
HOUSE BILL 2179

State of Washington

68th Legislature

2024 Regular Session

By Representatives Couture and Eslick

1 AN ACT Relating to local licensing and regulation of child care
2 providers; reenacting and amending RCW 43.216.010; adding new
3 sections to chapter 43.216 RCW; repealing RCW 43.216.695; providing
4 an effective date; and providing expiration dates.

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) Notwithstanding RCW 43.216.250 and 43.216.255, counties with
9 a population of less than 100,000 may adopt and maintain ordinances
10 as provided in this section for the licensing and regulation of child
11 care centers and family home providers. Ordinances may be in effect
12 for any period of time from July 1, 2025, through June 30, 2032.
13 Before a county may engage in licensing and regulation in accordance
14 with this section, it shall adopt ordinances that address, at a
15 minimum, the following with regard to child care centers and family
16 home providers:

17 (a) The size, safety, cleanliness, and general adequacy of the
18 premises;

19 (b) The plan of operation;

1 (c) The character, suitability, and competence of the provider
2 and its employees who are directly responsible for the care of
3 children served;

4 (d) The number of qualified persons required to render care;

5 (e) The provision of necessary care, including food, clothing,
6 supervision, and discipline;

7 (f) The physical, mental, and social well-being of children
8 served;

9 (g) Educational and recreational opportunities for children
10 served; and

11 (h) The maintenance of records pertaining to children served.

12 (2) The county shall notify the department in writing 60 days
13 prior to the effective date of its enacted ordinances meeting the
14 minimum requirements in subsection (1) of this section and shall
15 indicate the termination date of the authorization. The transfer of
16 licensing and regulatory authority shall occur on the effective date
17 of the ordinances as indicated in the county's notification to the
18 department. Licensing and regulation by counties of child care
19 centers and family home providers as provided in this section shall
20 be administered and enforced by those counties. The department shall
21 not regulate these activities nor shall the department bear any civil
22 liability associated with locally licensed and regulated providers
23 for the period that the local regulations are in effect. Upon
24 request, the department shall provide technical assistance to any
25 county that is in the process of adopting the ordinances required by
26 this section, and after the ordinances become effective.

27 (3) Any county licensing and regulating child care centers and
28 family home providers pursuant to this section shall report to the
29 department on a quarterly basis with the following information: The
30 ordinances adopted pursuant to this section that are currently in
31 effect; a description of how these provisions address the specific
32 areas of regulation identified in subsection (1) of this section; and
33 a complete list of locally licensed providers that includes the type
34 of provider and maximum number of children that may be served under
35 the license. The department must compile and maintain on its website
36 a list of counties that locally license child care centers and family
37 home providers.

38 (4) The department must adopt rules as necessary to allow locally
39 licensed and regulated child care centers and family home providers
40 to fully participate in the working connections child care program

1 and the early achievers program. In order for locally licensed and
2 regulated providers to qualify to receive state subsidy payments
3 through the working connections child care program, the rules must
4 require providers to participate in the early achievers program, but
5 must not require providers to rate or request to be rated at any
6 particular early achievers program level.

7 (5) This section expires July 1, 2034.

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

10 (1) The department shall contract for a third-party consultant to
11 conduct an analysis of local licensing and regulation of child care
12 centers and family home providers. The analysis must describe the
13 rate of utilization of the local licensing and regulation option
14 permitted under section 1 of this act, and the perceptions of
15 providers, local governments, and the department of the local
16 licensing and regulatory scheme as compared to the state licensing
17 and regulatory scheme, along with their recommendations as to whether
18 the local licensing and regulation authorization should continue.

19 (2) The department must consult with representatives of local
20 governments in selecting a consultant. The department must make the
21 analysis available to the legislature, in compliance with RCW
22 43.01.036, by July 1, 2031.

23 (3) This section expires July 1, 2034.

24 **Sec. 3.** RCW 43.216.010 and 2021 c 304 s 2 and 2021 c 199 s 501
25 are each reenacted and amended to read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Agency" means any person, firm, partnership, association,
29 corporation, or facility that provides child care and early learning
30 services outside a child's own home and includes the following
31 irrespective of whether there is compensation to the agency:

32 (a) "Child day care center" and "child care center" mean an
33 agency that regularly provides early childhood education and early
34 learning services for a group of children for periods of less than 24
35 hours;

36 (b) "Early learning" includes but is not limited to programs and
37 services for child care; state, federal, private, and nonprofit
38 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional
2 development for early learning professionals;

3 (c) "Family day care provider" and "family home provider" mean a
4 child care provider who regularly provides early childhood education
5 and early learning services for not more than 12 children at any
6 given time in the provider's home in the family living quarters
7 except as provided in RCW 43.216.692;

8 (d) "Nongovernmental private-public partnership" means an entity
9 registered as a nonprofit corporation in Washington state with a
10 primary focus on early learning, school readiness, and parental
11 support, and an ability to raise a minimum of \$5,000,000 in
12 contributions;

13 (e) "Outdoor nature-based child care" means an agency or an
14 agency-offered program that:

15 (i) Enrolls preschool or school-age children;

16 (ii) Provides early learning services to the enrolled children in
17 an outdoor natural space approved by the department for not less than
18 four hours per day or fifty percent of the daily program hours,
19 whichever is less; and

20 (iii) Teaches a nature-based curriculum to enrolled children;

21 (f) "Service provider" means the entity that operates a community
22 facility.

23 (2) "Agency" does not include the following:

24 (a) Persons related to the child in the following ways:

25 (i) Any blood relative, including those of half-blood, and
26 including first cousins, nephews or nieces, and persons of preceding
27 generations as denoted by prefixes of grand, great, or great-great;

28 (ii) Stepfather, stepmother, stepbrother, and stepsister;

29 (iii) A person who legally adopts a child or the child's parent
30 as well as the natural and other legally adopted children of such
31 persons, and other relatives of the adoptive parents in accordance
32 with state law; or

33 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
34 this subsection, even after the marriage is terminated;

35 (b) Persons who are legal guardians of the child;

36 (c) Persons who care for a neighbor's or friend's child or
37 children, with or without compensation, where the person providing
38 care for periods of less than 24 hours does not conduct such activity
39 on an ongoing, regularly scheduled basis for the purpose of engaging

1 in business, which includes, but is not limited to, advertising such
2 care;

3 (d) Parents on a mutually cooperative basis exchange care of one
4 another's children;

5 (e) Nursery schools that are engaged primarily in early childhood
6 education with preschool children and in which no child is enrolled
7 on a regular basis for more than four hours per day;

8 (f) Schools, including boarding schools, that are engaged
9 primarily in education, operate on a definite school year schedule,
10 follow a stated academic curriculum, and accept only school age
11 children;

12 (g) Seasonal camps. For purposes of this chapter, "seasonal camp"
13 means a program that:

14 (i) Operates for three months or less within a period of twelve
15 consecutive months;

16 (ii) Is engaged primarily in recreational or educational
17 activities conducted on a closely supervised basis; and

18 (iii) Is owned by any person, organization, association, or
19 corporation, or is operated by a federal, state, county, or municipal
20 government;

21 (h) Facilities providing child care for periods of less than 24
22 hours when a parent or legal guardian of the child remains on the
23 premises of the facility for the purpose of participating in:

24 (i) Activities other than employment; or

25 (ii) Employment of up to two hours per day when the facility is
26 operated by a nonprofit entity that also operates a licensed child
27 care program at the same facility in another location or at another
28 facility;

29 (i) Any entity that provides recreational or educational
30 programming for school age children only and the entity meets all of
31 the following requirements:

32 (i) The entity utilizes a drop-in model for programming, where
33 children are able to attend during any or all program hours without a
34 formal reservation;

35 (ii) The entity does not assume responsibility in lieu of the
36 parent, unless for coordinated transportation;

37 (iii) The entity is a local affiliate of a national nonprofit;
38 and

39 (iv) The entity is in compliance with all safety and quality
40 standards set by the associated national agency;

1 (j) A program operated by any unit of local, state, or federal
2 government;

3 (k) A program located within the boundaries of a federally
4 recognized Indian reservation, licensed by the Indian tribe;

5 (l) A program located on a federal military reservation, except
6 where the military authorities request that such agency be subject to
7 the licensing requirements of this chapter;

8 (m) A program that offers early learning and support services,
9 such as parent education, and does not provide child care services on
10 a regular basis; or

11 (n) A child care center or family home provider that is locally
12 licensed as authorized under section 1 of this act.

13 (3) "Applicant" means a person who requests or seeks employment
14 in an agency.

15 (4) "Certificate of parental improvement" means a certificate
16 issued under RCW 74.13.720 to an individual who has a founded finding
17 of physical abuse or negligent treatment or maltreatment, or a court
18 finding that the individual's child was dependent as a result of a
19 finding that the individual abused or neglected their child pursuant
20 to RCW 13.34.030(6)(b).

21 (5) "Conviction information" means criminal history record
22 information relating to an incident which has led to a conviction or
23 other disposition adverse to the applicant.

24 (6) "Department" means the department of children, youth, and
25 families.

26 (7) "Early achievers" means a program that improves the quality
27 of early learning programs and supports and rewards providers for
28 their participation.

29 (8) "Early childhood education and assistance program contractor"
30 means an organization that provides early childhood education and
31 assistance program services under a signed contract with the
32 department.

33 (9) "Early childhood education and assistance program provider"
34 means an organization that provides site level, direct, and high
35 quality early childhood education and assistance program services
36 under the direction of an early childhood education and assistance
37 program contractor.

38 (10) "Education data center" means the education data center
39 established in RCW 43.41.400, commonly referred to as the education
40 research and data center.

1 (11) "Employer" means a person or business that engages the
2 services of one or more people, especially for wages or salary to
3 work in an agency.

4 (12) "Enforcement action" means denial, suspension, revocation,
5 modification, or nonrenewal of a license pursuant to RCW
6 43.216.325(1) or assessment of civil monetary penalties pursuant to
7 RCW 43.216.325(3).

8 (13) "Extended day program" means an early childhood education
9 and assistance program that offers early learning education for at
10 least 10 hours per day, a minimum of 2,000 hours per year, at least
11 four days per week, and operates year-round.

12 (14) "Family resource and referral linkage system" means a system
13 that connects families to resources, services, and programs for which
14 families are eligible and uses a database that is developed and
15 maintained in partnership with communities, health care providers,
16 and early learning providers.

17 (15) "Family resource center" means a unified single point of
18 entry where families, individuals, children, and youth in communities
19 can obtain information, an assessment of needs, referral to, or
20 direct delivery of family services in a manner that is welcoming and
21 strength-based.

22 (a) A family resource center is designed to meet the needs,
23 cultures, and interests of the communities that the family resource
24 center serves.

25 (b) Family services may be delivered directly to a family at the
26 family resource center by family resource center staff or by
27 providers who contract with or have provider agreements with the
28 family resource center. Any family resource center that provides
29 family services shall comply with applicable state and federal laws
30 and regulations regarding the delivery of such family services,
31 unless required waivers or exemptions have been granted by the
32 appropriate governing body.

33 (c) Each family resource center shall have one or more family
34 advocates who screen and assess a family's needs and strengths. If
35 requested by the family, the family advocate shall assist the family
36 with setting its own goals and, together with the family, develop a
37 written plan to pursue the family's goals in working towards a
38 greater level of self-reliance or in attaining self-sufficiency.

1 (16) "Full day program" means an early childhood education and
2 assistance program that offers early learning education for a minimum
3 of 1,000 hours per year.

4 (17) "Inspection report" means a written or digital record or
5 report created by the department that identifies or describes
6 licensing violations or conditions within an agency. An inspection
7 report does not include a child care facility licensing compliance
8 agreement as defined in RCW 43.216.395.

9 (18) "Low-income child care provider" means a person who
10 administers a child care program that consists of at least 80 percent
11 of children receiving working connections child care subsidy.

12 (19) "Low-income neighborhood" means a district or community
13 where more than 20 percent of households are below the federal
14 poverty level.

15 (20) "Negative action" means a court order, court judgment, or an
16 adverse action taken by an agency, in any state, federal, tribal, or
17 foreign jurisdiction, which results in a finding against the
18 applicant reasonably related to the individual's character,
19 suitability, and competence to care for or have unsupervised access
20 to children in child care. This may include, but is not limited to:

21 (a) A decision issued by an administrative law judge;

22 (b) A final determination, decision, or finding made by an agency
23 following an investigation;

24 (c) An adverse agency action, including termination, revocation,
25 or denial of a license or certification, or if pending adverse agency
26 action, the voluntary surrender of a license, certification, or
27 contract in lieu of the adverse action;

28 (d) A revocation, denial, or restriction placed on any
29 professional license; or

30 (e) A final decision of a disciplinary board.

31 (21) "Nonconviction information" means arrest, founded
32 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
33 or other negative action adverse to the applicant.

34 (22) "Nonschool age child" means a child who is age six years or
35 younger and who is not enrolled in a public or private school.

36 (23) "Part day program" means an early childhood education and
37 assistance program that offers early learning education for at least
38 two and one-half hours per class session, at least 320 hours per
39 year, for a minimum of 30 weeks per year.

1 (24) "Private school" means a private school approved by the
2 state under chapter 28A.195 RCW.

3 (25) "Probationary license" means a license issued as a
4 disciplinary measure to an agency that has previously been issued a
5 full license but is out of compliance with licensing standards.

6 (26) "Requirement" means any rule, regulation, or standard of
7 care to be maintained by an agency.

8 (27) "School age child" means a child who is five years of age
9 through 12 years of age and is attending a public or private school
10 or is receiving home-based instruction under chapter 28A.200 RCW.

11 (28) "Secretary" means the secretary of the department.

12 (29) "Washington state preschool program" means an education
13 program for children three-to-five years of age who have not yet
14 entered kindergarten, such as the early childhood education and
15 assistance program.

16 NEW SECTION. **Sec. 4.** RCW 43.216.695 (County regulation of
17 family day-care centers—Twelve-month pilot projects) and 2005 c 509 s
18 1 are each repealed, effective July 1, 2025.

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