

Agency: 357 Department of Early Learning
Decision Package Code/Title: BC ECEAP Background Checks

Budget Period: 2015-17
Budget Level: M2 - Inflation and Other Rate Changes

Recommendation Summary Text:

In the enacted 2015-17 biennial budget, the Department of Early Learning (DEL) received \$247,000 per year to process background checks for ECEAP-funded staff in 1,600 newly funded slots. However, the department did not receive funding to process background checks for all support staff and volunteers in existing facilities. Fingerprint background checks are required per RCW 43.215.425 for all staff who have unsupervised access to children.

The Department of Early Learning requests 1.9 FTEs and \$558,469 in General Fund State funding to process background checks for 5,361 ECEAP funded support staff and volunteers providing preschool instruction and program support.

Fiscal Detail

Operating Expenditures		<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
001-1 General Fund - Basic Account-State		233,812	324,657	558,469
Total Cost		233,812	324,657	558,469
Staffing		<u>FY 2016</u>	<u>FY 2017</u>	<u>Annual Average</u>
FTEs		.8	3.0	1.9
Revenue				
<u>Fund</u>	<u>Source</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
17Mndivi-Based/Portabl	0242 Health Fees/Licenses	55,944	8,388	64,332
Total Revenue		55,944	8,388	64,332

Package Description:

Section 8(3) of 2E2SHB1491 from the 2015 3rd special legislative session amends RCW 43.215.425 to require all ECEAP staff and volunteers who have access to children to submit to a fingerprint background check. This requirement includes all staff and volunteers in both the new and existing ECEAP slots having access to children in ECEAP programs. This proposal requests the funding necessary to comply with the updated statutory requirements. Costs include paying the Department of Social and Health Services \$30 per application to process the criminal background checks, and the addition of three full time staff at DEL to perform the character and suitability checks required by RCW 43.215.215 (the final step in processing criminal background checks - a diagram of the process is attached). The department estimates that background checks will begin in the spring of 2016 following the adoption of the final rules.

Narrative Justification and Impact Statement

What specific performance outcomes does the agency expect?

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Background checks will increase child safety in the ECEAP program.

Performance Measure Detail

Activity:

Incremental Changes

No measures submitted for package

Is this decision package essential to implement a strategy identified in the agency's strategic plan?

Ensuring the safety of children in care is the foundation of the department's goal to provide voluntary, high quality learning opportunities for children and families.

Does this DP provide essential support to one or more of the Governor's Results Washington priorities?

Yes. Background checks help ensure that program staff meet the high quality standards of the ECEAP program, which increases world class student achievement, Goal #1 of Governor Inslee's top priorities.

What are the other important connections or impacts related to this proposal?

State law requires all individuals who may have unsupervised access to children to submit a fingerprint background check. This request will enable the department to process those checks in a timely and efficient manner.

What alternatives were explored by the agency, and why was this alternative chosen?

Per RCW 43.215.425, there is no alternative to this request. The department must implement background checks for all staff and volunteers having access to ECEAP children.

What are the consequences of adopting or not adopting this package?

Without the funding requested in this package, DEL will not be able to hire the staff necessary to process the additional 5,361 background check applications in a timely manner. The applications are required by law and if not processed in a timely manner, ECEAP programs will experience delays in hiring and potential staffing shortages.

What is the relationship, if any, to the state's capital budget?

None

What changes would be required to existing statutes, rules, or contracts, in order to implement the change?

None

Expenditure and revenue calculations and assumptions

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Cash Receipts

\$64,332 in fiscal years 2016-17 to process 5,361 background check applications; the current price of a background check per WAC 170-06-0044, paid by the applicant, is \$12.00. The increase in revenue is as follows:

--\$55,944 in fiscal year 2016, assuming 4,662 staff and volunteer positions ($4,662 \times \$12 = \$55,944$).

--\$8,388 in fiscal year 2017, assuming 699 new background checks resulting from staff and volunteer turnover ($699 \times \$12 = \$8,388$).

Expenditure Assumptions:

DEL assumes 6,093 individuals would need fingerprint background checks under this new requirement. Currently, 12 percent of ECEAP sites are located in licensed child care facilities and therefore already have the necessary background checks. Therefore, we estimate that 88 percent of staff and volunteers need the required fingerprint background checks ($6,093 \times 88\% = 5,361$). DEL assumes a 15 percent turnover rate in positions in fiscal year 2017.

FTE Costs

\$397,639 in fiscal years 2016-17, assuming:

Total costs for fiscal year 2016 are \$93,952, assuming:

FTE, Salary and Benefits: .75 FTE costing \$54,161 in fiscal year 2016 assuming:

--.50 Social Service Specialist 3 (SSS3) costing \$38,960 ($\$77,918 \times .50 \text{ FTE} = \$38,960$). FTE will be hired in April and will become a 2.0 FTE in FY 2017.

--.25 Customer Service Specialist 3 (CSS3) costing \$15,202. FTE will be hired in April and will become a 1.0 FTE in FY 2017.

Goods and Services: \$2,064 in fiscal year 2016, comprised for direct program goods and services for .75 FTE for computer leases, communications, supplies, employee development and training, assuming \$688 per FTE ($\$688 \times .75 \text{ FTE} = \$2,064$).

Travel: \$1,800 in FY2016 for travel for .75 FTE ($\$600 \times .75 \text{ FTE} = \$1,800$).

Equipment: \$18,000 in FY2016 for one time expenditure for necessary office furniture and equipment for the new FTEs assuming \$6,000 per position ($\$6000 \times 3 = \$18,000$).

Intra-agency Reimbursements: \$17,927 in fiscal year 2016 for indirect costs for agency administration and central services, calculated at 33.10 percent of direct salaries and benefits ($\$93,957 \times 33.10\% = \$17,927$). This is for administration and management of the department including governance, executive management, fiscal operations, human resources, communications and outreach, government relations and agency information technology services. It is also for agency central services including space and utilities, data processing fees and computer leases, communications, attorney general and audit services and other mandatory charges for services from the Department of Enterprise Services.

Total costs for fiscal year 2017 are \$303,687, assuming:

FTE, Salary and Benefits: 3.0 FTE costing \$219,938 in fiscal year 2017 assuming:

--2.0 Social Service Specialist 3 (SSS3) costing \$158,238 ($\$79,119 \times 2.0 \text{ FTE} = \$158,238$)

--1.0 Customer Service Specialist 3 (CSS3) costing \$61,701

Goods and Services: \$3,750 in fiscal year 2017, comprised for direct program goods and services for 3.0 FTE for computer leases, communications, supplies, employee development and training, assuming \$1,250 per FTE ($\$1,250 \times 3.0 \text{ FTE} = \$3,750$).

Travel: \$7,200 in FY2017 for travel for 3.0 FTE ($\$2,400 \times 3.0 \text{ FTE} = \$7,200$).

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Intra-agency Reimbursements: \$72,799 in fiscal year 2017 for indirect costs for agency administration and central services, calculated at 33.11 percent of direct salaries and benefits (\$219,938 X 33.10% = \$72,799). This is for administration and management of the department including governance, executive management, fiscal operations, human resources, communications and outreach, government relations and agency information technology services. It is also for agency central services including space and utilities, data processing fees and computer leases, communications, attorney general and audit services and other mandatory charges for services from the Department of Enterprise Services.

Duties for these FTE are as follows:

--SS3: to perform character and suitability analysis, using information received from WSP, FBI, Department of Social and Health Services Background Check Central Unit (BCCU) and DSHS Children's Administration system. Perform duties related to disqualification process (writing legal notification letters, representing DEL at administrative appeals hearings).

--CS3: to screen applications for completeness, facilitate processing of applications, perform person search in FAMLINK system, compile background information from the BCCU and follow up with applicants for additional needed background information to complete the process.

DSHS Inter-agency Agreement

\$160,830 in fiscal years 2016-17, assuming:

Inter-agency Agreement Reimbursement:

DEL will reimburse Department of Social and Health Services (DSHS) for processing the fingerprint background checks. If the rate charged to DEL by DSHS remains at today's rate of \$30 per application, expenditures would be as follows:

--\$139,860 in fiscal year 2016 for 4,662 new background checks (4,662 x \$30 = \$139,860)

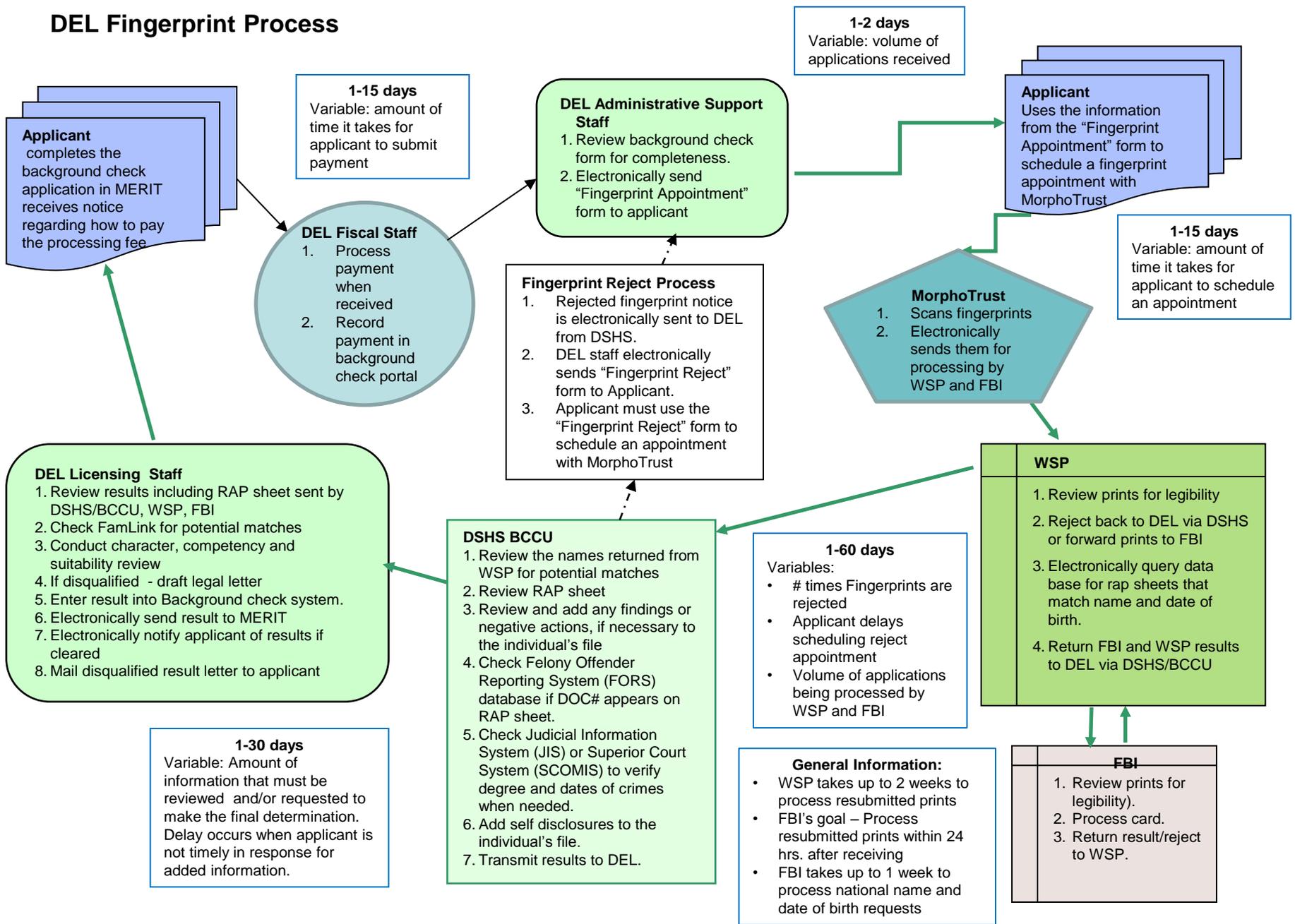
--\$20,970 in fiscal year 2017 for 699 new background checks (699 x \$30 = \$20,970)

Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?

These costs are ongoing. Background checks will be required for new staff and volunteers having access to ECEAP children. All background checks must be renewed every three years.

<u>Object Detail</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
A Salaries And Wages	38,505	156,790	195,295
B Employee Benefits	15,656	63,148	78,804
E Goods\Other Services	2,064	3,750	5,814
G Travel	1,800	7,200	9,000
J Capital Outlays	18,000		18,000
N Grants, Benefits & Client Services	139,860	20,970	160,830
T Intra-Agency Reimbursements	17,927	72,799	90,726
Total Objects	233,812	324,657	558,469

DEL Fingerprint Process



Background Checks for ECEAP Providers

Citations for Compliance WAC 170-06-0044

Background check fees.

(1) Subject individuals must pay for the cost of the background check process. The fees include:

(a) Fingerprint process fees as defined by the WSP, FBI, and the DEL fingerprint contractor;

(b) The DEL administrative fee of:

(i) The cost of administration of the portable background check clearance based upon electronic submission has been determined to be twelve dollars for any background check application received in the period after June 30, 2012, therefore the fee for an electronic submission is twelve dollars for the described period;

(ii) The cost of administration of the portable background check clearance based upon a manual paper submission has been determined to be twenty-four dollars for any background check received after June 30, 2012, therefore the fee for a manual paper-based submission is twenty-four dollars for the described period.

(2) Fee payments may be:

(a) In the form of a personal check, cashier's check, or money order, which shall be sent by mail; or

(b) By electronic funds transfer (when available). As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

(3) The department will not issue a background check clearance authorization to a subject individual:

(a) Who fails to pay the required fees in subsection (1) of this section; or

(b) Whose check, money order, or electronic funds transfer is reported as having nonsufficient funds (NSF) or is otherwise dishonored by nonacceptance or nonpayment.

An additional processing fee of twenty-five dollars will be charged by the department for any check, money order, or electronic funds transfer that is reported as not having sufficient funds.

[Statutory Authority: RCW [43.215.200](#), [43.215.205](#), [43.215.215](#) through [43.215.218](#), [43.43.830](#), [43.43.832](#), chapter [43.215](#) and [43.43](#) RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0044, filed 5/30/12, effective 7/1/12.]

Source: <http://apps.leg.wa.gov/wac/default.aspx?cite=170-06-0044>

ECEAP Background Checks - Statutory Language Attachment (2E2SHB 1491)

1 **Sec. 8.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
2 read as follows:

3 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
4 department shall adopt rules under chapter 34.05 RCW for the
5 administration of the early childhood education and assistance
6 program. Approved early childhood education and assistance programs
7 shall conduct needs assessments of their service area(~~(7)~~) and
8 identify any targeted groups of children, to include but not be
9 limited to children of seasonal and migrant farmworkers and native
10 American populations living either on or off reservation(~~(7—and)~~).
11 Approved early childhood education and assistance programs shall
12 provide to the department a service delivery plan, to the extent
13 practicable, that addresses these targeted populations.

14 (2) The department, in developing rules for the early childhood
15 education and assistance program, shall consult with the early
16 learning advisory (~~(committee)~~) council, and shall consider such
17 factors as coordination with existing head start and other early
18 childhood programs, the preparation necessary for instructors,
19 qualifications of instructors, adequate space and equipment, and
20 special transportation needs. The rules shall specifically require
21 the early childhood programs to provide for parental involvement in
22 participation with their child's program, in local program policy
23 decisions, in development and revision of service delivery systems,
24 and in parent education and training.

25 (3) By January 1, 2016, the department shall adopt rules
26 requiring early childhood education and assistance program employees
27 who have access to children to submit to a fingerprint background
28 check. Fingerprint background check procedures for the early
29 childhood education and assistance program shall be the same as the
30 background check procedures in RCW 43.215.215.

43.215.210 << 43.215.215 >> **43.215.216**

RCW 43.215.215

Character, suitability, and competence to provide child care and early learning services — Fingerprint criminal history record checks — Background check clearance card or certificate — Shared background checks.

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

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

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

(b)(i) Effective July 1, 2012, all individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(ii) Persons required to be fingerprinted and obtain a criminal [history] record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in RCW **43.215.218**. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(c) The director shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the

character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

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

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in care, must submit a new background application to the department. The department must require persons submitting a new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW **43.215.218**. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in care. The background check clearance card or certificate is valid for three years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter.

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

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

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

(j) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW **43.215.300** and **43.215.305** and based on a determination that an individual

lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of early learning and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

[2011 c 295 § 2; 2011 c 253 § 4; 2007 c 415 § 5.]

Notes:

Reviser's note: This section was amended by 2011 c 253 § 4 and by 2011 c 295 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW **1.12.025(2)**. For rule of construction, see RCW **1.12.025(1)**.

Captions not law -- 2007 c 415: See note following RCW **43.215.005**.