

**AGENDA
ASSEMBLY BUDGET SUBCOMMITTEE NO. 1
ON HEALTH AND HUMAN SERVICES**

Assemblymember Gilbert Cedillo, Chair

**WEDNESDAY, APRIL 24, 2002
STATE CAPITOL, ROOM 444
5:30 PM**

ITEMS TO BE HEARD

ITEM	DESCRIPTION	PAGE
5180	DEPARTMENT OF SOCIAL SERVICES	2
ISSUE 1	COMMUNITY CARE LICENSING DIVISION VACANCIES AND STAFFING	2
ISSUE 2	COMMUNITY CARE LICENSING PROCESS	4
ISSUE 3	COMMUNITY CARE LICENSING CHILD CARE LICENSE EXEMPTION PROCESS	6
0820	DEPARTMENT OF JUSTICE	10
ISSUE 4	DEPARTMENT OF JUSTICE CRIMINAL HISTORY BACKGROUND CHECK PROCESS	10
5180	DEPARTMENT OF SOCIAL SERVICES	16
ISSUE 5	RECENT LEGISLATIVE HISTORY OF BACKGROUND CHECKS FOR COMMUNITY CARE LICENSING	16
ISSUE 6	EFFECT OF REGULATIONS UPON CHILD CARE FIELD	18

ITEM 5180 DEPARTMENT OF SOCIAL SERVICES**ISSUE 1: COMMUNITY CARE LICENSING DIVISION VACANCIES AND STAFFING**

The Department of Finance has issued two Spring Fiscal Letters addressing Community Care Licensing Division staffing levels.

BACKGROUND:

There are two Spring Fiscal Letters addressing the staffing levels of the Community Care Licensing Division.

1. The Department of Finance has issued a Spring Fiscal Letter reducing a budget proposal for increased licensing staff.

Foster Family Agencies (FFAs) are nonprofit organizations that recruit foster parents, certify them for participation in the program, and provide training and support services. Originally, FFAs investigated complaints associated with their own certified foster family homes. However, Chapter 311, Statutes of 1998 (SB 933, Thompson), transferred the investigation of these complaints from the FFAs to Community Care Licensing Division (CCLD). This transfer was effective July 1999. To meet this workload, the Legislature approved 42 positions (13.5 permanent and 28.5 limited term). In 2000, 3.5 support staff positions were eliminated, leaving 25 limited-term positions.

The Budget proposes 19 new CCLD positions and the conversion of the 25 two-year limited term CCLD positions, noted above, to permanent status. To calculate the Budget-year FFA complaint workload, the Budget uses the number of FFA homes as a proxy for the number of complaints. While the number of FFA homes was a reasonable approach to estimate an unknown workload several years ago, actual caseload data is now available and we believe this is a better predictor of workload in this area.

The Legislative Analyst's Office used 2000-01 complaint data and CCLD's complaint investigation workload standard--16 hours per complaint--to determine recommended staffing. Using these data, the LAO estimated five fewer Licensing Program Analysts (LPAs) will be needed in 2002-03. Because support staff are budgeted according to the number of LPAs, the support staff should be reduced correspondingly by two and the supervisory staff reduced by one. Finally, the LAO recommends a technical correction--denying three other support staff positions--as these exceed CCL statutory staffing and workload standards. Accordingly, The LAO recommends the denial of 11 total positions (five LPAs; three office assistants; two office technicians; and one licensing program supervisor) for a \$425,000 General Fund savings

2. In addition to the above budget proposal, the Department of Finance has issued a Spring Fiscal Letter restoring 15.8 positions reduced in the Governor's Budget proposal. The Governor's Budget proposed eliminating 25.3 positions in the CCLD as part of the Department of Social Services' General Fund reduction proposal. The Budget assumed that streamlining the school-aged child care facilities operations would allow for a reduction in staffing. Specifically, the Department proposed maintaining the full background check for all care-providers and reducing the frequency of site visits for before and after-school programs from

annual to triennial. Currently, the DSS conducts a site visit of licensed family day care homes every three years and child care centers annually.

After reviewing the workload level of the Division, the Department of Social Services found that it would need 15.8 positions to fully staff the projected need for the before and after-school licensing function of the CCLD.

COMMENTS:

The Subcommittee considered the Community Care Licensing caseload staffing budget change proposal on April 10th, but did not adopt the Spring Fiscal letter at that time.

The Department of Social Services has provided the following chart in response to Subcommittee questions regarding Departmental vacancies:

DEPARTMENT OF SOCIAL SERVICES (As of March 31, 2002)	
Position	Count
Authorized	4,651.30
Filled Positions	-4,193.08
Vacant Positions	458.22
Budgeted Salary Savings	-363.40
Net Vacancies	94.82
Recruitment/Exemption Requests in process	-100.40
Net Vacancies	-5.58

In addition, the Department of Social Services has prepared the following table outlining the vacancy level for the Community Care Licensing Division:

COMMUNITY CARE LICENSING DIVISION	
Positions	Count
Authorized	1,187.10
Filled Positions	-1,040.55
Vacant Positions	146.55
Budgeted Salary Savings	-92.70
Net Vacancies	53.85
Recruitment/Exemption Requests in process	-54.20
Net Vacancies	-0.35

ISSUE 2: COMMUNITY CARE LICENSING PROCESS

The Subcommittee will explore the process for obtaining a license through the Community Care Licensing Division

BACKGROUND:

The Community Care Licensing Division (CCLD) develops and enforces regulations designed to protect the health and safety of individuals in 24-hour residential care facilities and day care. Licensed facilities include child care; foster family and group homes; adult residential facilities; and residential facilities for the elderly. The Governor's Budget proposes expenditures of \$117 million (\$45 million General Fund) for the CCLD in 2002-03.

The Department has an extensive application process that is required to obtain a license, which includes the background check. The Department will provide details on the licensing process.

Anyone associated with a licensed childcare facility or home, including all employees, volunteers and frequent guests are required to go through a background and health check. The background check goes through the Department of Justice background check process. An individual is allowed to start work once the background check has been initiated through CCLD.

The background check for Child Care Licensing or employment includes four different processes including the Department of Justice check, a Federal Bureau of Investigations background check, a Child Abuse Central Index check, and an investigation of serious crimes. Further discussion of the background check will occur during Issue 4 on the agenda.

Once the Department of Justice completes the check, the results are sent to the Department of Social Service's Community Care Licensing Division.

No person can work or volunteer in a child care facility if they have been convicted of a crime other than a minor traffic violation. The CCLD can issue an exemption from this provision for certain crimes. This issue will be discussed during Issue 3 on the agenda.

If a current licensee or employee has been arrested for a crime, it may take several weeks for the CCLD to be notified by the Department of Justice. Once the Department is notified, it conducts its own investigation before taking action in order to determine whether an individual should continue to work in a child care facilities.

Providers are required to report any criminal activities that occur on their premises to the Community Care Licensing Division.

COMMENTS:

The Department will present the function of the Community Care Licensing Division to the Subcommittee.

The Department notes that while an arrest report may take weeks to reach the CCLD due to delays in the local law enforcement agency crime reporting, in practice the Department often

gets immediate notification from local law enforcement agencies of any serious crime that may threaten the well being of a child.

ISSUE 3: COMMUNITY CARE LICENSING CHILD CARE LICENSE EXEMPTION PROCESS

The Department will provide a detailed discussion of its exemption process for child care providers with a criminal conviction.

BACKGROUND:

If the criminal history background check reveals that an applicant for a child care license has a criminal record, the Department of Social Services can still grant a license to the applicant through an exemption.

Individuals guilty of certain crimes are not eligible for an exemption. These crimes are:

- (1) Penal Code sections 186.22 and 136.1 — Gang Related / Intimidation of Witnesses or Victims
- (2) Penal Code sections 187, 190-190.4 and 192(a) — Any Murder/ Attempted Murder/Voluntary Manslaughter
- (3) Penal Code section 203 — Any Mayhem
- (4) Penal Code section 206 — Torture
- (5) Penal Code sections 207, 208, 209, 209.5, 210 — Kidnapping
- (6) Penal Code section 211, 212, 212.5, 213, 214 — Any Robbery
- (7) Penal Code section 215 — Carjacking
- (8) Penal Code section 220 — Assault with intent to commit mayhem, rape, sodomy or oral copulation, etc.
- (9) Penal Code section 243.4 — Sexual Battery
- (10) Penal Code section 261(a)(1)(2)(3)(4) or (6) — Rape
- (11) Penal Code section 262(a)(1) or (4) Rape of Spouse
- (12) Penal Code section 264.1 — Rape in concert
- (13) Penal Code section 266 — Enticing minor into prostitution
- (14) Penal Code section 266c — Induce to sexual intercourse, etc. by fear or consent through fraud
- (15) Penal Code section 266h(b) — Pimping a minor
- (16) Penal Code section 266i(b) — Pandering a minor
- (17) Penal Code section 266j — Providing a minor under 16 for lewd or lascivious act
- (18) Penal Code section 267 — Abduction for prostitution
- (19) Penal Code section 269 — Aggravated assault of a child
- (20) Penal Code section 272 — Contributing to delinquency of a minor
- (21) Penal Code section 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994] — Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death.
- (22) Penal Code section 273d — Willfully inflicting any cruel or inhuman corporal punishment or injury on a child
- (23) Penal Code section 285 — Incest
- (24) Penal Code section 286 — Sodomy
- (25) Penal Code section 288 — Lewd or lascivious act upon a child under 14
- (26) Penal Code section 288a — Oral copulation

- (27) Penal Code section 288.2 — Felony conviction only for distributing lewd material to children
- (28) Penal Code section 288.5 — Continuous sexual abuse of a child.
- (29) Penal Code section 289 — Genital or anal penetration by foreign object
- (30) Penal Code section 290(a) — Registering with local law enforcement.
- (31) Penal Code section 311.2(b)(c) or (d) — Transporting or distributing child-related pornography
- (32) Penal Code section 311.3 — Sexual exploitation of a child
- (33) Penal Code section 311.4 — Using a minor to assist in making or distributing child pornography
- (34) Penal Code section 311.10 — Advertising or distributing child pornography
- (35) Penal Code section 311.11 — Possessing child pornography
- (36) Penal Code section 314(1) or (2) — Lewd or obscene exposure of private parts
- (37) Penal Code section 347(a) — Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, or reservoir
- (38) Penal Code section 368 — elder or dependent adult abuse
- (39) Penal Code section 417(b) — Drawing, Exhibiting, or Using Firearm or Deadly Weapon
- (40) Penal Code section 451(a)(b) — Arson
- (41) Penal Code section 460(a) — First Degree Burglary
- (42) Penal Code sections 186.22 and 518 — Gang Related / Extortion
- (43) Penal Code section 647.6 or prior to 1987 former section 647a — Annoy, molest child under 18
- (44) Penal Code section 653f(c) — Solicit another to commit rape, sodomy etc.
- (45) Penal Code section 664/187 — Any Attempted Murder
- (46) Penal Code section 667.5(c)(7) — Any Felony punishable by death or imprisonment in the State prison for life but not for an indeterminate sentence
- (47) Penal Code section 667.5(c)(8) — Enhancement for any felony which inflicts great bodily injury
- (48) Penal Code section 667.5(c)(13) Enhancement for violation of Penal Code sections 12308, 12309, 12310 — exploding or igniting or attempting to explode or ignite any destructive device or explosive with the intent to commit murder
- (49) Penal Code section 667.5(c)(14) — Any Kidnapping — Penal Code sections 207, 208, 209, 209.5 and 210
- (50) Penal Code section 667.5(c)(22), Any violation of Pen. Code, § 12022.53 — Enhancement for listed felonies where Use of Firearm
- (51) Business and Professions Code section 729 — Sexual Exploitation by Physicians, Surgeons, Psychotherapists, or Alcohol and Drug abuse Counselors

Any applicant that has been convicted of a felony is automatically “excluded” from a child care center and is not permitted to enter the facility until they are granted an exemption.

If an individual has been convicted of a crime other than one listed above, they are eligible to seek an exemption.

There are two separate exemption processes, the Department of Simplified Exemption process and the Standard Exemption process.

The Department initiates the Simplified Exemption. The Department can grant an exemption for certain minor misdemeanors if the applicant meets the following criteria:

- The applicant has been convicted of one misdemeanor and their probation period ended more than three years prior to the application date.
- The applicant has been convicted of two misdemeanors and their probation period ended more than five years prior to the application date.
- The applicant has been convicted of three misdemeanors and their probation period ended more than ten years prior to the application date.

Applicants with more than four misdemeanors are not eligible for a Simplified Exemption.

If an applicant has been convicted of a crime and is not eligible for a Simplified Exemption, they can apply for a Standard Exemption.

To apply for a Standard Exemption, the Department requires the applicant to provide three letters of reference of the applicant's good character. The Department then conducts a study of the applicant's criminal record to determine whether the applicant has been rehabilitated and has shown redemption for their crime. The Department considers the nature of the crime, the pattern of criminal behavior, rehabilitation, and the time that has passes since the conviction occurred.

COMMENTS:

The Department has commented that in response to the 2000 State Audit, it has improved its supervision of the exemption process. In particular, the Department requires supervisory review of all exemptions provided to convicted felons. For misdemeanors, the Department requires the review of a random 10 percent sample of all granted exemptions from each of the staff in the CCLD.

The Department of Social Services has provided the following table detailing the number of exemptions provided over the last seven year:

Category	1995	1996	1997	1998	1999	2000	2001	*2002
Number of Individuals Associated with a Child Care Facility	237,494	238,178	244,956	258,040	285,071	307,608	331,534	298,772
Total Exemption Requests	2,089	1,900	2,073	2,887	3,803	4,951	6,536	1,878
Exemptions Granted	1,408	1,296	1,269	1,790	2,485	2,266	3,148	897
% Exemption Granted (1.)	67.40%	68.21%	61.22%	62.00%	65.34%	45.77%	48.16%	47.76%
Exemptions Not Approved	1,452	1,261	1,097	1,328	1,813	2,633	2,552	592
% Exemptions Granted to Individuals Associated	0.59%	0.54%	0.52%	0.69%	0.87%	0.74%	0.95%	0.30%

The Department of Social Services has also provided the following table detailing the number of current active exemptions:

As of September 11, 2001: (matches CBS Lawsuit Database Numbers)	Total Number	Percentage of all child care licensees
Number of Individuals Associated with (working/living in) a Child Care Facility	275,148	100%
Exemptions Granted Active Working/Living in	4,083	1.48%
Exemptions Granted Active Not Working/Living in	3,685	1.34%
Total Active Exemptions	7,768	2.82%

ITEM 0820 DEPARTMENT OF JUSTICE**ISSUE 4: DEPARTMENT OF JUSTICE CRIMINAL HISTORY BACKGROUND CHECK PROCESS**

The Department will present its criminal background check process.

BACKGROUND:

The Department of Justice 1) provides criminal history background checks to the Department of Social Services when a new licensee applies for a license with the Community Care Licensing Division and 2) notifies the Department of Social Services when a currently licensed individual is arrested for a crime.

APPLICATION PROCESS

The Department of Justice has provided a chart detailing the applicant process for the criminal history background check (ATTACHMENT 1). The chart illustrates the process in which all criminal history background checks are performed. The process is as follows:

- 1) The Department of Justice receives a criminal background check history request accompanied with a fingerprint image. Most (79%) of the fingerprinting is completed using a Live Scan computerized fingerprint imaging device, but some (21%) of the fingerprinting uses an Applicant Card Scan, which is a rolled-ink fingerprint that is converted to the Live Scan fingerprint image. The Live Scan computer system contains quality control measures to minimize data entry error in the application process.
- 2) The Live Scan fingerprint image is submitted to the Department of Justice.
- 3) The Department of Justice verifies applicant fingerprints and name matches against existing automated criminal history and fingerprint identification systems including the State Department of Justice records and the Federal Bureau of Investigations system.
- 4) The results of the match are provided to the applicant agencies. For child care licensing, the Department of Social Services is notified by the Department of Justice. There are three possible outcomes:
 - a) The applicant has no criminal history match: the chart indicates that 85 percent of all applicants have no criminal history background, for child care, 87 percent of child care licensee matches have no criminal background.
 - b) The applicant has a criminal history match with a complete record: the chart indicates that this is about 8 percent of all criminal background checks, it is about 7 percent of all child care licensee applicants
 - c) The applicant has a criminal history background match with an incomplete criminal record, the chart indicates that this is 6 percent of all criminal background checks, it is also 7 percent of all child care licensee applicants.
- 5) If there is a criminal match, the Department of Justice must provide a "sanitized record" to the Department of Social Services. The Department of Justice begins with a complete record and must retype the entire record to provide the Department with only the portions of the criminal record required by the Department of Social Services for licensing.

The Department of Justice also conducts a Child Abuse Central Index check for all child care licensee and employee applicants. The Child Abuse Central Index contains reports of abuse

and neglect of children recorded by local law enforcement and child protective agencies. About two percent of all applicants have a match with the Child Abuse Central Index.

The Department of Justice provided the following timeframes for child care licensing:

Situation	Response Time
Received via Live Scan with no prior record	1-3 days
Received via Applicant Care Scan with no prior record	3-5 days
Applicant has a criminal history with a complete record	7-14 days
Applicant has a criminal history with missing information	Over 30 days

The Department of Justice is required to make an attempt to retrieve the disposition of any open item in an applicant's criminal history. However, if the review finds that an applicant has been guilty of an excludible crime, the Department of Justice will expedite its review of the criminal history to provide immediate feedback to the Community Care Licensing Division. Both the Department of Justice and the Community Care Licensing Division report that in such cases, the Division is usually notified by phone so that the individual is immediately excluded from the facility in which they are employed.

SUBSEQUENT ARREST NOTIFICATION

When a current licensee has been arrested, the Department of Justice notifies the Department of Social Services. When an arrest takes place, the local police department and the courts notify the Department of Justice of the arrest. In most of California, the arrest notification can take up to 30 days to be entered on the Department of Justice system, due to local agency resource constraints. Once the Department of Justice receives notification that a current licensee has been arrested or cited for a crime, it verifies the status of the case with the local agencies before notifying the Department of Social Services.

The Department of Justice comments that for some offenses, local law enforcement agencies "cite and release" offenders. In these cases, the local agencies may not submit the offense to the Department of Justice automated system.

COMMENTS:

The Department of Justice comments that when a criminal background history is incomplete it is likely due to a missing case disposition in the automated record. Often, this is due the county court or police offices not updating the automated system. Often, it takes several months or even more than a year for the Department of Justice to complete the record because the local entities do not have sufficient staffing to the respond the Department of Justice request in a timely manner.

ITEM 5180 DEPARTMENT OF SOCIAL SERVICES**ISSUE 5: RECENT LEGISLATIVE HISTORY OF BACKGROUND CHECKS FOR COMMUNITY CARE LICENSING**

The Subcommittee will discuss the recent history of Community Care Licensing background checks and the Governor's recent Executive Order.

BACKGROUND:

During the mid-1970's the Community Care Licensing Division began requiring applicants for a license or employment at a licensed facility to submit fingerprints as part of a criminal background check. At the time, this process was done manually.

During the 1980's, the Community Care Licensing Division was criticized for interfering with the operation of child care centers. Attachment 2, an editorial from the Orange County Register provides an example of criticism the Department received for its "arbitrary regulations regarding day care". Despite this criticism, the State maintained its strict licensure policy.

In the mid-1980's legislation was passed requiring that the Community Care Licensing Division investigate check all child care licensee applicants with the Child Abuse Central Index. The Child Abuse Central Index reports all reports of child abuse received by law enforcement and child protective services.

Beginning in 1995, the State began to pilot using Livescan, an automated fingerprint imaging system in lieu of the manual fingerprints. The pilot showed substantial improvement in the processing speed of background checks.

In 1998, as part of several changes to the foster care program, the 1998-99 Budget trailer bill SB 933 (Thomson) required statewide Livescan fingerprint imaging of all staff persons licensed through the Community Care Licensing Division. The legislation required the immediate exclusion of felons without an exemption from a child care center. In addition SB 933 required a FBI Background Check to determine whether an applicant has a conviction in another jurisdiction. Finally, SB 933 required that child care employees get fingerprinted at the time of employment. Prior to that time, child care licensee were permitted to work 4-20 days before getting fingerprinted and, in practice, many employees would not get fingerprinted for several months. The Department of Social Services issued guidelines (ATTACHMENT 3) reflecting these new requirements.

In 1999, SB 618 (Chesbro) required the Department of Social Services (DSS) to convene a workgroup to review the existing criminal background check process and provider screening requirements.

In August 2000, the California State Auditor released its report "Department of Social Services: To Ensure Safe, Licensed Child Care Facilities, It Needs to More Diligently Assess Criminal Histories, Monitor Facilities, and Enforce Disciplinary Action."

On September 28, 2000, the Governor signed SB 1992 (Chesbro) into law. The legislation modified the criminal clearance requirements for licensees and staff of residential and day care

facilities licensed by the Department of Social Services. SB 1992 was the result of the SB 618 workgroups recommendations and addressed many of the concerns of the State audit.

The legislation had the following provisions:

- Required criminal background clearances by the State Department of Justice (DOJ) and the Federal Bureau of Investigation of licensees, of all non-client adults residing in the facility, and individuals who provide care and supervision to clients in the facility.
- Prohibited licensure of a facility and requires revocation of a license that has already been issued, if DSS finds that one of the individuals has been convicted of a crime other than a minor traffic violation.
- Permitted DSS to grant an exemption for individuals with criminal histories if it finds substantial and convincing evidence to support a belief that the individual is of good character.
- Clarified that an individual's criminal record clearance can be transferred from one licensed facility to another.
- Applied to persons seeking a license to operate a community care facility, a residential care facility for persons with chronic illness, a residential care facility for the elderly, or a child care facility, persons other than clients who reside in the facility and persons who provide care to clients or supervise staff.
- Permitted DSS to continue processing an application when it learns the applicant is awaiting trial for a crime.
- Prohibited DSS from granting an exemption if the individual was convicted of specified violent crimes, including child abuse, crimes of a sexual nature, and assault with a deadly weapon or force.
- Expanded the list of crimes for which an exemption cannot be granted to include sexual exploitation by a physician or other specified professional, torture, carjacking with the use of a dangerous weapon, drawing or exhibiting a firearm in a day care center, willful food poisoning, and arson under specified circumstances.

In August, 2001, in CBS Broadcasting Corporation Inc. v Los Angeles County Superior Court the Appellate Court ruled that a parents right to know about the background of their child care providers outweighed the privacy rights of the individuals with criminal background exemptions. In addition, the Court found that the State had to disclose to CBS the names of all child care providers that were granted an exemption after 1995.

On March 21, 2002, the Governor issued a directive (Attachment 4) which has the following three provisions:

- 1) Prohibit all criminal background check exemption for child care licensing for 6 months
- 2) Require the Department of Social Services to conduct a comprehensive review of the current background check process.
- 3) Require the Department of Social Services to issue emergency regulations requiring child care providers to notify parents if anyone associated with a facility had been issued an exemption.

In response, the Department of Social Services issued a letter to child care providers on March 22, 2002 (ATTACHMENT 5)

COMMENTS:

The Department has sent a letter to facilities explain the Governor's directive. However, the Department commented at a recent Joint Legislative Audit Committee hearing that no penalties will be assessed to agencies that fail to release this information until the emergency regulations have been issued.

The California State Auditor has released a follow up report to its 2000 audit. The following table details the auditors findings and the its current assessment of the Department of Social Services and the Legislature's status:

August 2000 Audit Finding	Assessment of the California State Auditor on current status
1. Social Services has significant discretion and should us greater caution when issuing criminal history exemptions.	Department has taken corrective action. The Legislature has taken partial corrective action.
2. Social Services' criminal history checks are slow, sometimes incomplete, and its FBI check procedures are questionable.	Department has taken partial corrective action on slow and incomplete background checks. Department has taken corrective action on FBI checks The Legislature has not taken corrective action.
3. Justice's process for reporting subsequent criminal activity is flawed.	Justice has taken partial corrective action.
4. Parents lack information about caregivers' criminal history exemptions.	The Legislature has not taken corrective action, the Governor vetoed AB 2431 in August 2000. The Department has taken partial corrective action.
5. Social Services has been lax in ensuring complaints against child care facilities are corrected and that required periodic monitoring is performed.	The Department has taken partial corrective action
6. Social Services oversight of its staff and district operations is insufficient, and it does not consistently monitor county licensing functions.	The Department has taken corrective action on district office oversight. The Department has taken partial corrective action on quality control. The Department has taken corrective action to review each county authorized to perform child care licensing.
7. Social Services should take further steps to process legal actions more quickly.	The Department has taken partial corrective action.
8. Social Services' enforcement of legal actions is weak	The Department has taken corrective action.

While the Department has been criticized for failing to comply with the audit, it has at least partially complied with all of the auditor's recommendations. However, the Legislature has failed to comply with two out of three of its recommendations.

The California State Auditor believes that the Legislature has not complied with its audit finding regarding FBI Background checks because the Department allows individuals to work pending receipt of their background histories by the CCLD.

Some child care providers have commented that the Governor's directive was misleading and confusing for their operations. Because providers are not able to disclose the nature of the exemption that has been granted, it has placed providers in a difficult position.

There has been concern that the Spanish version of the DSS letter was not adequately translated and that some Spanish-speaking providers are incorrectly filling out their exemption disclosure forms in their centers.

ISSUE 6: EFFECT OF REGULATIONS UPON CHILD CARE FIELD

The Subcommittee will hear testimony regarding the effect of the emergency regulations on the child care industry and workforce.

BACKGROUND:

Any child care provider that has been convicted of any crime other than a minor traffic violation must receive an exemption to work for a licensed provider. The Governor's Directive has required that child care providers disclose that must disclose whether an individual with an exemption works or resides in their facility.

COMMENTS:

The Subcommittee will hear testimony on the effect of the Governor's Directive upon child care providers.