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DECLINING USE OF SUBSIDIZED CHILD CARE: THE ROLE OF CRIMINAL BACKGROUND CHECKS

After five years of sustained growth, the Working Connections Child Care subsidy program faced budget shortfalls in 2002, and steps were taken to reduce costs. Subsequently, caseloads and expenditures fell dramatically. Although the declines were assumed to result from policy changes intended to save money,¹ a recent Department of Social and Health Services (DSHS) publication attributes declining Working Connections caseloads to policies and practices regarding criminal background checks.² This Washington State Institute for Public Policy (Institute) report provides statistical evidence of the causal links hypothesized in the DSHS report and describes the populations affected by criminal background checks. We also include information on background check policies in other states.

Working Connections Child Care

Working Connections began in 1997 when several state child care assistance programs were combined. The program helps low-income families pay for child care while parents work or attend approved training programs.

The program serves two populations:

- Families receiving Temporary Assistance for Needy Families (TANF) participating in approved activities; and
- Low-income working families (non-TANF).

¹ Washington State Child Care Coordinating Committee. 2003. *Policy Options Paper, Working Connections Child Care*. <http://www1.dshs.wa.gov/pdf/esa/dccel/subsidy_analysis_11-14-03.pdf>.

² L. Schrager. 2005. *Working Connections Child Care Caseload Changes, 2002 to 2004*, Division of Child Care and Early Learning, Economic Services Administration, Department of Social and Health Services, May 12, 2005. <http://www1.dshs.wa.gov/pdf/esa/dccel/Exempt_Care.pdf>.

SUMMARY

Background: After a period of sustained growth, in 2002 the Working Connections Child Care program faced a financial crisis, and cost containment measures were instituted. Between 2002 and 2004, program costs fell by 13 percent, and the declines were attributed to the cost-containment measures.¹ However, a recent publication from the Department of Social and Health Services (DSHS) reports declines in the use of in-home/relative care (care provided in the child's or a relative's home) but not in the use of licensed care. The DSHS report suggests that changes in policies regarding criminal background checks of in-home/relative providers were the primary reason for caseload reductions.²

To determine if there is a causal link between criminal background check policies and the caseload, the Institute conducted a statistical analysis of data combined from DSHS child care payment records with DSHS welfare records and the Employment Security Department's records of wages and hours worked.

Findings: There is credible, statistical evidence that, after controlling for other factors, certain policies and procedures regarding criminal background checks have:

- Discouraged the use of in-home/relative care;
- Contributed strongly to the decline in caseload; and
- Disproportionately affected families receiving Temporary Assistance for Needy Families (TANF).

Based on our review of other states with high rates of in-home/relative care, the features of Washington's policies that have been responsible for the declines include the following:

- Requirements that providers undergo new background checks when the parent's circumstances change or there are changes in the provider's household; and
- Not allowing retroactive payments for care provided while background checks are being processed.

Conclusions: Policies to increase the safety of children have reduced the Working Connections caseload and disproportionately reduced the number of TANF families using child care subsidies. As a percentage of TANF families with a child under 13, the use of Working Connections is at its lowest level in five years.

Parents participating in Working Connections may use either **licensed** child care centers and family child care homes or **in-home/relative care**, where care is provided in the parent's home or in the home of a relative. In-home/relative care is not licensed, although providers are required to pass criminal background checks.

Eligibility depends on income and family size. Families are eligible if their household income is less than or equal to 200 percent of the federal poverty level. For example, a family of three earning up to \$2,682 a month is eligible for a child care subsidy. Parents share the cost of child care by making copayments. Copayments for a family of three range from \$15 to \$418 a month, depending on family income.³ The amount of the copayment is not affected by the number of children receiving care or the type of care the parent chooses. The state pays the remaining cost of child care up to a maximum subsidy determined by DSHS, the agency that administers the program.

The Child Care Subsidy Caseload

Early Growth. Between 1997 and the third quarter of 2002, the number of families receiving child care subsidies grew by 84 percent (see Exhibit 1). The work requirements of the TANF program, as well as increased funding to subsidize child care for non-TANF families, contributed to this increase.

Budget-Driven Policies. By 2002, growth in caseloads and expenditures had created a budget shortfall. Under the direction of the Office of Financial Management, DSHS responded to this shortfall by decreasing the number of eligible families,⁴ eliminating some subsidy bonus payments, and, in 2003, increasing copayments.⁵ Since 2002, the number of families in Working Connections declined by 13 percent. As Exhibit 2 shows, the caseload decline coincides with

³ Based on the 2005 Federal Poverty Guidelines and copayment calculations described in WAC 388-290-0075.
⁴ The cut-off for income eligibility was decreased from 225 to 200 percent of the federal poverty level.
⁵ The budgetary nature of these steps is addressed in WSR-04-05-079, Emergency Rules, Department of Social and Health Services.

significant cost savings for the state. In Fiscal Year 2002, expenditures totaled \$323 million. By Fiscal Year 2004, annual program expenditures were \$277 million, a savings of 14 percent in two years.

Exhibit 1
Working Connections Caseload

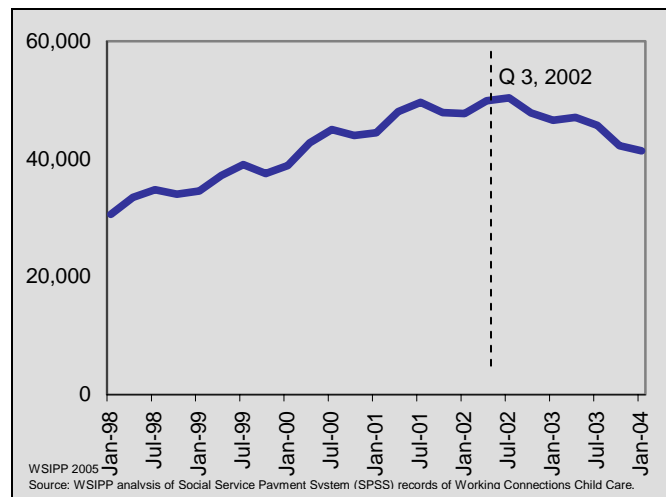


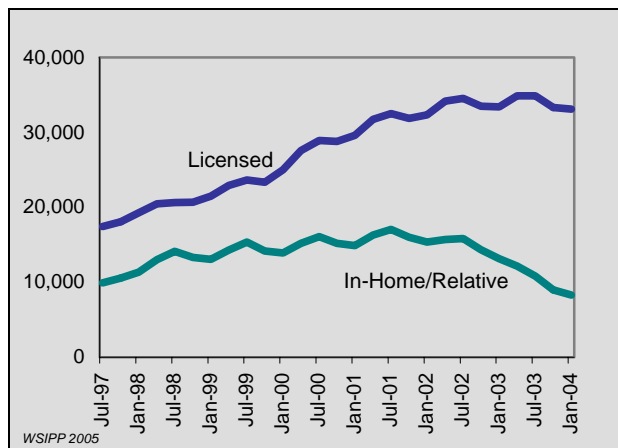
Exhibit 2
Working Connections
Child Care Expenditures

Fiscal Year	Annual Expenditures (thousands) ^a
1998	\$127,378
1999	\$169,230
2000	\$218,618
2001	\$283,037
2002	\$323,213
2003	\$317,565
2004	\$277,311

^a Economic Services Administration Briefing Books for 2000, 2001, and 2004.

In-Home/Relative Care Dominates Recent Caseload Declines. As Exhibit 3 indicates, the caseload fell because fewer families received subsidies for in-home/relative care. By contrast, the number of families using licensed care has remained relatively stable since 2002. Changes in eligibility and copayments would not be expected to cause a decline in only one type of care. Our analysis shows, instead, that changes to policies and procedures regarding criminal background checks are the major reason for the declines in in-home/relative care and, thus, for the overall drop in the caseload.

Exhibit 3
Types of Care Used by Families in Working Connections



Key Policies Regarding Criminal Background Checks

Background Checks for Licensed Child Care Facilities. In Washington’s licensed child care facilities, background checks of all persons with unsupervised access to children are required every three years at license renewal.⁶ In addition, background checks are required for new employees at the time of employment. In family child care homes, persons who move into the home, or household members who turn 16 must pass a background check.

Background Checks for In-Home/Relative Providers. In the early days of the Working Connections program, parents had considerable leeway in choosing the in-home/relative provider. However, in November 1999, DSHS conducted criminal background checks on nearly 10,000 in-home/relative providers and found that 207, including 13 registered sex offenders, had been convicted of violent offenses.⁷ Prompted by this finding, and “to ensure the health and safety of children,”⁸ DSHS now requires all in-home/relative

providers to undergo a criminal background check every two years.⁹

The growth in the use of subsidies for in-home/relative care slowed after November 1999, when criminal background checks were instituted (see Exhibit 4). Three subsequent policy changes, broadening the scope and increasing the frequency of background checks,¹⁰ coincide with a substantial decline in the number of families receiving subsidies for unlicensed care (see Exhibit 4).

- Two changes occurred on July 1, 2002:
 - ✓ When care is provided in the home of a relative, *all* persons in the household over age 16 must pass a criminal background check.¹¹ Prior to this policy, a background check was required only for the relative providing child care.
 - ✓ New background checks are required for the provider if the parent has a break in service,¹² a person over 16 moves into the household of the relative child care provider, or the provider begins to care for children from another family.¹³
- After June 2, 2003, retroactive payments are no longer made for in-home/relative care given before completion of a criminal background check.¹⁴ Prior to this date, if the provider passed the background check, the state made retroactive payment for care provided during the background check. Time from initial application to completion of the background check is commonly five to six weeks.¹⁵

⁶ Department of Social and Health Services. 2003. *An Adult-Sized Guide to Child-Sized Environments: The Child Care Center Licensing Guidebook*.

<<http://www1.dshs.wa.gov/pdf/publications/22-733.pdf>>.

Licensed providers must submit fingerprints.

⁷ Department of Social and Health Services. “Subsidy payments stopped for exempt child care providers with criminal convictions; background checks requested.” News Release dated November 23, 1999.

⁸ Ibid.

⁹ WAC 388-290-0143.

¹⁰ The child safety nature of these policies is documented in WAC 388-290-0145 and in the following memoranda: Rachael Langen and Michael Masten to CSD Regional Administrators and CSO Administrators, memo dated August 27, 2002: “Working Connections Child Care (WCCC)—Changes in Background Check Process For In-Home/Relative Providers”; Rachael Langen, Michael Masten, and Roxie Shalliol to Region Administrators and CSO Administrators, memo dated May 22, 2003: “Criminal Background Checks and Start Dates for Working Connections Child Care (WCCC) Benefits.”

¹¹ WAC 388-290-0143.

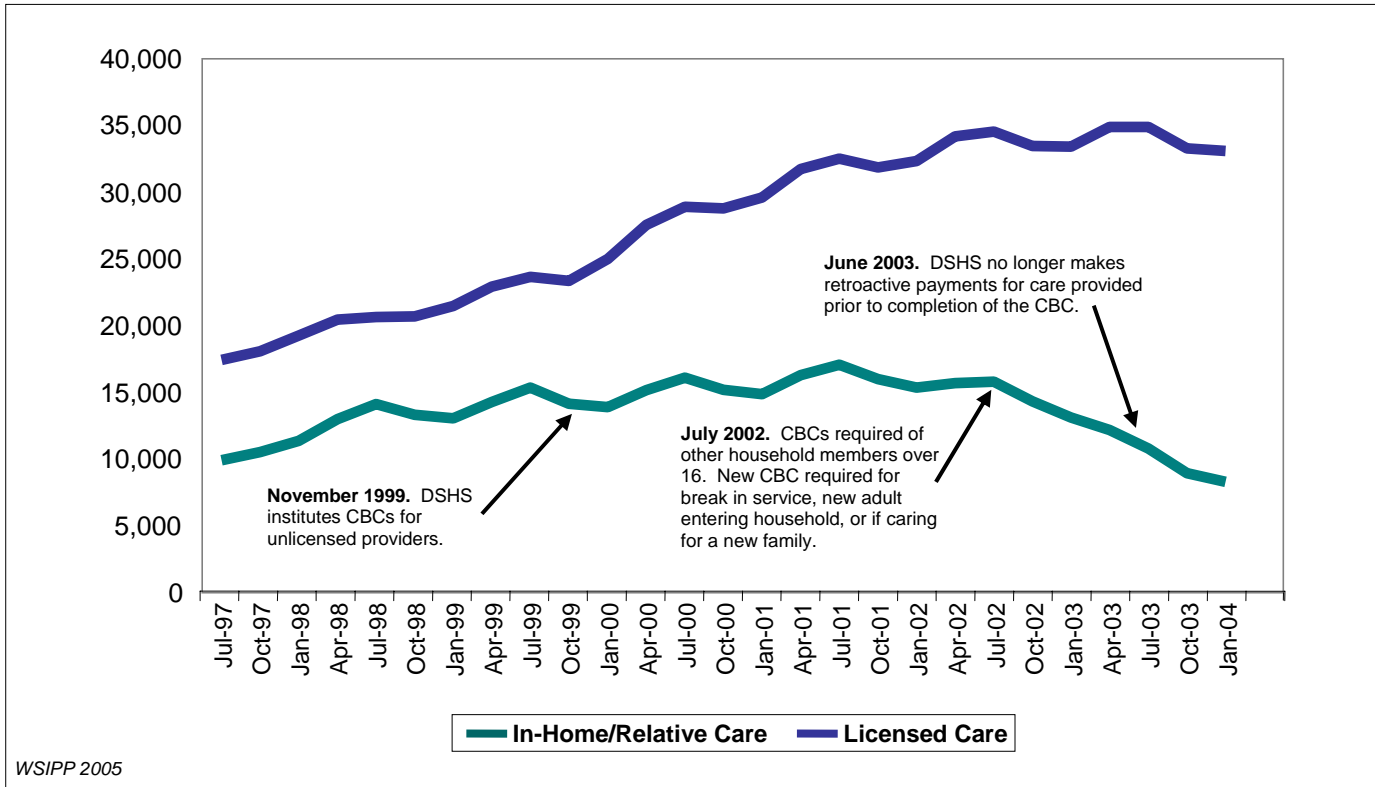
¹² Forty-two percent of families have a break in service and return to Working Connections within two years (WSIPP analysis).

¹³ WAC 388-290-0143. A new background check is not required if less than 90 days have passed since the most recent check.

¹⁴ Langen et al., memo dated May 22, 2003.

¹⁵ Sherri Bruu-DeLeon, Child Care Subsidy Program Manager, Division of Child Care and Early Learning, personal communication, April 20, 2005.

Exhibit 4
Timing of Washington State Criminal Background Check (CBC)
Policies Affecting In-Home/Relative Care and
Number of Families Using In-Home/Relative and Licensed Care



WSIPP 2005

Disproportionate Decline in Number of TANF Families

Perhaps because TANF families have historically been more likely to use in-home/relative care than non-TANF families, the policies affecting in-home/relative care had a greater impact on TANF families. Between the first quarters of 2002 and 2004, Working Connections served 24.5 percent fewer TANF families compared with 9.4 percent fewer non-TANF families (see Exhibit 5). The cost containment policies discussed previously targeted families with higher incomes so that TANF families were not affected by the changes in eligibility or increased copayments. Thus, those changes cannot fully explain the drop in TANF families using subsidies. By early 2004, the percentage of TANF families with a child under 13 using Working Connections was at its lowest level in five years (data not shown).

Exhibit 5
Declines in Working Connections Caseloads:
TANF and Non-TANF Families

	TANF Families	Non-TANF Families
First Quarter 2002	11,981	35,686
First Quarter 2004	9,038	32,339
Change	-2,943 (-24.54%)	-3,347 (-9.4%)

Analysis of Working Connections Declines Among TANF Families.¹⁶ In addition to background checks, other factors may have influenced the use of subsidies and in-home/relative care by TANF families. For instance, the decline in subsidies could be caused by a shrinking TANF caseload. However, between the first quarters of 2002 and 2004, the number of TANF families with children under 13 fell by only 5 percent.

To test whether background check policies contributed to caseload declines, we conducted two multivariate analyses.¹⁷ Using administrative data on TANF families, we estimated the effects of background check policies and practice on (1) the use of subsidized in-home/relative care, and (2) the likelihood of going without a subsidy.

Results of the first analysis indicated that the initial implementation in 1999 and subsequent changes in July 2002 and June 2003 each had significant negative impacts on the use of in-home/relative care by employed TANF families, over and above the effects of demographics, TANF caseload, or the unemployment rate (see Exhibit 6).

The second analysis estimated the effect of these policy changes on the likelihood of employed TANF parents choosing to do without a subsidy, controlling for the choices of subsidized licensed and in-home/relative care as well as demographics, TANF caseload, and the unemployment rate. This second analysis indicates that while the initial implementation of background checks did not affect the use of subsidies, the policy changes in July 2002 and June 2003 significantly reduced the use of subsidies by employed TANF families.

¹⁶ We limited our analysis to TANF families for two reasons. First, cost-cutting policies that affected only non-TANF families occurred at about the same time as policy changes regarding background checks, confounding any analysis of policies in the non-TANF population. Second, DSHS data permitted us to identify all TANF families, and, thus, allowed us to model the likelihood of not receiving a subsidy.

¹⁷ See Appendix A.

Exhibit 6
Effects of Background Check Policy and Practice on Likelihood of Using In-Home/Relative Care and Going Without a Subsidy

Policy and Practice Changes	Outcome: Likelihood of ...	
	Using In-Home/Relative Care	Going Without a Subsidy
Initiate criminal background checks (CBC)	Decrease	Not Significant
CBC for household members; more frequent CBCs	Decrease	Increase
No retroactive payments	Decrease	Increase

Statistically significant at $p < .001$. Details provided in Appendix A.

Why Some Eligible Families Might Choose to Go Without a Subsidy. In-home/relative care is most likely used by parents who work irregular and non-standard schedules. These parents are 50 percent more likely to use in-home/relative care than parents working traditional hours.¹⁸ Parents with traditional work schedules may opt to use licensed care if they are discouraged from using in-home/relative care. Little licensed care is available nights and weekends, however.¹⁹ Parents working non-standard hours may have few options other than in-home/relative care. As subsidies for in-home/relative care have become less accessible due to the influence of background check policies, more working parents appear to make do without a child care subsidy.

¹⁸ Special analysis for WSIPP by Deb Came at Washington State's Office of Financial Management (OFM) using data from an OFM child care survey.

¹⁹ Only 3 percent of licensed centers and 5 percent of licensed homes are open after 9 p.m.; likewise, 3 percent of centers and 21 percent of licensed homes are open on Saturdays. Source: Laura Schragger and Steven Roswell, 2004, *Licensed Child Care in Washington State: 2002*. Olympia: Division of Child Care and Early Learning, Department of Social and Health Services, <<http://www1.dshs.wa.gov/pdf/esa/dccel/02CombinedDoc.pdf>>.

A national study found that TANF parents are significantly more likely to work non-standard hours than parents not on welfare.²⁰ In Washington, nearly half of employed TANF recipients report working evening or weekends.²¹ This may explain the disproportionate decline in child care subsidies among the TANF population.

In-Home/Relative Care in Other States

The subsidized use of in-home/relative care varies widely across the states.²² A federal child care report for 2003 shows that the use of in-home/relative care ranged from none in five states up to two-thirds of all subsidized care in Michigan and Hawaii.²³ We canvassed states where in-home/relative care was at least 20 percent of subsidized care. Including Washington, 21 states fall into this category; we were able to obtain information from all but one. We also spoke with representatives of three states reporting little or no in-home/relative care. Appendix B contains a summary of the state responses.

Among the 20 states (including Washington) with the highest rates of in-home/relative care, 16 require a background check. Fourteen states screen providers against the state child abuse and neglect registry and 13 require criminal background checks. Michigan uses an automated system to conduct abuse and neglect screens every two weeks and criminal history checks each month. In Hawaii, all unlicensed providers receive abuse and neglect screens annually, and non-relatives are subject to criminal background checks. In addition to the provider, many states require that all adults

(or persons over specified ages) living in the provider's home pass background checks. If a new adult moves into the home, then a background check is required of that adult as well.

In all other states requiring background checks, care provided during the background check is either paid under provisional authorization or is paid retroactively once the provider is approved.²⁴

No states reported declines in caseloads as a result of background checks. However, no states have undertaken the rigorous analysis necessary to adequately investigate this issue.

How Washington Compares. In most respects, Washington's policies and procedures are similar to those in other states requiring background checks; however, Washington is unusual in two ways:

- Washington requires new background checks for the **provider** when:
 - ✓ Parents have a break in service;²⁵
 - ✓ Provider begins to care for a new family; or
 - ✓ New adult moves into the provider's home. Many states would require a background check of the new adult but would not require a new check of the provider.
- Washington makes no payment for care during the time the background checks are in process.

These policies that distinguish Washington from other states are the policies we have shown to be associated with declines in the Working Connections caseload.

²⁰ Erdal Tekin. 2004. *Single Mothers Working at Night: Standard Work, Child Care Subsidies, and Implications for Welfare Reform*, Working Paper 10274, National Bureau of Economic Research. <<http://www.nber.org/papers/w10274>>.

²¹ M. Klaawitter, G. Weeks, D. Came, and D. Zeidenberg. 2004. Washington WorkFirst Longitudinal Study. Presented at the August 2004 meeting of the National Association for Welfare Research and Statistics in Oklahoma City. <<http://www.nawrs.org/Oklahoma/WorkshopPapers/d1.zeidenberg.doc>>.

²² To compare Washington's policies regarding in-home/relative care with those in other states, we broaden the definition to include all unregulated home-based care. This was necessary because many states do not require a license for family homes until the number of children in care exceeds a given threshold, while in Washington providers caring for even one unrelated child must be licensed.

²³ "FFY 2003 CCDF Tables and Charts," Table 6. Child Care Bureau, Department of Health and Human Services. <http://www.acf.hhs.gov/programs/ccbf/research/03acf800/fy2003_tables.xls>.

²⁴ In North Carolina, care begins once the local criminal history is cleared. This clearance takes several days. Louisiana requires the Fire Marshall to inspect the homes of all out-of-home providers; no payment is made for care prior to Fire Marshall approval.

²⁵ In two states that register subsidized unlicensed providers, new background checks are required if the provider does not care for a subsidized child for six months.

Conclusions

Policies and DSHS procedures designed to increase the safety of children have reduced the Working Connections caseload. In particular, the requirement for repeated background checks and the elimination of retroactive payments for care provided during the processing of the background checks appear to be responsible for the decreased use of subsidies for in-home/relative care.

Our analysis indicates that more eligible parents are choosing not to use child care subsidies since the first of these policy changes in 2002, and TANF families have been disproportionately affected.

We could not determine the extent to which the recent policy changes encouraged the use of safer child care settings. Our analyses indicated that more families are using licensed care, but, the child care arrangements of those who go without a subsidy are unknown. To answer this question and to determine the effects of these policies on child safety would require further research.

APPENDIX A: DATA SOURCES

For this study, the Institute used data from the Department of Social and Health Services (DSHS) Social Service Payment System for all families receiving child care subsidies between July 1996 and April 2004. Wage data were obtained from the Employment Security Department's Unemployment Insurance Wage file for the same time period. Data from the DSHS Automated Client Eligibility System provided information on welfare history and status. The combined data were used to investigate changes in the Working Connections caseload. Data were aggregated by quarter, so if a family received a subsidy in any month in the quarter, the family was considered to have received a child care subsidy during that quarter. Similarly, if a parent received a TANF grant (or worked) at any time in the quarter, the parent was considered a TANF recipient (employed) for that quarter. If a family used more than one kind of care (i.e., licensed center, licensed family home, unlicensed), our analysis assigned a single-care type based on the greatest number of hours of care used in the quarter.

Logistic Regression Analyses

Because the timing of policies to reduce caseloads and expenditures coincided closely with policies related background checks, statistical analysis of the total Working Connections caseload was not possible. TANF families, however, were not affected by changes in income eligibility or by increased copayments. Thus, we restricted our analysis to employed TANF families headed by an adult at least 19 years of age and with children under 13, a population likely to need child care. The dataset included 327,674 quarterly observations. Families receiving TANF for more than one quarter appear more than once.

We created dummy variables to account for the policy and practice changes. For example, dates prior to initial implementation of criminal background checks (CBC) would have a value of 0 for CBC_1. Dates after initial implementation have CBC_1=1. Similarly CBC_2=1 after the second quarter 2002 and CBC_3=1 after the first quarter 2003.

We approached the analysis in two steps, in each case controlling for demographic characteristics, the TANF caseload, and the statewide unemployment rate. In the first, we evaluated the effect of CBC dummies on the likelihood that parents would use in-home/relative care. In the second, we evaluated the effects of the policy dummy variables on the likelihood that parents would choose no subsidy, controlling simultaneously for the choices of in-home/relative care and licensed care.

Results of the first analysis indicate that each of the policy changes (CBC_1, CBC_2, and CBC_3) resulted in fewer families receiving subsidies for in-home/relative care (see Exhibit A-1).

Exhibit A-1
Multivariate Analysis: Odds of Using In-Home/Relative Care
Among Employed TANF Families With a Child Less Than 13 Years Old

Parameter	Odds Ratio	P
Female	1.983	***
Age Youngest	0.958	***
White	0.956	***
Hispanic	1.227	***
Subsidy Last Quarter	5.523	***
ESL	1.208	***
Parent Age	0.986	***
CBC_1	0.917	***
CBC_2	0.729	***
CBC_3	0.539	***
Unemployment Rate	0.917	***
Household Size	1.101	***
TANF Caseload	1.000	***

Number of observations: 327,674.

*** p <.001

CBC_1: Beginning in November 1999, initial implementation of criminal background checks for in-home/relative providers.

CBC_2: Beginning in July 2002, requirement that all household members receive background checks and repeat background checks for providers if parent has break in service, a new adult moves into the home, or the provider begins to care for another family.

CBC_3: Beginning in June 2003, procedure change so that no payment is made for care required during processing of the criminal background check.

Multinomial Analysis

The results of our multinomial analysis are listed below. This exhibit displays the odds ratios for choosing licensed care or going without a subsidy while controlling for the use of in-home/relative care. The first policy change (CBC_1) had no statistically significant effect on the likelihood of going without a subsidy. The subsequent changes (CBC_2 and CBC_3) significantly increased the likelihood of going without a subsidy.

Exhibit A-2
Multinomial Analysis: Child Care Choices by Employed TANF Families With a Child Less Than 13 Years Old

	Choose Licensed Care	P	Going Without a Subsidy	P
Female	0.807	***	0.395	***
Age Youngest	0.957	***	1.113	***
White	1.123	***	0.956	***
Hispanic	0.799	***	0.837	***
Subsidy Last Quarter	1.152	***	0.042	*
ESL	0.662	***	0.956	***
Parent Age	1.012	***	1.018	***
CBC_1	1.154	***	1.004	N.S.
CBC_2	1.346	***	1.408	***
CBC_3	1.865	***	1.854	***
Unemployment Rate	1.115	***	1.048	***
Household Size	0.845	***	0.963	***
TANF Caseload	1.000	N.S.	1.000	*

Number of observations: 327,674.

N.S. = Not significant

* p<.05

** p<.01

*** p<.001

CBC_1: Beginning in November 1999, initial implementation of criminal background checks for in-home/relative providers.

CBC_2: Beginning in July 2002, requirement that all household members receive background checks and repeat background checks for providers if parent has break in service, a new adult moves into the home, or the provider begins to care for another family.

CBC_3: Beginning in June 2003, procedure change that no payment is made for care required during processing of the criminal background check.

APPENDIX B: BACKGROUND CHECK POLICIES OF SELECTED STATES¹

State	License-Exempt (ACF-800) ²	BACKGROUND CHECKS						
		Any	Child Abuse Registry	Criminal	Household Members	Frequency	Backdated Payments?	Notes
Alaska	33%	Y	Non-relatives	Non-relatives	Y	Every two years	Y	
Arkansas	0%							
California	26%	Y	Non-relatives	Non-relatives	N	Biweekly	Y	Automated
Colorado	22%	N						
Connecticut	42%	Y	Y	Non-relatives and in-home	N	Once	Y	Monthly automated CAN
Idaho	38%	N						Dept of Health Inspects Out-of-home providers
Illinois	48%	Y	Y	N	Y	Every two years	Y	
Hawaii	68%	Y	Y	Non-relatives	Y	Annual	Y	
Louisiana	26%	Y	Y	Y		Every two years	Y, after Fire Marshall inspects	Fire Marshall inspection as well
Maryland	23%	Y	Y	N	Y		Y	
Michigan	67%	Y	Y	Y	Y	CPS biweekly, CBC monthly	Y	CPS every two weeks, criminal checks monthly
Minnesota	37%	Y	Y	Y	Y	Every two years	Y	
Missouri	34%	Y	Y	Non-relatives	Y	Once	Y	
Nebraska	21%	Y	Y	Y/N	Y	Once	Y	Criminal check varies by local office
Nevada	12%	N						
New Mexico	46%	Y	Y	Non-relatives	N	Annual	Y	
New York	41%	Y/N	N	Y/N				Criminal check varies by local office
North Carolina	2%	Y	Y	Y, local and state patrol	Y	Every five years or if stop accepting subsidies	Y, after LOCAL criminal	
Oregon	58%	Y	Y	Y	Y	Every two years or six months w no subsidy	Y	
Pennsylvania	49%	Y	Y	Non-relatives	N	Once	Y	
Texas	18%	N						
Utah	43%	N						
Wisconsin ³	0%	Y	N	Y		Every two years		
Wyoming	46%	Y	Y	Y	Y	Once	Y	
Washington	25%	Y	N	Y		Every two years, or when a break in service, or new person in household	N	

¹ Except as indicated in footnotes, all information is from the Institute's May 2005 survey of state child care administrators.

² Proportion of subsidies for home-based care exempt from licensing; see: "FFY 2003 CCDF Tables and Charts," Table 6. Child Care Bureau, Department of Health and Human Services. <http://www.acf.hhs.gov/programs/ccb/research/03acf800/fy2003_tables.xls>.

³ Wisconsin certifies legally-operating family homes when a license is not required. Those 4,900 homes are included with licensed care in the federal report.

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