



Jim Justice
Governor of West Virginia

March 26, 2021

VIA HAND DELIVERY

The Honorable Craig Blair
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 89

Dear President Blair:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 89, but welcome a bill correcting the deficiencies identified below. This bill exempts from licensure requirements certain education programs, including, among others, certain school programs operated under 42 USC § 9801 et seq., the federal Head Start Program.

Although under the current form of the bill the Head Start programs are required to perform initial background checks on employees, the exemption will make access and use of a criminal background check with a rap back system impracticable. A rap back system is a system that continuously checks employees' existing records against incoming arrest or conviction information. Without being regulated, the State is unable to provide Head Start programs access to the rap back system. Without that system, an employee may pass an initial background check but later commit a crime, and the employer would not be made aware. This is a vital part of background checks for programs such as Head Start, which serves thousands of children for long periods of time on an ongoing basis.

For this reason, I disapprove and return Enrolled Committee Substitute for Senate Bill 89, but welcome a bill that would not exempt the Head Start program, thereby retaining the ability to utilize the rap back system for employees of the Head Start program.

Sincerely,

Jim Justice
Governor

cc: The Hon. Roger Hanshaw
Speaker of the House of Delegates
The Hon. Mac Warner
Secretary of State

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