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HOUSE BILL 2046

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Dent and Schmick

Prefiled 12/27/23.

1 AN ACT Relating to establishing alternative requirements for  
2 child care providers in underresourced areas; amending RCW  
3 43.216.250, 43.216.255, and 43.216.290; and adding new sections to  
4 chapter 43.216 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 43.216  
7 RCW to read as follows:

8 (1) The department must create and publish an annual list, for  
9 the period of July 1st to June 30th of each year, of rural counties  
10 that are also child care deserts.

11 (2) For purposes of this section:

12 (a) "Child care desert" means any county in which there are one  
13 or more census tracts with more than 50 children under the age of  
14 five years that contain either no child care providers or so few  
15 providers that there are more than three times as many children as  
16 licensed child care slots.

17 (b) "Rural county" has the same meaning as in RCW 82.14.370.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216  
19 RCW to read as follows:

1 (1) The department must contract with a nonprofit entity focused  
2 on child care to create an instructional handbook for child care  
3 providers. The handbook must be completed by December 1, 2024, and  
4 must provide educational material on the following topics related to  
5 care of children:

- 6 (a) Health, safety, and nutritional needs of children;
- 7 (b) How to establish a nurturing relationship; and
- 8 (c) The fundamentals of instruction.

9 (2) The handbook must be made available free of charge in both  
10 physical and online formats.

11 (3) A child care provider in a county identified on the list  
12 maintained by the department as required by section 1 of this act is  
13 exempt from any requirement to obtain an early childhood education  
14 certificate if, by July 1, 2025, for persons employed as a child care  
15 provider prior to January 1, 2025, or within the first six months of  
16 hire, for persons employed on or after January 1, 2025:

17 (a) The provider has read the handbook and has submitted to the  
18 department a signed attestation indicating that they have read the  
19 handbook; and

20 (b) The child care center director or center assistant director  
21 has submitted to the department a signed attestation that the  
22 provider has read the handbook and has implemented the instructional  
23 material.

24 (4) For purposes of this section:

25 (a) A "child care provider" includes an employee of a child care  
26 center who provides direct care to children; and

27 (b) A "child care center" includes a child day care center, an  
28 outdoor nature-based child care provider, or a family day care  
29 provider.

30 **Sec. 3.** RCW 43.216.250 and 2021 c 304 s 9 are each amended to  
31 read as follows:

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

34 (1) In consultation and with the advice and assistance of persons  
35 representative of the various type agencies to be licensed, to  
36 designate categories of child care facilities or outdoor locations  
37 for which separate or different requirements shall be developed as  
38 may be appropriate whether because of variations in the ages and  
39 other characteristics of the children served, variations in the

1 purposes and services offered or size or structure of the agencies to  
2 be licensed, or because of any other factor relevant thereto;  
3 PROVIDED, That in counties identified on the list maintained by the  
4 department as required by section 1 of this act:

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

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

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

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

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

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

30 (3) In consultation and with the advice and assistance of parents  
31 or guardians, and persons representative of the various type agencies  
32 to be licensed, to adopt and publish minimum requirements for  
33 licensing applicable to each of the various categories of agencies to  
34 be licensed under this chapter;

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

39 (5) To satisfy the shared background check requirements provided  
40 for in RCW 43.216.270 and 43.20A.710, the department of children,

1 youth, and families and the department of social and health services  
2 shall share federal fingerprint-based background check results as  
3 permitted under the law. The purpose of this provision is to allow  
4 both departments to fulfill their joint background check  
5 responsibility of checking any individual who may have unsupervised  
6 access to vulnerable adults, children, or juveniles. Neither  
7 department may share the federal background check results with any  
8 other state agency or person;

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

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

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

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

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

25 **Sec. 4.** RCW 43.216.255 and 2021 c 304 s 10 are each amended to  
26 read as follows:

27 (1) No later than November 1, 2016, the department shall  
28 implement a single set of licensing standards for child care and the  
29 early childhood education and assistance program. The department  
30 shall produce the single set of licensing standards within the  
31 department's available appropriations. The new licensing standards  
32 must:

33 (a) Provide minimum licensing requirements for child care and  
34 preschool programs, subject to the statutory requirements under RCW  
35 43.216.250(1);

36 (b) Rely on the standards established in the early achievers  
37 program to address quality issues in participating early childhood  
38 programs;

1 (c) Take into account the separate needs of family care  
2 providers, outdoor nature-based child care providers, and child care  
3 centers; and

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

5 (2) Private schools that operate early learning programs and do  
6 not receive state subsidy payments shall be subject to the minimum  
7 health and safety standards as defined in RCW 43.216.395(2)(b), the  
8 health and safety requirements under chapter 28A.195 RCW, and the  
9 requirements necessary to assure a sufficient early childhood  
10 education to meet usual requirements needed for transition into  
11 elementary school. The state, and any agency thereof, shall not  
12 restrict or dictate any specific educational or other programs for  
13 early learning programs operated by private schools except for  
14 programs that receive state subsidy payments.

15 **Sec. 5.** RCW 43.216.290 and 2006 c 265 s 305 are each amended to  
16 read as follows:

17 ~~((All))~~ (1) Subject to the notice requirement in subsection (2)  
18 of this section, all agencies subject to this chapter shall accord  
19 the department, the chief of the Washington state patrol, and the  
20 director of fire protection, or their designees, the right of  
21 entrance and the privilege of access to and inspection of records for  
22 the purpose of determining whether or not there is compliance with  
23 the provisions of this chapter and the requirements adopted under it.

24 (2) In counties identified on the list maintained by the  
25 department as required by section 1 of this act, the department must  
26 provide 24 hours notice prior to seeking entry to an agency's  
27 facility for purposes of inspection.

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