost?**

A: The fiscal notes for both the original bill and substitute bill can be found here: [Fiscal Notes Public Search \(wa.gov\)](http://Fiscal Notes Public Search (wa.gov))

**Q: We've voiced ideas for years. Separate the federal portion of the background check from the state portion. What is the solution to the problem? And does DCYF agree that this is problematic for providers? Can you share what work is being done to move to one of those options? Does it take legislation? An agency budget ask? How can we separate the pieces?**

A: DCYF's Background Check Portal interfaces with DSHS' Background Check System. DCYF reached out to DSHS to explore the possibility of separating the FBI and state fingerprint results in 2022 and 2023. We learned that between January 1 and May 23, 2022, 98.6% of all fingerprint background checks completed by DSHS averaged 110 minutes between receipt of the FBI and the WSP fingerprint results. Between June 1, 2023-December 1, 2023, the average was 90 minutes. Doing so would require a change in the DSHS system and WSP system, and separating out these elements would only reduce the average turnaround time by hours, not days.

DCYF continuously works with DSHS to explore ways to streamline the processes. In January 2024, DCYF asked DSHS to prioritize DCYF background checks due to the urgent nature of DCYF requests, including keeping children with families and individuals not being able to work in any capacity until the full fingerprint check is received. DSHS advised that 80% of all of their background check results go through quick turnaround, but it varies by month. Other fingerprint results that do not go through quick turnaround are received at random and they cannot prioritize DCYF results in their system.

DCYF also chaired a work group including representatives from other agencies to recommend a solution for a centralized background check system that would eliminate much of this delay. See its report here. This solution requires legislation and budget appropriation to implement.

**Q: Is childcare for religious institutions covered under any of these laws?**

A: Please see [RCW 43.216.010](http://RCW 43.216.010) for a list of exemptions for licensed child care.

**Q: If we have a volunteer that is here less than 4 hours a month, do they need background check? What about a parent volunteer during a special event?**

A: If the volunteer is on site for 4 hours a month, for multiple months of the year, then this would be considered regular and on-going, so this volunteer would need a background check. A parent volunteer who comes in for a specific event that is not considered regular or on-going, would not need a background, but would need to be supervised at all times.



**Q: If I have a granddaughter living with me for only 6 weeks does she need a background check? Not volunteer or helping with childcare.**

A: Please contact your licensor and licensing supervisor regarding the specifics of the visit and visitor.

**Q: What if teens or pre-teens are paid to watch children, do they need background checks?**

A: If these teens or pre-teens are watching children in licensed childcare settings, they would require a background at 13 years of age. Applicants ages 13 to 15 only require an in-state check. Applicants 16 years of age and older require a fingerprint check. If they are watching children in the child's home, they would not be required to have a background.

**Q: Can we ask if there is any candidate interview that they need to come to do in -person interview and working interview in the classroom. Do they need background check?**

A: If the interview process includes a classroom component, and the person being interviewed is not hired (employed) at that time, then a background is not required. This person does need to be supervised at all times during the interview process.

**Q: Ok, we can't leave the individual decisions to licensors about whether a background check is required for a specific volunteer. Is there a number a provider can call at the background check unit to get an answer about a specific volunteer?**

A: No, please contact your licensor and licensing supervisor to work through the specifics of your volunteer questions.

**Q: So, volunteers, with limited enough hours, are not required to get the background check. But, an interview candidate who will be in a classroom for....an hour or something, does need one?**

A: If the interview process includes a classroom component, and the person being interviewed is not hired (employed) at that time, then a background is not required. This person does need to be supervised at all times during the interview process.

**Q: Are all family members in an in-home child care center required to get a background check?**

A: All family members, age 13 and above are required to have a background check in a family home child care. Family members ages 13 to 15 only require an in-state check. Family members 16 years of age and older require a fingerprint check.

**Q: What about when you have family visiting from outside of the US. What can what do in that case when that visitor stays in the house for days or weeks? Is that allowed?**

A: Please contact your licensor and licensing supervisor to work through the specifics of your visit and visitors.

**Q: Every time I have a presentation about these new background check situations, it changes. Now it says an interviewee is not allowed to be in the classroom, but I was told in our provider support meeting that the only people that were required to have this background check in the center immediately were hired STAFF and VOLUNTEERS. So, if we have an interviewee that is doing a lesson, showing us their skills before hiring (supervised, of course), you're saying this is not allowed now? What about parents who come in and visit their child in the classroom for 30 min? I REALLY want DCYF to give us CLEAR, concrete lists of who is required and not required to have this otherwise licensors will take liberties on writing us up for it.**

A: The guidance in the presentation was copied/pasted from the most recent memo that went out, so I believe it is most accurate and can replace any previous guidance?

- Any licensing application received by DCYF on, or after, Jan. 1, 2024, for child care and early learning applicants, must have an approved background check.
- Any new child care staff, applicants, or volunteers may be on the premises if they are not in licensed child care space and not counted in ratio, not interacting with children, and not unsupervised with children. This includes interviews, training, and hiring new staff. This would also include individuals engaging in classroom observation



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as a component of the interview process, and the individual being interviewed is not considered employed or hired.

**Q: What is the contact for getting guidance on helping onboard a new staff member?**

A: Child care licensing can offer technical assistance to onboarding new staff, specifically in regards to qualifications and trainings. Hiring processes are a business practice unique to each child care facility.

**Q: What about planning for a hire who is moving from out of state?**

A: Submitting a background check as part of the hiring process is effective. The sooner the person submits the background, the sooner it can be processed. Background submission and fingerprints will have to be completed in Washington state through DCYF.

**Q: I personally know of a case where the date was back dated after over a month of not being able to work, DCYF cleared someone and back dated it weeks. Is there any data showing dates when people were allowed to work?**

A: Child care providers input start and end dates in MERIT for all roles/household members associated with the child care.

**Q: Does DCYF have a task force to allow input from providers? That could help drive the decision make and help create more transparency back out to providers.**

A: There is no organized taskforce, but we have committee meetings to hear from providers, and providers can contact DCYF for feedback anytime. DCYF is also working on a survey attached to all licensing inspections where providers can offer feedback to the department.