

YOUR DUE PROCESS RIGHTS

Hearing Request: You may file a hearing request within 28 days of the notice that you have been disqualified. Requests go to the state Office of Administrative Hearings (online at www.oah.wa.gov). Your case will be assigned an Administrative Law Judge (ALJ).

Hearing: You will have a chance to give the ALJ information about your case at a hearing. The ALJ will review evidence, laws and rules related to the case and then issue an initial decision. There is no specific time frame or deadline to complete the hearing process—hearings can take several months to a couple of years.

Review: You can appeal an initial decision within 21 days after the ALJ's decision is mailed. Do this by filing a petition for review with the DEL review judge. If you file a good cause extension request by the 21st day, this deadline may be extended for 30 days. The DEL review judge looks at the entire ALJ hearing record, gives you another chance to present your case and issues a final decision. There is not a specific time frame or deadline to complete the review process—it can take a few weeks to several months.

Reconsideration: Within 10 days after the final order is mailed, either you or DEL may file a request for reconsideration. The DEL review judge will take a second look at his/her final decision. If a good cause extension request is filed by the 10th day, this deadline may be extended to a date set by the DEL review judge. There is no specific time frame for the reconsideration process to be completed.

Judicial Review: Within 30 days after a final decision or reconsideration decision, you may file a petition for judicial review. This means that you are asking the superior court to overturn the DEL review judge's decision. There is no specified time frame to complete this process. Potentially, the court's decision may be appealed up through the court system.

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Washington State Department of
Early Learning
Kids' Potential, Our Purpose!



Disqualifications



A GUIDE FOR LICENSED
CHILD CARE PROVIDERS



Washington State Department of
Early Learning

What is a disqualification?

Child care providers, teachers and assistants must apply with the Department of Early Learning (DEL) to work in a licensed child care setting. DEL may disqualify someone if the agency determines he or she could pose a threat to children's health and safety.

What information does DEL use when deciding whether someone is disqualified?

- ❑ Whether the applicant has a criminal background history
- ❑ Results of a fingerprint background check
- ❑ Prior license history
- ❑ Child abuse and neglect information

What is a character and suitability determination?

After reviewing all the information, DEL staff decide whether we determine an applicant is able to offer safe, healthy care for children. We call this a "character and suitability determination." In some cases an applicant is automatically disqualified due to a criminal history.

What if I have a founded Child Protective Services (CPS) finding in my background information?

Applicants who have a founded CPS or Adult Protective Services (APS) finding will generally not be approved to provide child care services.

I do not agree with DEL's decision to disqualify me from providing child care services. What can I do?

Your first step is to ask for reconsideration. This is a chance for you to give DEL new information about your background. This might include information that you did not share with DEL in your first application. If you do not want to ask for reconsideration, see "What are my due process rights?"

How do I ask for reconsideration?

Ask your local DEL office for a reconsideration form. Your reconsideration form needs to include new information.

How long do I have to ask for reconsideration?

Applicants who have been disqualified have up to 28 calendar days to ask for reconsideration.

What are my due process rights?

If you choose not to ask for reconsideration,

you have other choices. These are called your "due process rights."
SEE SIDE FLAP for explanation of rights

Who is the DEL review judge?

The DEL director appoints a review judge to give an impartial hearing of Administrative Law Judge (ALJ) decisions when a review is requested. (See side flap for explanation of ALJ.) DEL cannot fire or take any action against the DEL review judge when the decision goes against the department.

Does requesting reconsideration change my due process rights?

No. When you submit a request for reconsideration, the due process deadlines are postponed until DEL issues a decision.



Where can I find more information?

Visit www.del.wa.gov/laws