



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Early Learning

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) July 1, 2012 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

The Department of Early Learning is permanently adopting changes to rules establishing procedures for background checks conducted by DEL. DEL conducts background checks to find and evaluate any history of arrests, convictions, negative actions, or other information that raises concern about an individual's character, suitability, or competence to care for or have unsupervised access to children in care. The proposed rules are intended to update the rules for several purposes, including to:

- Implement applicable provisions of SSHB 1903 that requires the Department of Early Learning to establish and maintain individual-based or portable background check registry.
- Add requirements for disclosure of conviction and non-conviction information and add a requirement for a non-criminal background check for individuals fourteen to sixteen years of age. The proposed rules also clarify disqualification requirements and reconsideration processes.
- Improve clarity of DEL background check requirements

Citation of existing rules affected by this order:

Repealed: 170-06-0030

Amended: 170-06-0010, 170-06-0020, 170-06-0040, 170-06-0050, 170-06-0060, 170-06-0070, 170-06-0080, 170-06-0090, 170-06-0100, 170-06-0110, 170-06-0120

Suspended:

Statutory authority for adoption: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, and 43.43.832; chapter 43.215 and 43.43 RCW

Other authority : 2SHB 1903, 2011

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-07-088 on March 21, 2012 (date).

Describe any changes other than editing from proposed to adopted version:

1. WAC 170-06-0040 (5) added "during the hours for which the licensee is licensed or certified to provide child care".
2. WAC 170-06-0080 (2) changed to read "If the department sends a notice of disqualification, the ((applicant)) subject individual will not be authorized to care for or have unsupervised access to children in child care, or to be present on the premises of a licensed or certified facility during the hours for which a licensee is licensed or certified to provide child care".
3. WAC 170-06-0070 (7) (d) added "Subject to federal and state law,"

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: May 30, 2012

NAME (TYPE OR PRINT)

Elizabeth M. Hyde

SIGNATURE

TITLE

DEL Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 30, 2012

TIME: 1:22 PM

WSR 12-12-040

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>1</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>5</u>	Amended	<u>11</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>5</u>	Amended	<u>11</u>	Repealed	<u>1</u>