

Fair Start for Kids Act Temporary Licensing Subcommittee of the Early Learning Advisory Council

Emergency Recommendation: Background Checks

Background

Senate Bill 5237, also known as The Fair Start for Kids Act (FSKA) was passed by the legislature in 2021 to expand accessible, affordable child care and early childhood development programs. The FSKA Temporary Licensing Subcommittee (TLS) is a subcommittee of and is overseen by the Early Learning Advisory Council (ELAC). The subcommittee is charged with providing feedback and recommendations on the improvement of the statewide licensing process to the department. To complete this work, the subcommittee has been examining strategies to increase the number of licensed child care providers in the state and and developing recommendations regarding incentives and financial supports to help prospective providers navigate the licensing process.

The full recommendation report will be delivered to the Department of Children, Youth and Families (DCYF) in November 2022. This emergency recommendation is related to the Background Check process for child care providers in the state. In March of 2020 Governor Inslee waived the statute that requires child care staff to have a completed background check before being able to work in a child care center or family home. On April 8, 2022 Governor Inslee announced that the proclamation would be rescinded beginning July 1, 2022. This will have a deep impact on the child care sector in Washington State. The FSKA TLS is providing an emergency recommendation, in the hopes that provider input will be heavily considered and acted upon prior to July 1.

An Immediate Solution to Creating an Expedient, Accessible and Effective Background Check System

This is a genuine immediate crisis that will negatively impact parents, children and families in Washington. Without an immediate fix, classrooms across the state will be forced to close and children will be at risk. The only choice parents will have is to take their children to unlicensed care, leave them home alone, or miss work and lose income. For many children, including children in foster care, child care is the most consistent, and sometimes safest place they can depend on. How will DCYF support these children and families when there is no longer care?

Providers continue to have long waitlists and are unable to enroll more students until new hires have a cleared background check. It is extremely difficult to find fingerprinting appointments in many communities, see Appendix. Due to the nineteen-day wait, many sites will be looking at intermittent closures to their programs due to the inability of allowing new staff in classrooms. Many new hires refuse to wait nineteen days to start a new job, compounding a competing environment with limited applicants.

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Over the course of the past few years, providers have had multiple meetings with DCYF to suggest solutions to the background check crisis. DCYF has yet to take action to remedy this issue. After the most recent meeting on May 25th, we have again developed recommendations and urge Secretary Hunter and DCYF Leadership to respond and immediately implement solutions to stabilize the child care sector.

- DCYF has compared and pushed to have Providers to be educated similarly to Public Educators. Washington State public school staff are able to access the Office of the Superintendent of Public Instruction (OSPI) resources to clear background check and fingerprint processes quickly.
 - **RECOMMENDATION:** *Work with OSPI to connect to the necessary systems, so providers are treated with the respect they deserve as educators of Washington's youngest learners, and can work with their local school district to get fingerprinting and clear background checks quickly.*
- Providers prioritize child safety and also have an interest in erring on the side of caution because of liability.
 - **RECOMMENDATION:** *Establish an emergency waiver that allows providers to compare a new hire's background check with a list of disqualifying crimes.*
- The Washington State Patrol (WSP) and local Sherriff's Offices have the ability to fingerprint.
 - **RECOMMENDATION:** *Providers should be able to send a staff person to their local Sheriff's department to get fingerprinted and clear background checks.*
- DCYF indicated that they have committed to providing fingerprints within a thirty-mile radius and have contracted with IdentoGo to serve within a fifty-mile radius. However, IdentoGo has been eliminating sites in many communities.
 - **RECOMMENDATION:** *Until IdentoGo is able to fulfill the obligations of their contract, DCYF should identify three vendors with approved systems who can provide background checks and fingerprinting for early learning providers and IdentoGo should be warned that they may lose their contract if they are unable to fulfill their contractual deliverables.*
- There are IdentoGo locations around the state (e.g. Staples) unavailable to providers.
 - **RECOMMENDATION:** *All IdentoGo locations should be available to Early Learning Providers.*
- DCYF staff indicated that IdentoGo loses profit when they are unable to fill all fingerprinting appointments, which has led to the closure of fingerprinting sites.
 - **RECOMMENDATION:** *DCYF should engage in a contracted payment system with IdentoGo, so they will maintain sites in varying, diverse communities.*
- Providers maintain that based off the current DCYF Washington Administrative Code (WAC, <https://app.leg.wa.gov/wac/default.aspx?cite=110-06-0040>) prospective staff may begin supervised work after they have "completed" the process of getting fingerprinted. It is

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providers' understanding that DCYF has added another layer requiring a "cleared" background check. Completed is not the same as cleared.

- ***RECOMMENDATION:*** *DCYF should confirm and clarify this language so it is clear and not open for interpretation.*

The child care sector is predominantly women-led and made up of a diverse population of Washington State residents. The population that will be most impacted by forced closures are the children and families residing in rural communities and communities of color. This is quickly becoming an equity issue and feels discriminatory towards a population that is often marginalized. This situation is dire, and providers are urging Secretary Hunter and DCYF leadership to provide relief.

May 27, 2022

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Appendix

Provider's shared their first-hand experiences:

- Limited hours, no weekends. Receiving email about getting fingerprinted takes so long.
- No background check office within 50 miles
- I took my mother from Wenatchee to Yakima in the winter time, very dangerous going to Ellensburg, for the fingerprints and we had to make three separate trips because the person did not take the fingerprints correctly.
- In our city it shows we have four sites, but we really only have one. Those appointments are only scheduled one to two weeks out.
- I am in Clark county, on the border of Oregon, and hiring someone who lives across the river takes forever! Minimum 3-4 weeks! We cannot work with this.
- In Kittitas County the closest location is in Moses Lake. That is a total of three hours travel time just for staff to get fingerprints.
- How can Yakima comply with no fingerprint locations available? The closest location to get fingerprinted is a three-hour round-trip drive. This is discrimination to staff with disabilities that cannot drive. If an employee is stuck in MERIT, there is no way to get a hold of them timely and adds an additional week.
- We had a toddler classroom close with students on waitlist because I am waiting for teacher's to be cleared.
- DCYF does not have a finger print site in Yakima, WA. The nearest location is a three-hour round trip. Some people cannot be transporting three hours as they may not have transportation. The fingerprint location hours away only offer prints Tuesdays and Wednesdays which is another barrier. We need fingerprint appointments to be more available and accessible. Some staff also get road blocked in MERIT and getting accounts merged or access to accounts are taking too long. I have one staff right now who's birthdate was entered wrong and because of that she can't get prints and can't get rectified. Staff needing to be cleared in July before on site will leave us short staffed with closures and kids left in unsafe places. The stress on families needing to miss work due to child care being closed will increase chances of abuse and neglect on kids. Until the process is fixed and a quick turnaround time is figured out by DCYF the negative impacts this will have on families may be traumatic for our most vulnerable population of children leaving them in unmonitored spaces without mandated reporters keeping an eye on them.
- I own two childcare centers in Yakima, WA. Currently there are no child care fingerprint locations available in my area. I have two staff needing prints and in order to get them they much travel to Richland, WA in order to receive fingerprinting on Tuesdays and Wednesdays. Some potential staff may not drive or have disabilities and not having

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printing options available on bus routes seems discriminative. As of July 1st, we cannot employ staff until they are fully cleared and how are we to comply if there are not fingerprint locations available?

Today, I spoke with Keri in the DCYF Background Check Unit and she stated they are working to get a temporary location available one day a week starting June 6th. I asked what the issue was and why their contracted fingerprinting company, IndentoGo, shut down services in Yakima. She stated that IndentoGo does not have secure locations to offer prints and the place they were operating out of is no longer doing prints. She stated Ellensburg and Port Orchard have similar problems. I suggested that perhaps they should consider an alternative contractor with more reliable space. I expressed my concern that not having print locations available as of July is going to be a major issue and child care centers are going to have to close classes or turn families away without adequate staff. She was very kind but really did not have any solutions available at this time. She stated that DCYF tried an alternate company for CPS as a trial run and it was a disaster. I even offered an empty building that I own as a possible space for prints as a temp basis only in order to help keep kids safe in my community. IndentoGo is not a dependable contractor and until that is stabilized or replaced with an alternate that can be fast and reliable the impacts on families are going to be horrific if child care staff need to be cleared before starting work in the child care industry.

Come July a lack of printing locations or a closure for an entire town, like mine, is going to impact children and families. Child care centers are going to be without staff plain and simple. This will leave kids without care and in potentially unsafe spaces, home alone, or with adults without background checks at all and not even supervised by another cleared adult while pending like they are now in child care centers. Parents will be forced to miss work to care for their own children and it is well known that the financial stresses of this along with the lack of children being in monitored spaces lead to more potential abuse and neglect for children.

I do not have the answer to this crisis but believe the requirement of staff being cleared before starting must be halted until that background check process is fast and reliable in order to protect children.

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