
HOUSE BILL 1537

State of Washington

68th Legislature

2023 Regular Session

By Representatives Couture and Griffey

1 AN ACT Relating to licensing requirements for child care centers
2 and indoor early learning programs; and amending RCW 43.216.250 and
3 43.216.255.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.216.250 and 2021 c 304 s 9 are each amended to
6 read as follows:

7 It shall be the secretary's duty with regard to licensing under
8 this chapter:

9 (1) In consultation and with the advice and assistance of persons
10 representative of the various type agencies to be licensed, to
11 designate categories of child care facilities or outdoor locations
12 for which separate or different requirements shall be developed as
13 may be appropriate whether because of variations in the ages and
14 other characteristics of the children served, variations in the
15 purposes and services offered or size or structure of the agencies to
16 be licensed, or because of any other factor relevant thereto provided
17 that:

18 (a) In each classroom or well-defined space of a child care
19 center, the maximum group size and ratio of center staff members to
20 children, including children related to staff or the licensee, must
21 be:

1 (i) Preschoolers (30 months through six years of age who are not
2 attending kindergarten or elementary school) with a maximum group
3 size of 21 with a ratio of no less than one to 11; and

4 (ii) School-age children (five years through 12 years of age who
5 are enrolled in or attending kindergarten or elementary school) with
6 a maximum group size of 31 with a ratio of no less than one to 16;
7 and

8 (b) Licensed indoor early learning program space must have a
9 minimum of 34 square feet per child in attendance and further comply
10 with the requirements of this chapter;

11 (2) (a) In consultation with the state fire marshal's office, the
12 secretary shall use an interagency process to address health and
13 safety requirements for child care programs that serve school-age
14 children and are operated in buildings that contain public or private
15 schools that safely serve children during times in which school is in
16 session;

17 (b) Any requirements in (a) of this subsection as they relate to
18 the physical facility, including outdoor playgrounds, do not apply to
19 before-school and after-school programs that serve only school-age
20 children and operate in the same facilities used by public or private
21 schools;

22 (3) In consultation and with the advice and assistance of parents
23 or guardians, and persons representative of the various type agencies
24 to be licensed, to adopt and publish minimum requirements for
25 licensing applicable to each of the various categories of agencies to
26 be licensed under this chapter;

27 (4) In consultation with law enforcement personnel, the secretary
28 shall investigate the conviction record or pending charges of each
29 agency and its staff seeking licensure or relicensure, and other
30 persons having unsupervised access to children in child care;

31 (5) To satisfy the shared background check requirements provided
32 for in RCW 43.216.270 and 43.20A.710, the department of children,
33 youth, and families and the department of social and health services
34 shall share federal fingerprint-based background check results as
35 permitted under the law. The purpose of this provision is to allow
36 both departments to fulfill their joint background check
37 responsibility of checking any individual who may have unsupervised
38 access to vulnerable adults, children, or juveniles. Neither
39 department may share the federal background check results with any
40 other state agency or person;

1 (6) To issue, revoke, or deny licenses to agencies pursuant to
2 this chapter. Licenses shall specify the category of child care that
3 an agency is authorized to render and the ages and number of children
4 to be served;

5 (7) To prescribe the procedures and the form and contents of
6 reports necessary for the administration of this chapter and to
7 require regular reports from each licensee;

8 (8) To inspect agencies periodically to determine whether or not
9 there is compliance with this chapter and the requirements adopted
10 under this chapter;

11 (9) To review requirements adopted under this chapter at least
12 every two years and to adopt appropriate changes after consultation
13 with affected groups for child care requirements; and

14 (10) To consult with public and private agencies in order to help
15 them improve their methods and facilities for the care and early
16 learning of children.

17 **Sec. 2.** RCW 43.216.255 and 2021 c 304 s 10 are each amended to
18 read as follows:

19 (1) No later than November 1, 2016, the department shall
20 implement a single set of licensing standards for child care and the
21 early childhood education and assistance program. The department
22 shall produce the single set of licensing standards within the
23 department's available appropriations. The new licensing standards
24 must:

25 (a) Provide minimum licensing requirements for child care and
26 preschool programs, subject to the minimum health and safety
27 requirements under RCW 43.216.250(1);

28 (b) Rely on the standards established in the early achievers
29 program to address quality issues in participating early childhood
30 programs;

31 (c) Take into account the separate needs of family care
32 providers, outdoor nature-based child care providers, and child care
33 centers; and

34 (d) Promote the continued safety of child care settings.

35 (2) Private schools that operate early learning programs and do
36 not receive state subsidy payments shall be subject to the minimum
37 health and safety standards as defined in RCW 43.216.395(2)(b), the
38 health and safety requirements under chapter 28A.195 RCW, and the
39 requirements necessary to assure a sufficient early childhood

1 education to meet usual requirements needed for transition into
2 elementary school. The state, and any agency thereof, shall not
3 restrict or dictate any specific educational or other programs for
4 early learning programs operated by private schools except for
5 programs that receive state subsidy payments.

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