
HOUSE BILL 1957

State of Washington

65th Legislature

2017 Regular Session

By Representatives Dent, Appleton, Johnson, Kagi, Jenkin, Manweller,
Senn, Chandler, Griffey, and Klippert

1 AN ACT Relating to establishing community appeals boards that
2 review licensing decisions of the department of early learning;
3 amending RCW 43.215.305; and adding a new section to chapter 43.215
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.215
7 RCW to read as follows:

8 (1) The early learning advisory council must establish community
9 appeals boards for the purpose of resolving adverse licensing and
10 application decisions made by the department. There must be at least
11 one community appeals board for each regional department licensing
12 office in the state.

13 (2) For purposes of this section, "community appeals board" means
14 a five-member board appointed by the early learning advisory council
15 established in RCW 43.215.090.

16 (3)(a) Two members of the community appeals board shall serve
17 terms of three years, and three members shall serve terms of two
18 years.

19 (b) At least two alternate community appeals board members must
20 also be appointed by the early learning advisory council.

1 (c) A community appeals board member must recuse himself or
2 herself if he or she has an interest in the resolution of a
3 particular case or is related to a party.

4 (4) The five-member board must include:

5 (a) Three licensed child care providers, and among those three
6 providers at least one provider that receives state subsidy;

7 (b) One representative of a local child care advocacy
8 organization; and

9 (c) One department licensor.

10 (5) A licensee or applicant must give notice to the department of
11 his or her request to engage in the community appeals board process
12 within the time frame required for appealing an adverse licensing
13 action pursuant to this chapter and the administrative procedure act,
14 chapter 34.05 RCW.

15 (6) If the licensee or applicant chooses to appeal a denial,
16 modification, suspension, or revocation of a license after completing
17 the community appeals board process, the licensee or applicant has
18 the same amount of time that was required for appeal after the final
19 agency decision. The time begins again upon completion of the
20 community appeals board process, but the community appeals board
21 process must be completed within twenty-eight days after a licensee
22 or applicant gives notice to the department of his or her intention
23 to engage in the community appeals board process. Within ten days of
24 the community appeals board hearing on a particular case, the
25 community appeals board must provide a written description of its
26 decision on each case provided to the department and the individual
27 licensee or applicant.

28 (7) If the community appeals board process has not resolved the
29 appealable issue or issues, the licensee or applicant must follow the
30 existing procedure in this chapter for providing notice and serving
31 the department with his or her intent to appeal after completion of
32 the community appeals board process.

33 (8) Licensees or applicants who receive a denial, modification,
34 suspension, or revocation of a license under this chapter who choose
35 to use the community appeals board created by this section retain
36 their rights to contest the adverse action pursuant to the
37 administrative procedure act, chapter 34.05 RCW.

38 (9) A majority of each community appeals board constitutes a
39 quorum for transacting official business of the board. The board
40 shall make findings of fact and prepare a written decision in each

1 case, and such findings and decisions shall be effective upon being
2 signed by a majority of the members of the community appeals board.
3 Any finding of the community appeals board must be immediately
4 delivered to the department and the individual involved in the case.

5 (10) Each community appeals board shall annually elect one of its
6 members to act as chair. Each community appeals board must meet at
7 least twice monthly to hear any disputes between the department and
8 individuals who have received adverse licensing or application
9 decisions by the department. The board shall also meet at the request
10 of the chair of the community appeals board or at the request of a
11 cochair of the early learning advisory council.

12 (11) Each community appeals board member may receive
13 reimbursement from the department for travel expenses incurred in the
14 discharge of his or her duties in accordance with RCW 43.03.050 and
15 43.03.060.

16 (12) The department must contract with a separate organization or
17 persons for the appropriate staffing of the community appeals boards.

18 **Sec. 2.** RCW 43.215.305 and 2007 c 17 s 3 are each amended to
19 read as follows:

20 (1) The department shall give written notice of the denial of an
21 application for a license to the applicant or his or her agent. The
22 department shall give written notice of revocation, suspension, or
23 modification of a license to the licensee or his or her agent. The
24 notice shall state the reasons for the action. The notice shall
25 include a description of the appeals process and the option to engage
26 in the community appeals board process established in section 1 of
27 this act. The notice shall be personally served in the manner of
28 service of a summons in a civil action or shall be given in another
29 manner that shows proof of receipt.

30 (2) Except as otherwise provided in this subsection and in
31 subsection (4) of this section, revocation, suspension, or
32 modification is effective twenty-eight days after the licensee or the
33 agent receives the notice.

34 (a) The department may make the date the action is effective
35 later than twenty-eight days after receipt. If the department does
36 so, it shall state the effective date in the written notice given the
37 licensee or agent.

38 (b) The department may make the date the action is effective
39 sooner than twenty-eight days after receipt when necessary to protect

1 the public health, safety, or welfare. When the department does so,
2 it shall state the effective date and the reasons supporting the
3 effective date in the written notice given to the licensee or agent.

4 (c) When the department has received certification pursuant to
5 chapter 74.20A RCW from the division of child support that the
6 licensee is a person who is not in compliance with a support order,
7 the department shall provide that the suspension is effective
8 immediately upon receipt of the suspension notice by the licensee.

9 (3) Except for licensees suspended for noncompliance with a
10 support order under chapter 74.20A RCW, a license applicant or
11 licensee who is aggrieved by a department denial, revocation,
12 suspension, or modification has the right to an adjudicative
13 proceeding. The proceeding is governed by the administrative
14 procedure act, chapter 34.05 RCW. The application must be in writing,
15 state the basis for contesting the adverse action, include a copy of
16 the adverse notice, be served on and received by the department
17 within twenty-eight days of the license applicant's or licensee's
18 receiving the adverse notice, and be served in a manner that shows
19 proof of receipt.

20 (4)(a) If the department gives a licensee twenty-eight or more
21 days' notice of revocation, suspension, or modification and the
22 licensee files an appeal before its effective date, the department
23 shall not implement the adverse action until the final order has been
24 entered. The presiding or reviewing officer may permit the department
25 to implement part or all of the adverse action while the proceedings
26 are pending if the appellant causes an unreasonable delay in the
27 proceeding, if the circumstances change so that implementation is in
28 the public interest, or for other good cause.

29 (b) If the department gives a licensee less than twenty-eight
30 days' notice of revocation, suspension, or modification and the
31 licensee timely files a sufficient appeal, the department may
32 implement the adverse action on the effective date stated in the
33 notice. The presiding or reviewing officer may order the department
34 to stay implementation of part or all of the adverse action while the
35 proceedings are pending if staying implementation is in the public
36 interest or for other good cause.

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