

Agency: 357 Department of Early Learning
Decision Package Code/Title: CC Compliance with Updated Federal Law

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

Recommendation Summary Text:

The Department of Early Learning (DEL) requests 10.3 FTEs and \$5,864,579 of General Fund State funding to comply with additional requirements placed upon the state as a condition of receiving the newly reauthorized Child Care and Development Block Grant (CCDBG). There are five requirements, related to seasonal child care eligibility, yearly monitoring of providers, background checks, additional training services to providers, and data collection, the implementation costs for which the department cannot absorb within its existing grant resources.

Fiscal Detail

Operating Expenditures		<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
001-1 General Fund - Basic Account-State			5,864,579	5,864,579
Total Cost			5,864,579	5,864,579
Staffing		<u>FY 2016</u>	<u>FY 2017</u>	<u>Annual Average</u>
FTEs		.0	10.3	5.2
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		36,948	36,948
Total Revenue			36,948	36,948

Package Description:

The Child Care and Development Fund (CCDF) program was recently reauthorized in 2014, the first reauthorization since 1996. The new law makes significant advancements by defining health and safety requirements for child care providers, outlining family friendly eligibility policies, and ensuring parents and the general public have transparent information about the child care choices available to them. Within the new law are a number of new requirements, some for which the department can absorb the cost or is already funded.

There are five requirements the costs for which the department cannot absorb in its existing grant resources :

- 12 month eligibility for seasonal child care recipients;
- Yearly monitoring of providers, including those classified as Family, Friends, or Neighbors (FFNs);
- Processing fingerprint background checks on 3,079 previously exempt providers who are classified as family, friends, or neighbors (FFNs);
- Providing additional health and safety training, business operations technical assistance, and professional development opportunities on child behavior and development to providers of child care services; and
- A data warehouse for collecting additional data and generating required reports.

12 Month Program Eligibility

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Section 658E(c)(2)(N)(i)(I) of the CCDF Reauthorization Act requires that children eligible for a child care subsidy will receive it for at least 12 months regardless of a temporary change in employment status or family income. The state retains the option to terminate assistance during the 12 month period for a parent's loss of work or ending a job training or education program, so long as the state provides assistance for at least three months after to allow the parent to find a job or re-enroll at a job training or education program as soon as possible. Compliance is required by September 30, 2016. While the enacted budget funds 12 month eligibility for the traditional Working Connections Child Care subsidy program, no funding was provided for the Seasonal Child Care program.

Section 658E(c)(2)(N)(iv) provides for a "graduated phase out" which requires the state to provide continued assistance at the beginning of a family's new eligibility period, for children of parents who are working or attending a job training or education program and whose family income exceeds the state's income limit to initially qualify for assistance, if the family income does not exceed 85 percent of the state median income for a family of the same size.

Yearly Monitoring of Providers Classified as Family, Friends, or Neighbors (FFNs)

Section 658E(c)(2)(K)(i)(II)(bb) of the CCDF Reauthorization Act requires that all licensed child care facilities be monitored annually. DEL recently (February 2015) began scheduling Family Child Care Homes for yearly inspections as Child Care Centers and School Age Centers have been for several years; however, the time and resources required have stretched the licensing capacity beyond what can be absorbed. An additional 3.0 FTEs will provide the support needed to bring this requirement into compliance.

Section 658E(c)(2)(J) and Section 658E(c)(2)(K)(i)(III) of the Act require the department to conduct health and safety inspections of non-relative child care providers who provide care in a child's home (classified as Family, Friends, and Neighbors or "FFNs") and to have a licenser to provider ratio adequate to conduct timely inspections annually for all providers of child care services. Due to the volume of FFNs (3,079 statewide), the department is proposing a phased approach to implementation, starting with 3 FTEs in a region still to be determined.

Background Checks for Providers who are Family, Friends, and Neighbors (FFNs)

Section 658H of the CCDBG Act reauthorization requires that all child care staff members receive a fingerprint criminal background check. This would require the department to implement new policies and procedures to extend these background checks to providers classified as Family, Friends, and Neighbors (FFNs) who receive subsidies under the grant. The authorization also requires the department to conduct a search of abuse and neglect registries and databases in each state where the staff member resided in the preceding five years. There are an estimated 3,079 non-relative FFN providers who will be required to complete this process, which the department is scheduled to begin on July 1, 2016.

Additional Training, Technical Assistance, and Professional Development Opportunities

While the Early Start Act (ESA) provided funding to train providers in the Early Achievers curriculum, the training required by the CCDF Reauthorization Act is focused on health and safety aspects of licensing, such as dealing with challenging behaviors, understanding physical and cognitive child development, and understanding developmental screenings. The Act also requires training on operating a business, which is critical to maintaining a healthy industry with an adequate number of providers.

The following CCDF Reauthorization Act sections require compliance by September 30, 2016:

- Section 658E(c)(2)(G): Develop training and professional development requirements designed to enable child care providers to promote the social, emotional, physical and cognitive development of children and to improve the knowledge and skills of the child care workforce;
- Section 658E(c)(2)(V): Develop and implement strategies to strengthen the business practices of child care providers to expand the supply and improve the quality of child care services;

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--Section 658E(c)(3)(B)(ii): Provide training and technical assistance to providers on identifying and serving homeless children and families; and
--Section 658E(c)(2)(G)(ii)(I) and Sections 6.1.1 and 6.1.2 of the CCDF plan preprint (the official guidance document of HHS): States must provide a progression of professional development (such as allowing an individual to build on entry and mid level training and education) reflecting research and best practices to improve the quality and stability of the child care workforce .

Current provider training, professional development, and technical assistance opportunities are insufficient to meet the requirements of the Act. The funding requested in this package will complement the Early Achievers training already funded in the Early Start Act . Providers will receive health and safety and business training with these funds while they receive training in implementing high quality early education programs with the ESA funds. These resources will work in tandem to establish a strong progressive professional development model for the state's providers.

Enterprise Data and Reporting System

The department proposes to develop and implement an agency Enterprise Data and Reporting System (EDRS). This system, while itself not specifically authorized in the CCDF Reauthorization Act, is critical to successful compliance with the various new data collection and increased reporting requirements of the Act (see attached for a full list). The Act requires establishing a unique identifier for children and families across all the early learning programs as well as expanding the data collected for children and families . The data must be consistently collected and reported across numerous systems which are not currently integrated .

At least eight (8) data systems across two departments and multiple administrations must be modified to meet the new data collection requirements for the Act. These systems are not currently integrated; without establishing linkages between these systems the expanded reporting requirements will not be met.

The department can modify MERIT, ELMS and ESIT data systems to meet the new data collection requirements within existing resources. These changes also impact numerous Department of Social and Human Services (DSHS) systems; The department has prepared the appropriate change order forms and has been in discussions with our partner agency to determine the level of effort, associated cost and feasible timeline for implementing the required changes . DSHS impacted systems are: WCAP, BarCode, ACES, SSPS and FamLink. We intend to provide updated costing for source system modifications by October 31 , 2015.

The EDRS is a data warehouse and reporting system based on the implementation of a Master Data Management (MDM) solution and the alignment of related governance, organizational processes, and supporting resources . The MDM is critical to effectively link and reduce invalid and inconsistent data across the disparate systems resulting in faster and more accurate reporting and the ability to meet the reporting requirements in the Act.

In an effort to improve DEL's ability to meet program goals and objectives the Gates Foundation funded a study to review the systems and processes in place for managing data. The study provided a Data Architecture Improvement Roadmap detailing an integrated data environment that will more efficiently, effectively, and accurately meet the needs of the various Early Learning programs . Upon completion of the Data Architecture Improvement Roadmap in December 2014, the Gates Foundation funded a Master Data Management Roadmap project that is anticipated to be complete in May 2016. DEL will be well positioned to immediately move forward with building the EDRS with the deliverables produced at the end of May 2016.

As previously noted, the current environment is a series of fractured programs and support systems that generally focus separately on licensing and/or subsidy components of DEL's broad early learning mission. Individual programs and reporting requirements have expanded in a piecemeal fashion, and over time the ability to maintain programs in this manner has become unsustainable . Continual, ongoing needs for program enhancements, new transactions to address data sourced from other agencies, and the lack of a viable enterprise wide reporting system that supports decision making is challenging. The resulting lack of easily accessible data impacts all aspects of the agency and third party organizations, both governmental and non governmental, that also rely on DEL generated data . The CCDF Reauthorization Act's monthly and annual reporting requirements imply a fully integrated data reporting environment

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across all early learning programs to meet federal reporting requirements; without an integrated system, a manual and disjointed process to collect data would continue to be cumbersome and error prone, leading to federal audit findings and potentially jeopardizing Washington's CCDF grant award.

By integrating the multiple data systems with this reporting solution, the new system will enable access to reliable and accurate reports for data analysis, workload management, fraud management, and public disclosure requests or legislative inquiries. The proposed solution is scalable, flexible, and consistent with the direction of other state agencies' data warehousing approach to enterprise data management. The proposed solution aligns with the federal guidance for moving towards a Statewide Longitudinal Data Systems (SLDS) and Early Childhood Integrated Data System (ECIDS). An ECIDS does not replace the P-20W data warehouse, but rather supplements it by integrating data across early childhood programs and then connecting the data to the P-20W data warehouse. ECIDS is designed to answer questions focused on early childhood while P-20W is designed to answer questions that span more than one sector.

In keeping with Lean practices, the Enterprise Data and Reporting System is designed to be implemented in agile phases which enables flexibility in determining project priorities, cost, schedules and resources once the initial data HUB environment is set up. Once operational, reporting system enhancements, additions of functional programs areas or new regulatory mandates can be managed through prioritization and program funding levels.

The initial investment is associated with software product licenses related to Business Intelligence and Reporting tools which provide the infrastructure for the system. DEL would like to leverage existing contracts and educational software pricing when possible, which may reduce costs. Through partnerships with the Office of Financial Management (OFM) Education Research and Data Center (ERDC), DEL will be able to leverage many techniques and best practices for implementing and utilizing industry standard tools that provide these features:

- Business Intelligence and report tools
- Advanced analytic tools
- Data Movement tools for Extract, Transform and Load (ETL)
- Data Governance tools to support data quality, metadata, master data management and lineage
- Database Management System software

Narrative Justification and Impact Statement

What specific performance outcomes does the agency expect?

DEL expects the following specific outcomes from full funding of this package:

- An increase in the percentage of children entering kindergarten and classified as "ready"
- An increase in the percentage of children who meet or exceed grade level expectations by third grade
- An increase in providers rated Level 3 or higher in the Early Achievers rating system
- A decrease in turnover in the child care workforce
- No net increase in the turnaround time of background check processing
- The agency will satisfy federal reporting requirements in a timely manner
- Federal audit findings will decrease
- Staff time spent on preparing reports will decrease, allowing more time for programmatic activities

Performance Measure Detail

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Activity:

Incremental Changes

No measures submitted for package

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

The CCDF Act has been one of the core funding sources for the department since the department was created in 2006 . Its requirements are embedded in every facet of our strategic plan, and are the underpinnings of our initiatives around increasing the quality of child care. Compliance is essential to implementing the entire strategic plan.

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

Compliance with the new requirements will continue the support that DEL currently provides to achieving Governor Inslee's Goal #1 around providing a world class education to Washington children and Goal #5 creating efficient, effective, and accountable government.

An enterprise data and reporting system ultimately supports the Governor's priorities to provide more children with a world class education. More directly, however, it supports Governor Inslee's goals to align DEL's work with Lean practices designed to eliminate waste and improve government services. This project will provide better quality data to OFM's ERDC for inclusion in the P-20W data warehouse, which will also allow for more robust research and analysis by linking the data across our various programs which are currently fractured.

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

The pieces of this proposal are required by federal law, necessary for the state to maintain its full grant funding, and imperative to continuing the state's efforts to increase the quality of child care. Requirements like extending eligibility and expanding program access provide stability for families at vulnerable times while expanding background checks and increasing training for providers lead to safer and higher quality child care.

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

12 Month Program Eligibility

DEL considered a rule that families who lose approved activities can be terminated during the 12 month eligibility period but only after a further three months of benefits. However, this policy would have created inconsistency with 12 month eligibility in the Working Connections Child Care program under the Early Start Act. Further, such a policy would have contradicted the purpose of the program by punishing families who, by the nature of their work, have off seasons.

Yearly Monitoring of Providers Classified as Family, Friends, or Neighbors (FFNs)

The department considered requesting the full amount of funding necessary (\$1 .8 million/year) to implement yearly monitoring of all 3,079 providers in this category, but opted to take a phased approach for one year in order to allow more time for outreach and communication to the newly regulated providers.

Background Checks for Providers that are Family, Friends, and Neighbors (FFNs)

The only alternative to this request is to not fund the necessary work. There is no alternative to performing the checks - they must be done. Without funding to process the background checks, the agency would be forced to divert resources from other parts of the

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agency, or delay processing of background checks, which could impact providers who rely on having staff checked in a timely fashion and reporting to work.

Additional Training, Technical Assistance, and Professional Development Opportunities

DEL has developed some basic curricula, but without targeted resources to develop larger scale classes and execute a training plan, provider populations go unreached and not everyone has access to quality content and training opportunities.

Enterprise Data and Reporting System

A Gates Foundation funded study identifies this proposed EDRS as the recommended approach for meeting DEL's current and future reporting needs. Alternative approaches are piecemeal solutions, leaving the overarching agency needs unresolved.

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

Without additional funding to comply with the new requirements, the agency will have to divert resources from other parts of the agency to cover required costs or it will have to significantly delay required work, which could lead to federal audit findings and grant repayment orders. At the service level, providers will experience delays in background check processing, families will be without child care, and the department will not be collecting data critical to meeting federal reporting requirements.

Specifically, without an enterprise data and reporting system:

- Mandatory reporting requirements will become increasingly difficult to meet as federal grant programs evolve;
- Fraud management will continue to be a manual, fractured effort constrained by the lack of data quality and timeliness, limiting the depth of analysis of the data;
- Complex data analysis will remain incomplete due to unreliable data, hampering DEL's ability to perform sophisticated analytics, risk modeling, and the reliable generation of current and future key performance indicators; and
- The agency will be forced to continue to rely on contractors for routine data needs.

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

There is no relationship to the capital budget.

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

12 Month Program Eligibility

The department is exploring any statutory changes that may be needed to implement the new requirements above. These changes will also require rules amending various chapters within Title 170 WAC, including but not limited to Chapters 170-06, 170-290, and 170-296A.

Background Checks for Providers who are Family, Friends, and Neighbors (FFNs)

There will have to be a change to RCW 43.215.215 and WAC chapter 170-06 to include non-relative FFN providers. The agency is proposing legislation to make changes to the statute. That legislation is attached to this proposal.

Expenditure and revenue calculations and assumptions

Individual cost assumptions for each of the requested items are attached to this package separately. Please see the attachments.

State of Washington
Decision Package

FINAL

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

Individual cost assumptions for each of the requested items are attached to this package separately. Please see the attachments.

<u>Object Detail</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
A Salaries And Wages		644,972	644,972
B Employee Benefits		236,329	236,329
C Professional Svc Contracts		1,951,130	1,951,130
E Goods\Other Services		963,249	963,249
G Travel		24,600	24,600
J Capital Outlays		60,000	60,000
N Grants, Benefits & Client Services		1,692,588	1,692,588
T Intra-Agency Reimbursements		291,711	291,711
Total Objects		5,864,579	5,864,579

12-Month Eligibility for Seasonal Child Care (SCC)

CCDF Reauthorization Decision Package

Expenditure and Revenue Calculations/Assumptions: 12-Month Eligibility (SCC)

Expenditure

Step 1: Calculate

12-Month Certifications

Current State: Families are certified for Seasonal Child Care for up to 6 months. The head of household(s) must be working in direct agriculture work in one of 12 counties in the state. If a disqualifying event occurs during the certification period, the family is no longer eligible to receive benefits. The current average monthly caseload is 650 families.

Future State: Families will be certified for Seasonal Child Care for 12 months and will not lose benefits if most disqualifying events occur during the certification period. If a family qualifies for Working Connections, the family will also qualify for Seasonal.

Methodology: Ten Seasonal cases were selected at random and reviewed to determine family need for twelve months of child care. All ten families were stable in the community and did not move throughout the year, lending support that these children would benefit from the continuity of care of having twelve months of the same provider child care. For each family, an estimate of gap months was calculated and averaged 2.33 months per family. This is similar to the results obtained when a similar analysis was done for Working Connections. The monthly cost was calculated using FY15 costs and number of families and then adjusting for two base rate increases (Jan 2015 and July 2015). The costs of this policy change were calculated using the methodology as follows:

Average Number of Families	650
Average Monthly Cost per Family	\$1,075
Additional Months per Family	2.33
Annual Cost of Policy (Families X Cost X 2.33 months)	<u>\$1,628,088</u>

Step 2: Calculate Graduated Phase Out Costs

Current State: Families with an income greater than 200 percent of the Federal Poverty Level (FPL) are not eligible to receive benefits.

Future State: Families are eligible to receive an additional 3 months of Seasonal when their income is between 200 percent and 220 percent FPL at the time of certification. Their copay will continue at the same amount as during their preceding 12 month authorization.

Methodology: Regression analysis was conducted to determine the relationship between FPL percentages and the number of households. The number of additional households per month was 5 and the average monthly cost per family is \$1,075, for a total annual cost of \$64,500.

When the phase-out costs are added to the initial cost increase, the total cost is \$1,692,588.

One-Time and Ongoing Costs

All costs referenced above are ongoing beginning in fiscal year 2017.

12-Month Program Eligibility

Citations for Compliance with Updated Federal Law Decision Package CCDBG Reauthorization Act of 2014

Section 658E(c)(2)(N)(i)(I) 12-month Eligibility

“The plan shall demonstrate that each child who receives assistance under this subchapter in the State will be considered to meet all eligibility requirements for such assistance and will receive such assistance, for not less than 12 months before the State or designated local entity redetermines the eligibility of the child under this subchapter, regardless of a temporary change in the ongoing status of the child's parent as working or attending a job training or educational program or a change in family income for the child's family, if that family income does not exceed 85 percent of the State median income for a family of the same size.”

Section 658E(c)(2)(N)(iv) 12-Month Eligibility Graduated Phase Out

“The plan shall describe the policies and procedures that are in place to allow for provision of continued assistance to carry out this subchapter, at the beginning of a new eligibility period under clause (i)(I), for children of parents who are working or attending a job training or educational program and whose family income exceeds the State's income limit to initially qualify for such assistance, if the family income for the family involved does not exceed 85 percent of the State median income for a family of the same size.”

Source: <https://www.congress.gov/bill/113th-congress/senate-bill/1086>

Yearly Monitoring

CCDF Reauthorization Decision Package

Expenditure and Revenue Calculations and Assumptions: Yearly Monitoring

Expenditure

\$703,001 in fiscal year 2017, assuming:

FTE, Salary and Benefits: 6.0 FTE costing \$484,674

--6.0 Social and Health Program Consultant 2 (SHPC2) for yearly monitoring of providers costing \$484,674 ($\$80,779 \times 6 = \$484,674$)

Goods and Services: \$7,500 in fiscal year 2017, comprised for direct program goods and services for 6.0 FTE for computer leases, communications, supplies, employee development and training, assuming \$1,250 per FTE per fiscal year ($\$1,250 \times 6.0 \text{ FTE} = \$7,500$)

Travel: \$14,400 in FY2017 for travel for 6.0 FTE, assuming \$2,400 per FTE per fiscal year ($\$2,400 \times 6.0 \text{ FTE} = \$14,400$)

Equipment: \$36,000 in FY2017 for one-time expenditure for necessary office furniture and equipment for the 6.0 new FTE assuming \$6,000 per FTE ($\$6,000 \times 6.0 \text{ FTE} = \$36,000$)

Intra-agency Reimbursements: \$160,427 in fiscal year 2017 for indirect costs for agency administration and central services, calculated at 33.10 percent of direct salaries and benefits ($\$484,674 \times 33.10\% = \$160,427$). 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 FTEs are as follows:

--SHPC2 will provide monitoring to ensure health and safety of children.

One-Time and Ongoing Costs

All costs referenced above are ongoing except for the one-time equipment purchase.

Yearly Monitoring

Citations for Compliance with Updated Federal Law Decision Package CCDBG Reauthorization Act of 2014

Section 658E(c)(2)(K)(i)(II)(bb) Yearly Monitoring

“not less than annually, an inspection (which shall be unannounced) of each such child care provider and facility in the State for compliance with all child care licensing standards, which shall include an inspection for compliance with health, safety, and fire standards (inspectors may inspect for compliance with all 3 standards at the same time);”

Section 658E(c)(2)(J) Health and Safety Monitoring

“The plan shall include a certification that procedures are in effect to ensure that child care providers within the State, that provide services for which assistance is made available in accordance with this subchapter, comply with all applicable State and local health and safety requirements as described in subparagraph (I).”

Section 658E(c)(2)(K)(i)(III) Licensor to Provider Ratio

“require the ratio of licensing inspectors to such child care providers and facilities in the State to be maintained at a level sufficient to enable the State to conduct inspections of such child care providers and facilities on a timely basis in accordance with Federal, State, and local law; and..”

Source: <https://www.congress.gov/bill/113th-congress/senate-bill/1086>

FFN Background Checks

CCDF Reauthorization Decision Package

Expenditure and Revenue Calculations and Assumptions:

Background Checks for Providers that are Family, Friends, and Neighbors (FFNs).

Revenue

The current price of a background check per WAC 170-06-0044, paid by the applicant, is \$12.00. Assuming 3,079 new applications in fiscal year 2017, revenue is expected to be \$36,948 (3,079 x \$12.00 = \$36,948).

Expenditure

\$256,968 in fiscal year 2017, assuming:

FTE, Salary and Benefits: 2.25 FTE costing \$177,595

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

--.25 FTE for Fiscal Analyst 3 (FA3) costing \$19,357 ($\$77,428 \times .25 \text{ FTE} = \$19,357$)

Goods and Services: \$3,189 comprised for direct program goods and services for 2.25 FTE for computer leases, communications, supplies, employee development and training, assuming \$1,063 per FTE ($\$1,063 \times 2.25 \text{ FTE} = \$3,189$)

Equipment: \$6,000 for one-time expenditure for necessary office furniture and equipment for 2.0 new FTE assuming \$6,000 per FTE ($\$6,000 \times 2.0 \text{ FTE} = \$6,000$). No equipment is assumed for the 0.25 FTE.

Travel: \$5,400 for travel for 2.25 FTE ($\$2,400 \times 2.25 \text{ FTE} = \$5,400$)

Inter-agency Reimbursements: \$58,784 in fiscal year 2017 for indirect costs for agency administration and central services, calculated at 33.10 percent of direct salaries and benefits ($\$177,595 \times 33.10\% = \$58,784$). 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 FTEs are as follows:

--SSS3: 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).

--FA3: To process cash receipts for portable background checks.

One-Time and Ongoing Costs

All costs referenced above are ongoing except for the one-time equipment purchase. Background checks will be required of new FFNs and all FFNs must renew their background checks every three years.

Background Checks for Providers that are Family, Friends, and Neighbors (FFNs)

**Citations for Compliance with Updated Federal Law Decision Package
CCDBG Reauthorization Act of 2014**

Section 658H

- (a) *IN GENERAL.*--A State that receives funds to carry out this subchapter shall have in effect--
- (1) requirements, policies, and procedures to require and conduct criminal background checks for child care staff members (including prospective child care staff members) of child care providers described in subsection (c)(1); and
 - (2) licensing, regulation, and registration requirements as applicable, that prohibit the employment of child care staff members as described in subsection (c).
- (b) *REQUIREMENTS.*--A criminal background check for a child care staff member under subsection (a) shall include--
- (1) a search of the State criminal and sex offender registry or repository in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;
 - (2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;
 - (3) a search of the National Crime Information Center;
 - (4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and
 - (5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).
- (c) *PROHIBITIONS.*--
- (1) *Child care staff members.*--A child care staff member shall be ineligible for employment by a child care provider that is receiving assistance under this subchapter if such individual--
 - (A) refuses to consent to the criminal background check described in subsection (b);
 - (B) knowingly makes a materially false statement in connection with such criminal background check;
 - (C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or
 - (D) has been convicted of a felony consisting of--
 - (i) murder, as described in section 1111 of title 18, United States Code;
 - (ii) child abuse or neglect;
 - (iii) a crime against children, including child pornography
 - (iv) spousal abuse;
 - (v) a crime involving rape or sexual assault;
 - (vi) kidnapping;
 - (vii) arson;
 - (viii) physical assault or battery; or
 - (ix) subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years; or

(E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

(2) Child care providers.--A child care provider described in subsection (i)(1) shall be ineligible for assistance provided in accordance with this subchapter if the provider employs a staff member who is ineligible for employment under paragraph (1).

(d) SUBMISSION OF REQUESTS FOR BACKGROUND CHECKS.--

(1) In general.--A child care provider covered by subsection (c) shall submit a request, to the appropriate State agency designated by a State, for a criminal background check described in subsection (b), for each child care staff member (including prospective child care staff members) of the provider.

(2) Staff members.--Subject to paragraph (4), in the case of an individual who became a child care staff member before the date of enactment of the Child Care and Development Block Grant Act of 2014, the provider shall submit such a request--

(A) prior to the last day described in subsection (j)(1); and

(B) not less often than once during each 5-year period following the first submission date under this paragraph for that staff member.

(3) Prospective staff members.--Subject to paragraph (4), in the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request--

(A) prior to the date the individual becomes a child care staff member of the provider; and

(B) not less than once during each 5-year period following the first submission date under this paragraph for that staff member.

(4) Background check for another child care provider.--A child care provider shall not be required to submit a request under paragraph (2) or (3) for a child care staff member if--

(A) the staff member received a background check described in subsection (b)--

(i) within 5 years before the latest date on which such a submission may be made; and

(ii) while employed by or seeking employment by another child care provider within the State;

(B) the State provided to the first provider a qualifying background check result, consistent with this subchapter, for the staff member; and

(C) the staff member is employed by a child care provider within the State, or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days.

(e) BACKGROUND CHECK RESULTS AND APPEALS.--

(1) Background check results.--The State shall carry out the request of a child care provider for a criminal background check as expeditiously as possible, but not to exceed 45 days after the date on which such request was submitted, and shall provide the results of the criminal background check to such provider and to the current or prospective staff member.

(2) Privacy.--

(A) In general.--The State shall provide the results of the criminal background check to the provider

in a statement that indicates whether a child care staff member (including a prospective child care staff member) is eligible or ineligible for employment described in subsection (c), without revealing any disqualifying crime or other related information regarding the individual.

(B) Ineligible staff member.--If the child care staff member is ineligible for such employment due to the background check, the State will, when providing the results of the background check, include information related to each disqualifying crime, in a report to the staff member or prospective staff member.

(C) Public release of results.--No State shall publicly release or share the results of individual background checks, except States may release aggregated data by crime as listed under subsection (c)(1)(D) from background check results, as long as such data is not personally identifiable information.

(3) Appeals.--

(A) In general.--The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a criminal background check conducted under this section to challenge the accuracy or completeness of the information contained in such member's criminal background report.

(B) Appeals process.--The State shall ensure that—

(i) each child care staff member shall be given notice of the opportunity to appeal;

(ii) a child care staff member will receive instructions about how to complete the appeals process if the child care staff member wishes to challenge the accuracy or completeness of the information contained in such member's criminal background report; and

(iii) the appeals process is completed in a timely manner for each child care staff member.

(4) Review.--The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in subsection (c)(1)(D)(ix) is eligible for employment described in subsection (c)(1), notwithstanding subsection (c). The review process shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(5) No private right of action.--Nothing in this section shall be construed to create a private right of action if a provider has acted in accordance with this section.

(f) FEES FOR BACKGROUND CHECKS.--Fees that a State may charge for the costs of processing applications and administering a criminal background check as required by this section shall not exceed the actual costs to the State for the processing and administration.

(g) TRANSPARENCY.--The State must ensure that the policies and procedures under section 658H are published on the Web site (or otherwise publicly available venue in the absence of a Web site) of the State and the Web sites of local lead agencies

(h) CONSTRUCTION.--

(1) Disqualification for other crimes.--Nothing in this section shall be construed to prevent a State from disqualifying individuals as child care staff members based on their conviction for crimes not specifically listed in this section that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

(2) Rights and remedies.--Nothing in this section shall be construed to alter or otherwise affect the rights and remedies provided for child care staff members residing in a State that disqualifies individuals as child care staff members for crimes not specifically provided for under this section.

(i) DEFINITIONS.--IN THIS SECTION--

(1) the term `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 receives assistance provided under this subchapter; and

(2) the term `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; or

(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.

(j) EFFECTIVE DATE.--

(1) In general.--A State that receives funds under this subchapter shall meet the requirements of this section for the provision of criminal background checks for child care staff members described in subsection (d)(1) not later than the last day of the second full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014.

(2) Extension.--The Secretary may grant a State an extension of time, of not more than 1 fiscal year, to meet the requirements of this section if the State demonstrates a good faith effort to comply with the requirements of this section.

(3) Penalty for noncompliance.--Except as provided in paragraphs (1) and (2), for any fiscal year that a State fails to comply substantially with the requirements of this section, the Secretary shall withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the following fiscal year."

Source: <https://www.congress.gov/bill/113th-congress/senate-bill/1086>

Background Checks for Providers that are Family, Friends, and Neighbors (FFNs)

Citations for Compliance with Updated Federal Law Decision Package 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>

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0611.1/15

ATTY/TYPIST: SCG:akl

BRIEF DESCRIPTION: Concerning the department of early learning's access to records and personal information for purposes of determining character and suitability of child care workers.

1 AN ACT Relating to the department of early learning's access to
2 records and personal information for purposes of determining
3 character and suitability of child care workers; amending RCW
4 13.50.100, 26.44.100, 43.215.200, and 74.04.060; and reenacting and
5 amending RCW 13.50.010, 43.43.832, and 43.215.215.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1 are
8 each reenacted and amended to read as follows:

9 (1) For purposes of this chapter:

10 (a) "Good faith effort to pay" means a juvenile offender has
11 either (i) paid the principal amount in full; (ii) made at least
12 eighty percent of the value of full monthly payments within the
13 period from disposition or deferred disposition until the time the
14 amount of restitution owed is under review; or (iii) can show good
15 cause why he or she paid an amount less than eighty percent of the
16 value of full monthly payments;

17 (b) "Juvenile justice or care agency" means any of the following:
18 Police, diversion units, court, prosecuting attorney, defense
19 attorney, detention center, attorney general, the legislative
20 children's oversight committee, the office of the family and
21 children's ombuds, the department of social and health services and

1 its contracting agencies, the department of early learning, schools;
2 persons or public or private agencies having children committed to
3 their custody; and any placement oversight committee created under
4 RCW 72.05.415;

5 (c) "Official juvenile court file" means the legal file of the
6 juvenile court containing the petition or information, motions,
7 memorandums, briefs, findings of the court, and court orders;

8 (d) "Records" means the official juvenile court file, the social
9 file, and records of any other juvenile justice or care agency in the
10 case;

11 (e) "Social file" means the juvenile court file containing the
12 records and reports of the probation counselor.

13 (2) Each petition or information filed with the court may include
14 only one juvenile and each petition or information shall be filed
15 under a separate docket number. The social file shall be filed
16 separately from the official juvenile court file.

17 (3) It is the duty of any juvenile justice or care agency to
18 maintain accurate records. To this end:

19 (a) The agency may never knowingly record inaccurate information.
20 Any information in records maintained by the department of social and
21 health services relating to a petition filed pursuant to chapter
22 13.34 RCW that is found by the court to be false or inaccurate shall
23 be corrected or expunged from such records by the agency;

24 (b) An agency shall take reasonable steps to assure the security
25 of its records and prevent tampering with them; and

26 (c) An agency shall make reasonable efforts to insure the
27 completeness of its records, including action taken by other agencies
28 with respect to matters in its files.

29 (4) Each juvenile justice or care agency shall implement
30 procedures consistent with the provisions of this chapter to
31 facilitate inquiries concerning records.

32 (5) Any person who has reasonable cause to believe information
33 concerning that person is included in the records of a juvenile
34 justice or care agency and who has been denied access to those
35 records by the agency may make a motion to the court for an order
36 authorizing that person to inspect the juvenile justice or care
37 agency record concerning that person. The court shall grant the
38 motion to examine records unless it finds that in the interests of
39 justice or in the best interests of the juvenile the records or parts
40 of them should remain confidential.

1 (6) A juvenile, or his or her parents, or any person who has
2 reasonable cause to believe information concerning that person is
3 included in the records of a juvenile justice or care agency may make
4 a motion to the court challenging the accuracy of any information
5 concerning the moving party in the record or challenging the
6 continued possession of the record by the agency. If the court grants
7 the motion, it shall order the record or information to be corrected
8 or destroyed.

9 (7) The person making a motion under subsection (5) or (6) of
10 this section shall give reasonable notice of the motion to all
11 parties to the original action and to any agency whose records will
12 be affected by the motion.

13 (8) The court may permit inspection of records by, or release of
14 information to, any clinic, hospital, or agency which has the subject
15 person under care or treatment. The court may also permit inspection
16 by or release to individuals or agencies, including juvenile justice
17 advisory committees of county law and justice councils, engaged in
18 legitimate research for educational, scientific, or public purposes.
19 Each person granted permission to inspect juvenile justice or care
20 agency records for research purposes shall present a notarized
21 statement to the court stating that the names of juveniles and
22 parents will remain confidential.

23 (9) The court shall release to the caseload forecast council the
24 records needed for its research and data-gathering functions. Access
25 to caseload forecast data may be permitted by the council for
26 research purposes only if the anonymity of all persons mentioned in
27 the records or information will be preserved.

28 (10) Juvenile detention facilities shall release records to the
29 caseload forecast council upon request. The commission shall not
30 disclose the names of any juveniles or parents mentioned in the
31 records without the named individual's written permission.

32 (11) Requirements in this chapter relating to the court's
33 authority to compel disclosure shall not apply to the legislative
34 children's oversight committee or the office of the family and
35 children's ombuds.

36 (12) For the purpose of research only, the administrative office
37 of the courts shall maintain an electronic research copy of all
38 records in the judicial information system related to juveniles.
39 Access to the research copy is restricted to the Washington state
40 center for court research. The Washington state center for court

1 research shall maintain the confidentiality of all confidential
2 records and shall preserve the anonymity of all persons identified in
3 the research copy. The research copy may not be subject to any
4 records retention schedule and must include records destroyed or
5 removed from the judicial information system pursuant to RCW
6 13.50.270 and 13.50.100(3).

7 (13) The court shall release to the Washington state office of
8 public defense records needed to implement the agency's oversight,
9 technical assistance, and other functions as required by RCW
10 2.70.020. Access to the records used as a basis for oversight,
11 technical assistance, or other agency functions is restricted to the
12 Washington state office of public defense. The Washington state
13 office of public defense shall maintain the confidentiality of all
14 confidential information included in the records.

15 (14) The court shall release to the Washington state office of
16 civil legal aid records needed to implement the agency's oversight,
17 technical assistance, and other functions as required by RCW
18 2.53.045. Access to the records used as a basis for oversight,
19 technical assistance, or other agency functions is restricted to the
20 Washington state office of civil legal aid. The Washington state
21 office of civil legal aid shall maintain the confidentiality of all
22 confidential information included in the records, and shall, as soon
23 as possible, destroy any retained notes or records obtained under
24 this section that are not necessary for its functions related to RCW
25 2.53.045.

26 **Sec. 2.** RCW 13.50.100 and 2014 c 175 s 8 are each amended to
27 read as follows:

28 (1) This section governs records not covered by RCW 13.50.050,
29 13.50.260, and 13.50.270.

30 (2) Records covered by this section shall be confidential and
31 shall be released only pursuant to this section and RCW 13.50.010.

32 (3) Records retained or produced by any juvenile justice or care
33 agency may be released to other participants in the juvenile justice
34 or care system only when an investigation or case involving the
35 juvenile in question is being pursued by the other participant or
36 when that other participant is assigned the responsibility of
37 supervising the juvenile. Records covered under this section and
38 maintained by the juvenile courts which relate to the official
39 actions of the agency may be entered in the statewide judicial

1 information system. However, truancy records associated with a
2 juvenile who has no other case history, and records of a juvenile's
3 parents who have no other case history, shall be removed from the
4 judicial information system when the juvenile is no longer subject to
5 the compulsory attendance laws in chapter 28A.225 RCW. A county clerk
6 is not liable for unauthorized release of this data by persons or
7 agencies not in his or her employ or otherwise subject to his or her
8 control, nor is the county clerk liable for inaccurate or incomplete
9 information collected from litigants or other persons required to
10 provide identifying data pursuant to this section.

11 (4) Subject to (a) of this subsection, the department of social
12 and health services may release information retained in the course of
13 conducting child protective services investigations to a family or
14 juvenile court hearing a petition for custody under chapter 26.10
15 RCW.

16 (a) Information that may be released shall be limited to
17 information regarding investigations in which: (i) The juvenile was
18 an alleged victim of abandonment or abuse or neglect; or (ii) the
19 petitioner for custody of the juvenile, or any individual aged
20 sixteen or older residing in the petitioner's household, is the
21 subject of a founded or currently pending child protective services
22 investigation made by the department subsequent to October 1, 1998.

23 (b) Additional information may only be released with the written
24 consent of the subject of the investigation and the juvenile alleged
25 to be the victim of abandonment or abuse and neglect, or the parent,
26 custodian, guardian, or personal representative of the juvenile, or
27 by court order obtained with notice to all interested parties.

28 (5) Any disclosure of records or information by the department of
29 social and health services pursuant to this section shall not be
30 deemed a waiver of any confidentiality or privilege attached to the
31 records or information by operation of any state or federal statute
32 or regulation, and any recipient of such records or information shall
33 maintain it in such a manner as to comply with such state and federal
34 statutes and regulations and to protect against unauthorized
35 disclosure.

36 (6) A contracting agency or service provider of the department of
37 social and health services that provides counseling, psychological,
38 psychiatric, or medical services may release to the office of the
39 family and children's ombuds information or records relating to
40 services provided to a juvenile who is dependent under chapter 13.34

1 RCW without the consent of the parent or guardian of the juvenile, or
2 of the juvenile if the juvenile is under the age of thirteen years,
3 unless such release is otherwise specifically prohibited by law.

4 (7) A juvenile, his or her parents, the juvenile's attorney, and
5 the juvenile's parent's attorney, shall, upon request, be given
6 access to all records and information collected or retained by a
7 juvenile justice or care agency which pertain to the juvenile except:

8 (a) If it is determined by the agency that release of this
9 information is likely to cause severe psychological or physical harm
10 to the juvenile or his or her parents the agency may withhold the
11 information subject to other order of the court: PROVIDED, That if
12 the court determines that limited release of the information is
13 appropriate, the court may specify terms and conditions for the
14 release of the information; or

15 (b) If the information or record has been obtained by a juvenile
16 justice or care agency in connection with the provision of
17 counseling, psychological, psychiatric, or medical services to the
18 juvenile, when the services have been sought voluntarily by the
19 juvenile, and the juvenile has a legal right to receive those
20 services without the consent of any person or agency, then the
21 information or record may not be disclosed to the juvenile's parents
22 without the informed consent of the juvenile unless otherwise
23 authorized by law; or

24 (c) That the department of social and health services may delete
25 the name and identifying information regarding persons or
26 organizations who have reported alleged child abuse or neglect.

27 (8) A juvenile or his or her parent denied access to any records
28 following an agency determination under subsection (7) of this
29 section may file a motion in juvenile court requesting access to the
30 records. The court shall grant the motion unless it finds access may
31 not be permitted according to the standards found in subsection
32 (7)(a) and (b) of this section.

33 (9) The person making a motion under subsection (8) of this
34 section shall give reasonable notice of the motion to all parties to
35 the original action and to any agency whose records will be affected
36 by the motion.

37 (10) Subject to the rules of discovery in civil cases, any party
38 to a proceeding seeking a declaration of dependency or a termination
39 of the parent-child relationship and any party's counsel and the
40 guardian ad litem of any party, shall have access to the records of

1 any natural or adoptive child of the parent, subject to the
2 limitations in subsection (7) of this section. A party denied access
3 to records may request judicial review of the denial. If the party
4 prevails, he or she shall be awarded attorneys' fees, costs, and an
5 amount not less than five dollars and not more than one hundred
6 dollars for each day the records were wrongfully denied.

7 (11) No unfounded allegation of child abuse or neglect as defined
8 in RCW 26.44.020(1) may be disclosed to a child-placing agency,
9 private adoption agency, or any other licensed provider.

10 (12) The department of early learning shall, upon request, be
11 given access to records and information collected and retained by a
12 juvenile justice or care agency that pertain to founded findings of
13 abuse or neglect as defined in RCW 26.44.020. The department of early
14 learning shall not be given access to a person's physical or mental
15 health medical reports, drug and alcohol evaluations, or adoption
16 records. As used in this subsection, "founded" has the definition in
17 RCW 26.44.020.

18 **Sec. 3.** RCW 26.44.100 and 2005 c 512 s 1 are each amended to
19 read as follows:

20 (1) The legislature finds parents and children often are not
21 aware of their due process rights when agencies are investigating
22 allegations of child abuse and neglect. The legislature reaffirms
23 that all citizens, including parents, shall be afforded due process,
24 that protection of children remains the priority of the legislature,
25 and that this protection includes protecting the family unit from
26 unnecessary disruption. To facilitate this goal, the legislature
27 wishes to ensure that parents and children be advised in writing and
28 orally, if feasible, of their basic rights and other specific
29 information as set forth in this chapter, provided that nothing
30 contained in this chapter shall cause any delay in protective custody
31 action.

32 (2) The department shall notify the parent, guardian, or legal
33 custodian of a child of any allegations of child abuse or neglect
34 made against such person at the initial point of contact with such
35 person, in a manner consistent with the laws maintaining the
36 confidentiality of the persons making the complaints or allegations.
37 Investigations of child abuse and neglect should be conducted in a
38 manner that will not jeopardize the safety or protection of the child
39 or the integrity of the investigation process.

1 Whenever the department completes an investigation of a child
2 abuse or neglect report under chapter 26.44 RCW, the department shall
3 notify the subject of the report of the department's investigative
4 findings. The notice shall also advise the subject of the report
5 that:

6 (a) A written response to the report may be provided to the
7 department and that such response will be filed in the record
8 following receipt by the department;

9 (b) Information in the department's record may be considered in
10 subsequent investigations or proceedings related to child protection
11 or child custody;

12 (c) Founded reports of child abuse and neglect may be considered
13 in determining whether the person is disqualified from being licensed
14 to provide child care, employed by a licensed child care agency, or
15 authorized by the department of early learning or the department to
16 care for children; and

17 (d) A subject named in a founded report of child abuse or neglect
18 has the right to seek review of the finding as provided in this
19 chapter.

20 (3) The notification required by this section shall be made by
21 certified mail, return receipt requested, to the person's last known
22 address.

23 (4) The duty of notification created by this section is subject
24 to the ability of the department to ascertain the location of the
25 person to be notified. The department shall exercise reasonable,
26 good-faith efforts to ascertain the location of persons entitled to
27 notification under this section.

28 (5) The department shall provide training to all department
29 personnel who conduct investigations under this section that shall
30 include, but is not limited to, training regarding the legal duties
31 of the department from the initial time of contact during
32 investigation through treatment in order to protect children and
33 families.

34 **Sec. 4.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are
35 each reenacted and amended to read as follows:

36 (1) The Washington state patrol identification and criminal
37 history section shall disclose conviction records as follows:

38 (a) An applicant's conviction record, upon the request of a
39 business or organization as defined in RCW 43.43.830, a
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1 developmentally disabled person, or a vulnerable adult as defined in
2 RCW 43.43.830 or his or her guardian;

3 (b) The conviction record of an applicant for certification, upon
4 the request of the Washington professional educator standards board;

5 (c) Any conviction record to aid in the investigation and
6 prosecution of child, developmentally disabled person, and vulnerable
7 adult abuse cases and to protect children and adults from further
8 incidents of abuse, upon the request of a law enforcement agency, the
9 office of the attorney general, prosecuting authority, or the
10 department of social and health services; and

11 (d) A prospective client's or resident's conviction record, upon
12 the request of a business or organization that qualifies for
13 exemption under section 501(c)(3) of the internal revenue code of
14 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter
15 or transitional housing for children, persons with developmental
16 disabilities, or vulnerable adults.

17 (2) The secretary of the department of social and health services
18 must establish rules and set standards to require specific action
19 when considering the information received pursuant to subsection (1)
20 of this section, and when considering additional information
21 including but not limited to civil adjudication proceedings as
22 defined in RCW 43.43.830 and any out-of-state equivalent, in the
23 following circumstances:

24 (a) When considering persons for state employment in positions
25 directly responsible for the supervision, care, or treatment of
26 children, vulnerable adults, or individuals with mental illness or
27 developmental disabilities;

28 (b) When considering persons for state positions involving
29 unsupervised access to vulnerable adults to conduct comprehensive
30 assessments, financial eligibility determinations, licensing and
31 certification activities, investigations, surveys, or case
32 management; or for state positions otherwise required by federal law
33 to meet employment standards;

34 (c) When licensing agencies or facilities with individuals in
35 positions directly responsible for the care, supervision, or
36 treatment of children, developmentally disabled persons, or
37 vulnerable adults, including but not limited to agencies or
38 facilities licensed under chapter 74.15 or 18.51 RCW;

39 (d) When contracting with individuals or businesses or
40 organizations for the care, supervision, case management, or

1 treatment, including peer counseling, of children, developmentally
2 disabled persons, or vulnerable adults, including but not limited to
3 services contracted for under chapter 18.20, 70.127, 70.128, 72.36,
4 or 74.39A RCW or Title 71A RCW;

5 (e) When individual providers are paid by the state or providers
6 are paid by home care agencies to provide in-home services involving
7 unsupervised access to persons with physical, mental, or
8 developmental disabilities or mental illness, or to vulnerable adults
9 as defined in chapter 74.34 RCW, including but not limited to
10 services provided under chapter 74.39 or 74.39A RCW.

11 (3) The director of the department of early learning shall
12 investigate the conviction records, pending charges, and other
13 information including civil adjudication proceeding records of
14 current employees and of any person actively being considered for any
15 position with the department who will or may have unsupervised access
16 to children, or for state positions otherwise required by federal law
17 to meet employment standards. "Considered for any position" includes
18 decisions about (a) initial hiring, layoffs, reallocations,
19 transfers, promotions, or demotions, or (b) other decisions that
20 result in an individual being in a position that will or may have
21 unsupervised access to children as an employee, an intern, or a
22 volunteer.

23 (4) In the following circumstances, the director of the
24 department of early learning shall adopt rules and investigate
25 conviction records, pending charges, and other information including
26 civil adjudication proceeding records(~~(, in the following~~
27 circumstances)) and investigative records and files held by the
28 department of social and health services that pertain to founded
29 findings of abuse or neglect as defined in RCW 26.44.020:

30 (a) When licensing or certifying agencies with individuals in
31 positions that will or may have unsupervised access to children who
32 are in child day care, in early learning programs, or receiving early
33 childhood education services, including but not limited to licensees,
34 agency staff, interns, volunteers, contracted providers, and persons
35 living on the premises who are sixteen years of age or older;

36 (b) When authorizing individuals who will or may have
37 unsupervised access to children who are in child day care, in early
38 learning programs, or receiving early childhood learning education
39 services in licensed or certified agencies, including but not limited
40 to licensees, agency staff, interns, volunteers, contracted

1 providers, and persons living on the premises who are sixteen years
2 of age or older;

3 (c) When contracting with any business or organization for
4 activities that will or may have unsupervised access to children who
5 are in child day care, in early learning programs, or receiving early
6 childhood learning education services;

7 (d) When establishing the eligibility criteria for individual
8 providers to receive state paid subsidies to provide child day care
9 or early learning services that will or may involve unsupervised
10 access to children.

11 (5) Whenever a state conviction record check is required by state
12 law, persons may be employed or engaged as volunteers or independent
13 contractors on a conditional basis pending completion of the state
14 background investigation. Whenever a national criminal record check
15 through the federal bureau of investigation is required by state law,
16 a person may be employed or engaged as a volunteer or independent
17 contractor on a conditional basis pending completion of the national
18 check. The Washington personnel resources board shall adopt rules to
19 accomplish the purposes of this subsection as it applies to state
20 employees.

21 (6)(a) For purposes of facilitating timely access to criminal
22 background information and to reasonably minimize the number of
23 requests made under this section, recognizing that certain health
24 care providers change employment frequently, health care facilities
25 may, upon request from another health care facility, share copies of
26 completed criminal background inquiry information.

27 (b) Completed criminal background inquiry information may be
28 shared by a willing health care facility only if the following
29 conditions are satisfied: The licensed health care facility sharing
30 the criminal background inquiry information is reasonably known to be
31 the person's most recent employer, no more than twelve months has
32 elapsed from the date the person was last employed at a licensed
33 health care facility to the date of their current employment
34 application, and the criminal background information is no more than
35 two years old.

36 (c) If criminal background inquiry information is shared, the
37 health care facility employing the subject of the inquiry must
38 require the applicant to sign a disclosure statement indicating that
39 there has been no conviction or finding as described in RCW 43.43.842

1 since the completion date of the most recent criminal background
2 inquiry.

3 (d) Any health care facility that knows or has reason to believe
4 that an applicant has or may have a disqualifying conviction or
5 finding as described in RCW 43.43.842, subsequent to the completion
6 date of their most recent criminal background inquiry, shall be
7 prohibited from relying on the applicant's previous employer's
8 criminal background inquiry information. A new criminal background
9 inquiry shall be requested pursuant to RCW 43.43.830 through
10 43.43.842.

11 (e) Health care facilities that share criminal background inquiry
12 information shall be immune from any claim of defamation, invasion of
13 privacy, negligence, or any other claim in connection with any
14 dissemination of this information in accordance with this subsection.

15 (f) Health care facilities shall transmit and receive the
16 criminal background inquiry information in a manner that reasonably
17 protects the subject's rights to privacy and confidentiality.

18 **Sec. 5.** RCW 43.215.200 and 2015 3rd sp.s. c 7 s 4 are each
19 amended to read as follows:

20 It shall be the director's duty with regard to licensing:

21 (1) In consultation and with the advice and assistance of persons
22 representative of the various type agencies to be licensed, to
23 designate categories of child care facilities for which separate or
24 different requirements shall be developed as may be appropriate
25 whether because of variations in the ages and other characteristics
26 of the children served, variations in the purposes and services
27 offered or size or structure of the agencies to be licensed, or
28 because of any other factor relevant thereto;

29 (2)(a) In consultation with the state fire marshal's office, the
30 director shall use an interagency process to address health and
31 safety requirements for child care programs that serve school age
32 children and are operated in buildings that contain public or private
33 schools that safely serve children during times in which school is in
34 session;

35 (b) Any requirements in (a) of this subsection as they relate to
36 the physical facility, including outdoor playgrounds, do not apply to
37 before-school and after-school programs that serve only school-age
38 children and operate in the same facilities used by public or private
39 schools;

1 (3) In consultation and with the advice and assistance of parents
2 or guardians, and persons representative of the various type agencies
3 to be licensed, to adopt and publish minimum requirements for
4 licensing applicable to each of the various categories of agencies to
5 be licensed under this chapter;

6 (4) In consultation with law enforcement personnel, the director
7 shall investigate the conviction record or pending charges of each
8 agency and its staff seeking licensure or relicensure, and other
9 persons having unsupervised access to children in care;

10 (5) To satisfy the shared background check requirements provided
11 for in RCW 43.215.215 and 43.20A.710, the department of early
12 learning and the department of social and health services shall share
13 federal fingerprint-based background check results as permitted under
14 the law. The purpose of this provision is to allow both departments
15 to fulfill their joint background check responsibility of checking
16 any individual who may have unsupervised access to vulnerable adults,
17 children, or juveniles. Neither department may share the federal
18 background check results with any other state agency or person;

19 (6) To satisfy the department's background check requirements,
20 the department shall obtain from the department of social and health
21 services records of each agency and its staff seeking licensure or
22 relicensure, and other persons having unsupervised access to children
23 in care. The records shall include civil adjudication proceeding
24 records, and investigative records and files held by the department
25 of social and health services that pertain to founded findings of
26 abuse or neglect as defined in RCW 26.44.020. For purposes of this
27 section, "civil adjudication proceeding" has the definition in RCW
28 43.43.830. The purpose of this subsection is to allow the department
29 to fulfill its background check responsibility of checking any
30 individual who may have unsupervised access to children in care. The
31 information described in this section may be shared only with other
32 state agencies or persons pursuant to chapters 13.50 and 26.44 RCW.
33 As used in this subsection, "founded" has the definition in RCW
34 26.44.020;

35 (7) To issue, revoke, or deny licenses to agencies pursuant to
36 this chapter. Licenses shall specify the category of care that an
37 agency is authorized to render and the ages and number of children to
38 be served;

1 ~~((7))~~ (8) To prescribe the procedures and the form and contents
2 of reports necessary for the administration of this chapter and to
3 require regular reports from each licensee;

4 ~~((8))~~ (9) To inspect agencies periodically to determine whether
5 or not there is compliance with this chapter and the requirements
6 adopted under this chapter;

7 ~~((9))~~ (10) To review requirements adopted under this chapter at
8 least every two years and to adopt appropriate changes after
9 consultation with affected groups for child day care requirements;
10 and

11 ~~((10))~~ (11) To consult with public and private agencies in
12 order to help them improve their methods and facilities for the care
13 and early learning of children.

14 **Sec. 6.** RCW 43.215.215 and 2011 c 295 s 2 and 2011 c 253 s 4 are
15 each reenacted and amended to read as follows:

16 (1) In determining whether an individual is of appropriate
17 character, suitability, and competence to provide child care and
18 early learning services to children, the department may consider the
19 history of past involvement of child protective services or law
20 enforcement agencies with the individual for the purpose of
21 establishing a pattern of conduct, behavior, or inaction with regard
22 to the health, safety, or welfare of a child. No report of child
23 abuse or neglect that has been destroyed or expunged under RCW
24 26.44.031 may be used for such purposes. No unfounded or inconclusive
25 allegation of child abuse or neglect as defined in RCW 26.44.020 may
26 be disclosed to a provider licensed under this chapter.

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

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

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

1 (ii) Persons required to be fingerprinted and obtain a criminal
2 (~~{history}~~) history record check pursuant to this section must pay
3 for the cost of this check as follows: The fee established by the
4 Washington state patrol for the criminal background history check,
5 including the cost of obtaining the fingerprints; and a fee paid to
6 the department for the cost of administering the individual-based/
7 portable background check clearance registry. The fee paid to the
8 department must be deposited into the individual-based/portable
9 background check clearance account established in RCW 43.215.218. The
10 licensee may, but need not, pay these costs on behalf of a
11 prospective employee or reimburse the prospective employee for these
12 costs. The licensee and the prospective employee may share these
13 costs.

14 (c) The director shall use the fingerprint criminal history
15 record check information solely for the purpose of determining
16 eligibility for a license and for determining the character,
17 suitability, and competence of those persons or agencies, excluding
18 parents, not required to be licensed who are authorized to care for
19 children.

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

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

37 (f) The department shall issue a background check clearance card
38 or certificate to the applicant if after the completion of a
39 background check the department concludes the applicant is qualified
40 for unsupervised access to children in care. The background check

1 clearance card or certificate is valid for three years from the date
2 of issuance. A valid card or certificate must be accepted by a
3 potential employer as proof that the applicant has successfully
4 completed a background check as required under this chapter.

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

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

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

17 (j) The department shall investigate and conduct a
18 redetermination of an applicant's or licensee's background clearance
19 if the department receives a complaint or information from
20 individuals, a law enforcement agency, or other federal, state, or
21 local government agency. Subject to the requirements contained in RCW
22 43.215.300 and 43.215.305 and based on a determination that an
23 individual lacks the appropriate character, suitability, or
24 competence to provide child care or early learning services to
25 children, the department may: (i) Invalidate the background card or
26 certificate; or (ii) suspend, modify, or revoke any license
27 authorized by this chapter.

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

37 (4) To satisfy the department's background check requirements,
38 the department shall obtain from the department of social and health
39 services records of each agency and its staff seeking licensure or
40 relicensure, and other persons having unsupervised access to children

1 in care. The records shall include civil adjudication proceeding
2 records, and investigative records and files held by the department
3 of social and health services that pertain to founded findings of
4 abuse or neglect as defined in RCW 26.44.020. For purposes of this
5 section, "civil adjudication proceeding" has the definition in RCW
6 43.43.830. The purpose of this subsection is to allow the department
7 to fulfill its background check responsibility of checking any
8 individual who may have unsupervised access to children in care. The
9 information described in this section may be shared only with other
10 state agencies or persons pursuant to chapters 13.50 and 26.44 RCW.
11 As used in this subsection, "founded" has the definition in RCW
12 26.44.020.

13 **Sec. 7.** RCW 74.04.060 and 2011 1st sp.s. c 15 s 66 are each
14 amended to read as follows:

15 (1)(a) For the protection of applicants and recipients, the
16 department, the authority, and the county offices and their
17 respective officers and employees are prohibited, except as
18 hereinafter provided, from disclosing the contents of any records,
19 files, papers and communications, except for purposes directly
20 connected with the administration of the programs of this title or
21 the purposes described in RCW 43.215.005, 43.215.200, and 43.215.215.
22 In any judicial proceeding, except such proceeding as is directly
23 concerned with the administration of these programs, such records,
24 files, papers and communications, and their contents, shall be deemed
25 privileged communications and except for the right of any individual
26 to inquire of the office whether a named individual is a recipient of
27 welfare assistance and such person shall be entitled to an
28 affirmative or negative answer.

29 (b) Upon written request of a parent who has been awarded
30 visitation rights in an action for divorce or separation or any
31 parent with legal custody of the child, the department shall disclose
32 to him or her the last known address and location of his or her
33 natural or adopted children. The secretary shall adopt rules which
34 establish procedures for disclosing the address of the children and
35 providing, when appropriate, for prior notice to the custodian of the
36 children. The notice shall state that a request for disclosure has
37 been received and will be complied with by the department unless the
38 department receives a copy of a court order which enjoins the
39 disclosure of the information or restricts or limits the requesting

1 party's right to contact or visit the other party or the child.
2 Information supplied to a parent by the department shall be used only
3 for purposes directly related to the enforcement of the visitation
4 and custody provisions of the court order of separation or decree of
5 divorce. No parent shall disclose such information to any other
6 person except for the purpose of enforcing visitation provisions of
7 the said order or decree.

8 (c) The department shall review methods to improve the protection
9 and confidentiality of information for recipients of welfare
10 assistance who have disclosed to the department that they are past or
11 current victims of domestic violence or stalking.

12 (2) The county offices shall maintain monthly at their offices a
13 report showing the names and addresses of all recipients in the
14 county receiving public assistance under this title, together with
15 the amount paid to each during the preceding month.

16 (3) The provisions of this section shall not apply to duly
17 designated representatives of approved private welfare agencies,
18 public officials, members of legislative interim committees and
19 advisory committees when performing duties directly connected with
20 the administration of this title, such as regulation and
21 investigation directly connected therewith: PROVIDED, HOWEVER, That
22 any information so obtained by such persons or groups shall be
23 treated with such degree of confidentiality as is required by the
24 federal social security law.

25 (4) It shall be unlawful, except as provided in this section, for
26 any person, body, association, firm, corporation or other agency to
27 solicit, publish, disclose, receive, make use of, or to authorize,
28 knowingly permit, participate in or acquiesce in the use of any lists
29 or names for commercial or political purposes of any nature. The
30 violation of this section shall be a gross misdemeanor.

--- END ---

Training Professional Development and Technical Opportunities

CCDF Reauthorization Decision Package

Expenditure and Revenue Calculations and Assumptions: Additional Training, Technical Assistance, and Professional Development Opportunities.

Expenditure

Total costs for Fiscal Year 2017 are \$874,670 assuming:

Child Development Training (4 hours) costing \$121,250 comprised of:

- \$69,000 for curriculum development for in-person and online content
- \$10,000 for consultation with a subject matter expert to create the training
- \$24,700 for translation costs:
Covers in person trainer guide, online course content, student materials, coordination Covers in person trainer guide, online course content, student materials, coordination between instructional designer and translator. Translations costs are .14 per word. \$35 per hour for review (.02 cents per word for a linguistic proof) 10% total translation cost for coordination between instructional designer and translator.
- \$16,800 for training delivery(\$600 per training x 7 regions x 4 trainings per quarter)
- \$750 (Creating a new training on the Learning Management System – Online delivery, additional expenses listed under Learning Management System below)

STEM training (2 hours) costing \$84,910 comprised of:

- \$45,000 for curriculum development for in-person and online content
- \$10,000 for consultation with a subject matter expert
- \$12,360 for translation costs:
Covers in person trainer guide, online course content, student materials, coordination between instructional designer and translator. Translations costs are .14 per word. \$35 per hour for review (.02 cents per word for a linguistic proof) 10% total translation cost for coordination between instructional designer and translator.
- \$16,800 for training delivery (\$600 per training x 7 regions x 4 trainings per quarter)
- \$750 (Creating a new training on the Learning Management System – Online delivery, additional expenses listed under Learning Management System below)

Social emotional, physical and cognitive training (4 hours) costing \$121,250 comprised of:

- \$69,000 for curriculum development for in-person and online content
- \$10,000 for consultation with a subject matter expert
- \$24,700 for translation costs:

Covers in person trainer guide, online course content, student materials, coordination between instructional designer and translator. Translations costs are .14 per word. \$35 per hour for review (.02 center per word for a linguistic proof) 10% total translation cost for coordination between instructional designer and translator .

- \$16,800 for training delivery (\$600 per training x 7 regions x 4 trainings per quarter)
- \$750 (Creating a new training on the Learning Management System – Online delivery, additional expenses listed under Learning Management System below)

Business practices training (4 hours) costing \$121,250 comprised of:

- \$69,000 for curriculum development for in-person and online content
- \$10,000 for consultation with a subject matter expert
- \$24,700 for translation costs:
Covers in person trainer guide, online course content, student materials, coordination between instructional designer and translator. Translations costs are .14 per word. \$35 per hour for review (.02 cents per word for a linguistic proof) 10% total translation cost for coordination between instructional designer and translator.
- \$16,800 for training delivery (\$600 per training x 7 regions x 4 trainings per quarter)
- \$750 (Creating a new training on the Learning Management System – Online delivery, additional expenses listed under Learning Management System below)

Safe sleep and shaken baby training (2 hours) costing \$84,910 comprised of:

- \$45,000 for curriculum development for in-person and online content
- \$10,000 for consultation with a subject matter expert
- \$12,360 for translation costs:
Covers in person trainer guide, online course content, student materials, coordination between instructional designer and translator. Translations costs are .14 per word. \$35 per hour for review (.02 cents per word for a linguistic proof) 10% total translation cost for coordination between instructional designer and translator.
- \$16,800 for training delivery (\$600 per training x 7 regions x 4 trainings per quarter)
- \$750 (Creating a new training on the Learning Management System – Online delivery, additional expenses listed under Learning Management System below)

Serving homeless children and families (2 hours) costing \$84,910 comprised of:

- \$45,000 for curriculum development for in-person and online content
- \$10,000 for consultation with a subject matter expert
- \$12,360 for translation costs:
Covers in person trainer guide, online course content, student materials, coordination between instructional designer and translator. Translations costs are .14 per word. \$35 per hour for review (.02 cents per word for a linguistic proof) 10% total translation cost for coordination between instructional designer and translator.

- \$16,800 for training delivery (\$600 per training x 7 regions x 4 trainings per quarter)
- \$750 (Creating a new training on the Learning Management System – Online delivery, additional expenses listed under Learning Management System below)

Develop and operationalize a system for annual continuing education progression costing \$256,190 comprised of:

- \$31,280 for the Learning Management System (online training platform):
 - Annual license \$6,500
 - Programming/development \$9,000 (includes supporting multiple languages, training certificates, data tracking and reports, interfacing with MERIT)
 - Bandwidth/online hosting \$14,400 (supports all hosted online trainings)
 - Technical assistance for DEL and providers \$1,380
- \$74,910 for training development and an online self-assessment of core knowledge and skills:
 - \$45,000 for curriculum development for in-person and online content, including self-assessment (2 hour total)
 - \$12,360 for translation costs:
Covers in person trainer guide, online course content, student materials, coordination between instructional designer and translator. Translations costs are .14 per word. \$35 per hour for review (.02 cents per word for a linguistic proof) 10% total translation cost for coordination between instructional designer and translator.
 - \$16,800 for training delivery (\$600 per training x 7 regions x 4 trainings per quarter)
 - \$750 (Creating a new training on the Learning Management System – Online delivery, additional expenses listed under Learning Management System below)
- \$150,000 for MERIT enhancements to capture data related to professional development progression
 - This would include guiding providers to appropriate trainings based on core competency level, allowing licensors to recommend and require training as needed to support safe and high quality learning environments, improving the training search features and improvements to tracking and reporting core competency progression.

One-Time and Ongoing Costs

All costs referenced above are ongoing.

Additional Training, Technical Assistance and Professional Development Opportunities

Citations for Compliance with Updated Federal Law Decision Package CCDBG Reauthorization Act of 2014

Section 658E(c)(2)(G) and 658E(c)(2)(G)(ii)(I)

(G) TRAINING AND PROFESSIONAL DEVELOPMENT REQUIREMENTS.--

(i) In general.--The plan shall describe the training and professional development requirements that are in effect within the State designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and to improve the knowledge and skills of the child care workforce. Such requirements shall be applicable to child care providers that provide services for which assistance is provided in accordance with this subchapter.

(ii) Requirements.--The plan shall provide an assurance that such training and professional development--

(I) shall be conducted on an ongoing basis, provide for a progression of professional development which may include encouraging the pursuit of postsecondary education), reflect current research and best practices relating to the skills necessary for the child care workforce to meet the developmental needs of participating children, and improve the quality of, and stability within, the child care workforce;

(II) shall be developed in consultation with the State Advisory Council on Early Childhood Education and Care (designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i))), and may engage training providers in aligning training opportunities with the State's training framework;

(III) incorporates knowledge and application of the State's early learning and developmental guidelines (where applicable), the State's health and safety standards, and incorporates social-emotional behavior intervention models, which may include positive behavior intervention and support models;

(IV) shall be accessible to providers supported through Indian tribes or tribal organizations that

receive assistance under this subchapter; and

(V) to the extent practicable, are appropriate for a population of children that includes--

(aa) different age groups;

(bb) English learners;

(cc) children with disabilities; and

(dd) Native Americans, including Indians, as the term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) (including Alaska Natives within the meaning of that term), and Native Hawaiians (as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

(iii) Information.--The plan shall include the number of hours of training required for eligible providers and caregivers to engage in annually, as determined by the State.

(iv) Construction.--The Secretary shall not require an individual or entity that provides child care services for which assistance is provided in accordance with this subchapter to acquire a credential to provide such services. Nothing in this section shall be construed to prohibit a State from requiring a credential.

658E(c)(2)(V)

"Business technical assistance.--The plan shall describe how the State will develop and implement

strategies to strengthen the business practices of child care providers to expand the supply, and improve the quality of, child care services."

658E(c)(3)(B)(ii)

"activities that improve access to child care services, including the use of procedures to permit enrollment (after an initial eligibility determination) of homeless children while required documentation is obtained, training and technical assistance on identifying and serving homeless children and their families, and specific outreach to homeless families, and any other activity that the State determines to be appropriate to meet the purposes of this subchapter (which may include an activity described in clause (ii))."

Source: <https://www.congress.gov/bill/113th-congress/senate-bill/1086>

Enterprise Data and Reporting System (EDRS)

CCDF Reauthorization Decision Package

*Expenditure and Revenue Calculations and Assumptions:
Enterprise Data and Reporting System (EDRS)*

Expenditure

Administering the Enterprise Data and Reporting System will require funds totaling \$2,337,352 in Fiscal Year 2017, calculated as follows:

FTE, Salary and Benefits: 2.0 FTE costing \$219,032 assuming:

--2.0 Information Technology Specialist 5 (ITS5) ($\$109,516 \times 2.0 \text{ FTE} = \$219,032$)

Goods and Services: \$829,020 assuming:

--\$6,020 for direct program goods and services for 2.0 FTE for communications, supplies, employee development and training, assuming \$3,010 for 2 ITS5 FTE requiring additional training ($\$3,010 \times 2.0 \text{ FTE} = \$6,020$)

--\$1,000 for computer leases for 2.0 FTE, assuming \$500 per FTE ($\$500 \times 2.0 \text{ FTE} = \$1,000$)

--\$762,000 for software licensing costs and developer tools ($\$750,000 + \$12,000 = \$762,000$)

--\$60,000 for CTS data fees

Travel: \$4,800 for travel for 2.0 FTE ($\$2,400 \times 2.0 \text{ FTE} = \$4,800$)

Equipment: \$12,000 for one-time expenditure for necessary office furniture and equipment for the 2.0 new FTE assuming \$6,000 per FTE ($\$6,000 \times 2.0 \text{ FTE} = \$12,000$)

Personal Service Contract: \$1,200,000 for EDRS consultation

Intra-agency Reimbursements: \$72,500 for indirect costs for agency administration and central services, calculated at 31.10 percent of direct salaries and benefits ($\$219,032 \times 33.10\% = \$72,500$). 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:

--1.0 FTE Information Technology Specialist 5, Data Warehouse Lead, to develop data strategies by establishing an integrated architecture and hierarchy through data modeling and metadata. Develops and evaluates logical and physical modes; defines ETL strategies including designing and validating schema; preparing transformation rules, indexing, directories, synchronization, sharing, replication,

back-up, retention, recovery, and summarization strategies; mapping data from source to target. Develops, tests and maintains the data warehouse and business intelligence reporting.

--1.0 FTE Information Technology Specialist 5, Data Warehouse Developer/Business Intelligence Developer, to assist the Data Warehouse Lead with developing, testing, deploying and maintaining the data warehouse. The position will also design, develop, test and maintain business analytics and reports. This position will cross-train with the data warehouse lead and the business intelligence developer to provide support in both areas.

One-Time and Ongoing Costs

All costs referenced above are ongoing except for the one-time equipment purchase and the personal service contract. Software licensing costs and developer tool costs are expected to decrease to \$281,000 (\$275,000 + \$6,000 = \$281,000).

Enterprise Data and Reporting System

Changes to DEL reporting required by the CCDBG Reauthorization Act of 2014

Unique State Identifier – ACF-801 reporting requirements change

Unique State Identifier: A unique identifying number, up to fifteen alphanumeric characters, assigned by the State to the family receiving child care assistance. It is imperative that the Unique State Identifier assigned to each family (head of household) be used consistently over time – regardless of whether the family transitions on and off of subsidy, or moves within the State. The Unique State Identifier should never be “recycled” between different families. This will allow States and the federal Office of Child Care to identify unique families over time in the absence of the Social Security Number (SSN). If a case does not have a Unique State Identifier, the data related to the case cannot be processed. **This data element must be reported beginning with the October 2015 report.** If the State cannot develop a **permanent** Unique State Identifier that is used consistently over time, an interim identifier may be used (such as the Unique State Identifier currently reported in this data element). However, the State will be required to submit a footnote indicating that the Unique State Identifier is an interim identifier until the permanent identifier (i.e., used consistently over time) is available.

Child Fatalities

As reauthorized, section 658K(a)(2)(F) of the CCDBG Act now requires States to report (for each provider type) the number of fatalities occurring among children while in the care and facility of child care providers serving CCDF children (regardless of whether the child who dies was receiving CCDF).

Section 658E(c)(2)(D) of the CCDBG Act now requires States to make publicly available by electronic means the number of deaths, serious injuries, and instances of substantiated child abuse that occur within child care settings each year.

Family Homeless Status

As reauthorized, section 658K(a)(1)(B)(xi) of the CCDBG Act now requires States to report whether children receiving assistance under this subchapter are homeless children.

Child With Disability

Section 658E(c)(3)(B) of the Act requires a State’s priority for services to include children with special needs. Reauthorization strengthened this provision by requiring ACF to prepare a report annually that contains a determination about whether each State uses CCDF funds in accordance with priority for services requirements, including the priority for children with special needs.

Reauthorization also added several other new provisions related to ensuring children with disabilities have access to subsidies, and that the child care available meets the needs of these children. For example, States are now required to develop and implement strategies (which may include alternative payment rates, or the provision of services through grants and contracts) to increase the supply and improve the quality of child care services for certain populations, including children with disabilities (658E(c)(2)(M)).

Military Status

The Administration has taken a number of actions to increase services and supports for members of the military and their families. We are proposing to add a new data element to the ACF-801 to determine the family's status related to military service effective with the reporting period beginning October 1 of 2016 (FFY 2017). This element will identify if the parent is currently active duty (i.e. serving full-time) in the U.S. Military or a member of either a National Guard unit or a Military Reserve unit. This data will allow States and OCC to determine the extent to which military families are accessing the CCDF program.

Family ZIP Code and Provider ZIP Code

As reauthorized, sections 658E(a)(2)(M) and 658E(a)(2)(Q) of the CCDBG Act now require States to address the needs of certain populations regarding supply and access to high-quality child care services in underserved areas including areas that have significant concentrations of poverty and unemployment. To successfully implement these requirements, it is critical that States and OCC be able to examine the supply of care in particular communities.

Quality of Child Care Providers

The existing ACF-801 allows States several ways of reporting information on the quality of each child's provider(s)—including: QRIS participation and rating, accreditation status, provider is subject to State pre-K standards, and other State-defined quality measure. These elements provide data on provider quality for each child receiving a child care subsidy as reported on the ACF-801. This is a key component of the Administration's efforts to help more children in low-income families access high quality care. Working with States to track this data will give us a key indicator on the progress we are making toward that goal. Reauthorization reinforced this priority by adding a number of provisions that bolster support for quality, including new higher quality spending requirements. States must also take into consideration the cost of providing higher quality when setting payment rates (658E(c)(4)(B)(iii)(II)). To ensure that the CCDF program is providing meaningful access to high quality care, it is essential for States to have data on the quality of providers participating in the subsidy program.

Date of Most Recent Inspection

Section 658E(c)(2)(J) of the reauthorized CCDBG Act requires States to monitor both licensed and license-exempt CCDF providers.

Language

ACF proposes to add a data element indicating the primary language spoken in the home effective with the reporting period beginning October 1 of 2016 (FFY 2017). This new data indicator will help States, researchers, and other stakeholders identify the number of children being served through CCDF that may have language needs that can be addressed by the child care. The reauthorized CCDBG Act includes provisions that support services to English language learners. Specifically, section 658E(c)(2)(G) requires States to assure that training and professional development of child care providers address needs of certain populations to the extent practicable, including English language learners. Under 658G, allowable quality activities include providing training and outreach on engaging parents and families in culturally and linguistically appropriate ways to expand their knowledge, skills, and capacity to become meaningful partners in supporting their children's positive development. Furthermore, Title VI of the

Civil Rights Act of 1964 requires federally assisted programs to take reasonable steps to provide meaningful access for persons who have limited English proficiency. By collecting information on the specific language spoken at home by families, the CCDF Lead Agency will be able to design outreach and consumer education materials that meet the needs of populations in their service areas.

Source: <https://www.congress.gov/bill/113th-congress/senate-bill/1086>

Information Technology Addendum

Recsum Code and Title: DEL Enterprise Data Reporting System

Brief Description: This project will address current inefficiencies in the collection and distribution of DEL early learning program data for licensing, subsidy operations and regulatory reporting. The Enterprise Data and Reporting System (EDRS) will for the first time provide DEL with an enterprise capability to generate and report on agency-wide data on a timely basis drawing data from a centralized data service HUB that is accessible to a wider stakeholder and end user community. The program will provide data transparency, improve data quality, reduce report development time, enable better data analysis and improve program risk management.

If this investment includes the use of servers, do you plan to use the state data center?

Yes No, waiver received No, waiver not received Does not apply

Business Transformation – This set of criteria will be used to assess IT proposals supporting business changes to improve services or access to information for agency customers or citizens.

Business process improvement: Primary goal of the proposal is to transform an agency business process. This criterion will be used to assess the transformative nature of the project.

(INTENT: Incent agencies to take transformative projects that may include risk.)

This project is rooted in business transformation and sets the agency up for continuous process improvement. The technology solution is only a component of the project which has numerous initiatives covering program governance, broadening data governance activities, establishing a data education program for agency staff, cross-agency collaboration, establishing reporting system policies, procedures and guidelines, and defining and implementing a robust data access security model.

The EDRS project will require that data from all operations systems are loaded into a data repository HUB and distributed through various delivery channels to stakeholders, business analysts, agency partners and other state agencies. There will be positive impacts on workflow within DEL that will streamline or eliminate current processes that require intensive manual effort for report preparation or responding to ad-hoc inquiries. In addition, the creation of a data HUB will assist in enabling the standardization of support processes among individual functional operations areas. Process redesign and organizational alignment projects are viewed as part of the overall EDRS program to ensure success and lower project risk.

The agency has a vested interest in improving data quality and reporting as indicated by dedicating a position to focus on data governance activities and we are in the process of hiring a Data Architect. We have assigned data stewards and data custodians for each program area/system who meet regularly to discuss how to improve and align data. The time is right for the proposed change in the data culture for the agency and our partners given the demands of our expanding and integrated

program structure. The agency is prepared for this change and has the support from the entire executive leadership team led by Agency Director Ross Hunter.

Reports have traditionally been isolated to a single program and a specific need. Having data linked and structured across all early learning programs in a single repository will improve the accessibility and availability of data for the agency. This will also make duplicative data collections more visible. These duplicative data collections will be eliminated thus resulting in a reduction of non-value added work. Early learning sector dashboards will be created, to increase visibility of data, in addition to a self-service Business Intelligence portal for power users to create their own reports. A comprehensive program of predictive and discovery analytics can be established. This will empower agency staff to use data, reduce their reliance on custom data requests that can only be produced by information technology staff, and decrease the amount of time to fulfill most data requests.

Through data education programs and enhancing the existing data governance structure, staff will increase data quality, consistency of definitions, metadata availability which will improve the overall usability of the data. Tools will be used for data cleansing and profiling, lineage, metadata and master data management providing earlier detection of poor data quality via more automated data validation.

DEL has adopted the Lean Management approach and embraces a culture of continuous improvement and creative problem solving supported by the Plan-Do-Check-Act (PDCA) Lean methodology.

Risk mitigation: Primary goal is to mitigate risks associated with transformative initiatives. This criterion will be used to determine if the initiative provides adequate resources to mitigate risks associated with a transformative initiative. Risk planning may include budgeting for independent quality assurance, organizational change management, training, staffing, etc. (INTENT: Drive business value by encouraging risk taking that is well managed.)

In an effort to improve DEL's ability to meet program goals and objectives, the Bill & Melinda Gates Foundation funded a study to review the systems and processes in place for managing data. The study provided a Data Architecture Improvement Roadmap detailing an integrated data environment that will more efficiently, effectively and accurately meet the needs of the various Early Learning programs. Upon completion of the Data Architecture Improvement Roadmap in December 2014, the Gates Foundation funded a Master Data Management Roadmap project that is anticipated to be complete in May 2016. DEL will be well-positioned to immediately move forward with building the EDRS with the deliverables produced at the end of May 2016.

DEL has been a contributing partner to the Education Research and Data Center (ERDC) P-20W data warehouse and has had conversations with the ERDC regarding architectural alignment. DEL would be able to utilize much of the work performed by the ERDC as well as their valuable lessons learned.

The proposed solution aligns with the federal guidance for moving towards a Statewide Longitudinal Data Systems (SLDS) and Early Childhood Integrated Data System (ECIDS). An ECIDS does not replace the P- 20W data warehouse, but rather supplements it by integrating data across early childhood programs and then connecting the data to the P- 20W data warehouse. ECIDS is designed to answer questions focused on early childhood while P -20W is designed to answer questions that span more than one sector.

A strong program governance structure will be created which is inclusive of all early learning programs. The existing Data Governance Committee will play an active role with improving data quality and identifying data needs. The newly formed DEL research team will also participate.

A data education program for agency staff will be established along with a robust communication and training plan to build the knowledge, skills and abilities for staff as part of our organizational change management strategy.

Staffing for this project will be supplemented with the use of consultants and internal subject matter experts.

Customer-facing value: Add value in short increments. This criterion will be used to determine if the initiative provides “customer-facing value” in small increments quickly to drive agile strategy.

(INTENT: Drive agencies to producing value more quickly and incrementally.)

In keeping with Lean practices, the Enterprise Data and Reporting System is designed in agile phases which enables flexibility in determining project priorities, cost, schedules and resources once the initial data HUB environment is set up. End users will review and provide feedback of functionality and usability after each sprint in test environments to be used in future successive sprint planning. Once operational, reporting system enhancements, additions of functional programs areas or new regulatory mandates can be managed through prioritization and program funding levels.

Development, design, and configuration includes functional program analysts and end user participation in creating requirements, reviews and user acceptance testing. The development team will provide a review of the build after each sprint by stakeholders and end users. The project teams will include the appropriate business analysts to support the development cycles which will be broken down into meaningful blocks of features and functionality. Each sprint will use a standardized review process and user acceptance testing, including previously defined use cases. Design packages will be reviewed and approved by stakeholders on a timely basis prior to actual software development. Iterative design sessions will use appropriate techniques, such as joint application design (JAD) sessions as needed to assure high quality output as well as maintain development schedules.

The program is divided into successive six-month phases, with each phase having a clean stopping point at which success can be definitively measured and adjustments made if necessary. Each six month phase will be further split into formal sprints with defined deliverables and success criteria. During earlier stages, sprints will likely be 4-6 weeks in duration; as the team becomes more comfortable the duration will be shortened to 2-3 weeks so that customer facing value is obtained even faster.

***Open data:* New datasets exposed. This criterion will be used to assess if the initiative will increase public access to searchable, consumable machine-readable data from agencies. (INTENT: Drive agencies to make more data available to citizens. We also value making data available internally for better decision making.)**

If funded, the project provides access to open data that is coordinated across two or more agencies. DEL could greatly enhance the data sets provided to the data.wa.gov open data portal, which could lead to private citizens or companies using the data made available. DEL intends to make aggregate data sets spanning multiple programs in the health and human services sector available. Such examples are DSHS program eligibility and authorization data aligned with DEL child care provider data (including Early Achievers status/rating), DEL early learning professional data, actual usage of benefit and funds expended. Further connections with other agencies will also be investigated.

The project also makes data available internally in the form of early learning sector dashboards, a self-service business intelligence portal, as well as analytics capabilities. Data will be leveraged and used to inform both strategy and tactics so that DEL executives have a “playbook” of options to draw from when considering how to drive change.

***Transparency/accountability:* Project is clear, measurable, and immediate. This criterion will be used to assess if the initiative specifies the following: (1) Are the goals articulated? (2) Are performance outcomes identified, quantified and measurable? (INTENT: Award more points for better project and outcome performance measures.)**

The Bill & Melinda Gates Foundation grant will deliver a complete roadmap for implementation of the EDRS in May 2016. This will include an actionable plan with specific performance criteria that actual performance can be monitored against. The roadmap will also include a detailed project charter, project plan, IT investment plan, resources, timeline, workflow and other necessary components DEL will need to perform and execute the work outlined in the roadmap.

The EDRS is divided into successive six-month phases, with each phase having a clean stopping point at which success can be definitively measured and adjustments made if necessary.

The EDRS will:

- Reduce invalid and inconsistent data by 25 percent within the first six months after initial implementation and 50 percent within the first year of implementation;
- Eliminate IT resources spent fixing data issues, and drastically reduce IT resources building and maintaining custom system connections and data flows;
- Allow business analysts and partners to focus on producing reports and analytics without having to first spend large amounts of time auditing, finding, and fixing data issues;
- Improve both the data quality and the speed with which reporting and analysis results are delivered to policy makers, allowing them to make the best decisions with accurate, useful, and timely data; and
- Reduce time needed to produce reports by 50 percent

Technology Strategy Alignment – This set of criteria will be used to assess the alignment of the request to the larger technology strategy of the state.

Security: Improve agency security. This criterion will be used to assess the improvements to the overall security posture for an agency.

(INTENT: Award additional points to projects where intent is to improve the security across an agency.)

The EDRS will have FERPA and HIPPA suppression rules built in to reduce the risk of disclosing inappropriate data. Additionally, access to the EDRS environment will be role-based which will allow for the further restriction of sensitive and confidential data. Existing security policies will be reviewed and updated. Gaps in existing policies will be addressed with new policies. Further security will be achieved through user training on appropriate data use and disclosure.

The security posture will be improved by assigning access to a single system for data reporting rather than the numerous fragmented systems. Review of user accounts and access will occur regularly as part of the data governance process.

Modernization of state government: Cloud first. This criterion will be used to assess if the initiative will result in replacing legacy systems with contemporary solutions that drive our cloud-first strategy.

(INTENT: Drive agencies to look more intently at leveraging cloud-based solutions.)

The new reporting system is consistent with other data warehousing projects that are being developed in other state agencies. This project specifically improves the ability of DEL to provide educational data required by the Office of Financial Management for inclusion in the ERDC and P-20W data warehouse project. This project will move DEL data into an integrated, Enterprise system instead of traditional independent systems.

Mobility: New mobile services for citizens. This criterion will be used to assess the contribution of the initiative to support mobile government services for citizens and a mobile workforce.

(INTENT: Drive agencies to look for ways to deliver results and services that are accessible to citizens from mobile devices. While we also value mobility for employees, we place greater value on mobility for citizens.)

This project does not initially require a mobile reporting capability, however further enhancements by DEL leadership or other state mandates may require such a need.

If funded, DEL could greatly enhance the data sets provided to the data.wa.gov open data portal, which could lead to private citizens or companies creating mobile applications with the data made available.

Interoperability: Adds value in six months. This criterion will be used to determine if the initiative provides a technology system or software application that distributes, consumes or exchanges data.

(INTENT: Drive agencies to acquiring and/or developing systems that are interoperable across the state enterprise.)

DEL partners closely with DSHS, OSPI, DOH, and HCA to deliver our program services, as such interoperability is imperative. The EDRS will offer an API to partner agencies to exchange data. The EDRS will have interoperability built into the core system.

The master data management tools are built upon a service oriented architecture which will allow for utilizing existing investments within the enterprise (state of Washington).

Financial – This set of criteria will be used to assess the initiative’s financial contribution, including the extent the initiative uses other fund sources, reduces cost for the state, or captures new or unrealized revenue.

Captures new or unrealized revenue: This criterion is calculated based on the amount of new or unrealized revenue captured by the end of the 2017-19 biennium as a proportion of total investment. To get the full points in this category, projects must capture at least five times the amount of the investment by the end of the 2017-19 biennium.

This project does not generate new revenue, however cost avoidance through reduction of hours worked and overpayment is anticipated.

Reduces costs: This criterion is calculated based on the amount of cost reduction by the end of the 2017-19 biennium as a proportion of total investment. To get the full points for this criterion, projects must reduce costs by at least two times the amount of the investment by the end of the 2017-19 biennium.

Costs to DEL will be reduced by having fewer contracts for data reporting and analytics for mandated reports and other agency data reporting needs. This effort requires a knowledge transfer out of the agency to prepare and validate data quality at significant cost.

Costs to DEL will be reduced by the reduction in hours needed to gather data requested from the different systems. It is often the case that during the course of gathering the data, inconsistencies are found. These inconsistencies require more hours to adequately be explained and or eliminated.

The EDRS will eliminate or drastically reduce resources fixing data issues, and IT resources building and maintaining custom system connections and data flows. The EDRS will allow business analysts and partners to focus on producing reports and analytics without having to first spend large amounts of time auditing, finding, and fixing data issues.

By fixing these issues DEL and its stakeholders will have better access to cleaner data to perform more efficient and effective analysis.

More accurate data will assist in the detection of fraudulent activities and reduce the occurrence of overpayment.

Leverages federal/grant funding: This criterion is to calculate the degree in which projects are funded by federal or grant dollars. Projects that are fully funded by federal or grant sources receive full points.

Although this budget request is not funded by federal or grant dollars, the planning phase was made possible through two separate but connected Bill & Melinda Gates Foundation grants. In an effort to improve DEL's ability to meet program goals and objectives the Gates Foundation funded a study to review the systems and processes in place for managing data. The study provided a Data Architecture Improvement Roadmap detailing an integrated data environment that will more efficiently, effectively and accurately meet the needs of the various Early Learning programs. Upon completion of the Data Architecture Improvement Roadmap in December 2014, the Gates Foundation funded a Master Data Management Roadmap project that is anticipated to be complete in May 2016. DEL will be well-positioned to immediately move forward with building the EDRS with the deliverables produced at the end of May 2016.

DEL Enterprise Data and Reporting System (EDRS)

