

# PUBLIC TESTIMONY SUMMARY

## I-900 STATE AUDITOR'S PERFORMANCE AUDIT:

### Protecting Children from Sex Offenders in Child Care, Foster Care, and Schools (August 1, 2012)

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As Heard by the Joint Legislative Audit & Review Sub-Committee on I-900 Performance Audits  
on August 15, 2012

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#### **Title: Protecting Children from Sex Offenders in Child Care, Foster Care, and Schools**

##### **Audit Scope and Objectives:**

SAO reports that this audit was designed to answer the following question:

Can Washington's sex offender database be used to enhance monitoring of state-regulated facilities with children?

SAO indicates the audit included three agencies that share in the education, oversight, and protection of children in Washington: the Department of Early Learning (DEL) and two divisions of the Department of Social and Health Services (DSHS) regulate child and foster care homes and administer unlicensed, subsidized child care programs, while the Office of Superintendent of Public Instruction (OSPI) is the primary oversight agency for K-12 public education.

##### **SAO Findings:**

Issue 1: Sex offenders lived undetected in state regulated and state subsidized child or foster care settings.

Issue 2: A sex offender worked undetected in a school for nine years.

##### **SAO Recommendations:**

1. DEL and DSHS should continue to work together and develop and put in place a strategy for periodically matching registered sex offender addresses, provided by either the Washington Association of Sheriffs and Police Chiefs or the State Patrol, to those who provide care for vulnerable children and adults.
2. DEL and DSHS should ensure the databases used to identify child and foster care provider addresses for the quarterly matching process are complete and accurate.

**SAO Recommendations** (continued)

3. DEL and DSHS should continue to work together and clarify administrative rules in the Working Connections child care program to specify who in the household is required to undergo a background check when unregulated child care providers and children receiving care live in the same home.
4. OSPI's quarterly criminal conviction monitoring must include all school employees, including certificated and classified employees.
5. The State Patrol must give OSPI complete and updated information on all convictions and guilty pleas that prohibit individuals from working in schools, including sex offenders living in Washington but convicted in other states.

<b>Agency Responses in Audit Report?</b>	Yes, beginning on page 19
<b>Legislative Action Requested?</b>	No

**Agencies Testifying:**

The Department of Early Learning (Amy Blondin, Government and Community Relations Manager)

The Department of Social and Health Services (Kevin Krueger, Chief Risk Officer)

The Washington State Patrol (Jim Anderson, Administrator of the Criminal Records Division)

Office of Superintendent of Public Instruction (JoLynn Berge, Acting Chief Financial Officer)

**Summary of Testimony from Audited Agencies:**

The Department of Early Learning welcomes this report. Child care providers are good people doing hard work, but very occasionally a provider does not divulge information about a sex offender living on premises. This report gave us a new approach for making sure that children in child care are safe. We are taking or have taken three specific steps in response to this audit: 1) we will be meeting with DSHS on a quarterly basis to match up sex offender addresses against child care provider addresses, taking action quickly if matches are found; 2) we revoked the license of one of the two licensed providers identified in the audit (the other provider is no longer licensed, but a note of the audit finding is now in the person's file); and 3) we are clarifying our rules about background checks for license-exempt child care providers.

The Department of Social and Health Services is responsible for more than 8,000 children in foster care and over 5,800 children in unregulated child care. The possibility that any of these children could be exposed to a sex offender while in such care is unacceptable. We concur with the audit findings and appreciate that the report shows a way to better accomplish our mission of serving individuals, families, and communities. When the auditors notified us of the matches they had found, the Department worked quickly to investigate the situations and to take appropriate action, including removing children when necessary, revoking licenses, and/or

discontinuing subsidy payments. DSHS and DEL have now established a quarterly matching process that will be expanded to include foster care addresses by October 2012. This quarterly matching process will help ensure that sex offenders do not live in a care provider's home.

The Washington State Patrol's Criminal Records Division is the repository for all criminal history in Washington. When an arrest is made and a person is booked, the fingerprints and the rest of the information come to the Division. When there is a court disposition, that information is matched to the arrest information. This criminal history information is used both in the criminal justice community and for civil purposes, including use by DSHS and OSPI in conducting background checks. This report noted that, as part of our work with OSPI, the scope of crime codes that are disqualifiers for school employment had not been updated in the data extract sent to OSPI since work began in 2005. We have now implemented a process to update that extract after the legislative session ends so that OSPI will receive all the applicable crime codes.

Legislators are asking why OSPI staff had thought that state law required quarterly conviction reviews of only certificated employees but not classified employees. We believe it was a simple misinterpretation of the statute when the law changed in 2005; OSPI has other investigative authority over certificated staff, but not classified staff. As soon as the audit brought this to our attention, we reviewed 650,000 employee records dating back to 2005 and did not find any other instances of sex offenders. We believe this to be because finger-printing is working to identify offenders before they are hired and because there are other compensating controls.

**Other Parties Testifying:**

(No other parties signed in to testify.)

**Summary of Testimony from Other Parties:**

(No other parties signed in to testify.)