
ENGROSSED SUBSTITUTE HOUSE BILL 2511

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

State of Washington **64th Legislature** **2016 Regular Session**

By House Early Learning & Human Services (originally sponsored by Representatives Pike, Scott, Vick, Shea, Walsh, and Young)

READ FIRST TIME 02/02/16.

1 AN ACT Relating to child care center licensing requirements;
2 amending RCW 43.215.010; adding a new section to chapter 43.215 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
6 high cost of quality child care places a heavy burden on Washington's
7 poorest families. The legislature further acknowledges the
8 administrative burden unnecessary regulations place on child care
9 providers and the families they serve. The legislature finds that
10 under current rule, child care providers may not serve five year olds
11 attending school in the same group as five year olds not attending
12 school.

13 (2) The legislature intends to allow child care centers to serve
14 kindergartners in a mixed group or classroom without having to go
15 through a waiver process. The legislature further intends to
16 streamline the delivery of services to children while continuing to
17 protect their safety and well-being.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215
19 RCW to read as follows:

1 For children ages sixty months through six years, the child's
2 school enrollment status may not be used as a reason to require the
3 child be placed within a specific mixed-age group. Nothing in this
4 section changes or requires the department to change the staff-to-
5 child ratio requirements for mixed-age groups that include children
6 who are ages thirty months through six years.

7 **Sec. 3.** RCW 43.215.010 and 2015 3rd sp.s. c 7 s 19 are each
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

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

15 (a) "Child day care center" means an agency that regularly
16 provides early childhood education and early learning services for a
17 group of children for periods of less than twenty-four hours;

18 (b) "Early learning" includes but is not limited to programs and
19 services for child care; state, federal, private, and nonprofit
20 preschool; child care subsidies; child care resource and referral;
21 parental education and support; and training and professional
22 development for early learning professionals;

23 (c) "Family day care provider" means a child care provider who
24 regularly provides early childhood education and early learning
25 services for not more than twelve children in the provider's home in
26 the family living quarters;

27 (d) "Nongovernmental private-public partnership" means an entity
28 registered as a nonprofit corporation in Washington state with a
29 primary focus on early learning, school readiness, and parental
30 support, and an ability to raise a minimum of five million dollars in
31 contributions;

32 (e) "Service provider" means the entity that operates a community
33 facility.

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

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

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

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

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

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

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

8 (c) Persons who care for a neighbor's or friend's child or
9 children, with or without compensation, where the person providing
10 care for periods of less than twenty-four hours does not conduct such
11 activity on an ongoing, regularly scheduled basis for the purpose of
12 engaging in business, which includes, but is not limited to,
13 advertising such care;

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

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

19 (f) Schools, including boarding schools, that are engaged
20 primarily in education, operate on a definite school year schedule,
21 follow a stated academic curriculum, accept only school-age children,
22 and do not accept custody of children;

23 (g) Seasonal camps of three months' or less duration engaged
24 primarily in recreational or educational activities;

25 (h) Facilities providing child care for periods of less than
26 twenty-four hours when a parent or legal guardian of the child
27 remains on the premises of the facility for the purpose of
28 participating in:

29 (i) Activities other than employment; or

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

34 (i) Any entity that provides recreational or educational
35 programming for school-age children only and the entity meets all of
36 the following requirements:

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

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

3 (iii) The entity is a local affiliate of a national nonprofit;
4 and

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

7 (j) A program operated by any unit of local, state, or federal
8 government or an agency, located within the boundaries of a federally
9 recognized Indian reservation, licensed by the Indian tribe;

10 (k) A program located on a federal military reservation, except
11 where the military authorities request that such agency be subject to
12 the licensing requirements of this chapter;

13 (l) A program that offers early learning and support services,
14 such as parent education, and does not provide child care services on
15 a regular basis.

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

18 (4) "Conviction information" means criminal history record
19 information relating to an incident which has led to a conviction or
20 other disposition adverse to the applicant.

21 (5) "Department" means the department of early learning.

22 (6) "Director" means the director of the department.

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

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

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

35 (10) "Early start" means an integrated high quality continuum of
36 early learning programs for children birth-to-five years of age.
37 Components of early start include, but are not limited to, the
38 following:

39 (a) Home visiting and parent education and support programs;

40 (b) The early achievers program described in RCW 43.215.100;

1 (c) Integrated full-day and part-day high quality early learning
2 programs; and

3 (d) High quality preschool for children whose family income is at
4 or below one hundred ten percent of the federal poverty level.

5 (11) "Education data center" means the education data center
6 established in RCW 43.41.400, commonly referred to as the education
7 research and data center.

8 (12) "Employer" means a person or business that engages the
9 services of one or more people, especially for wages or salary to
10 work in an agency.

11 (13) "Enforcement action" means denial, suspension, revocation,
12 modification, or nonrenewal of a license pursuant to RCW
13 43.215.300(1) or assessment of civil monetary penalties pursuant to
14 RCW 43.215.300(3).

15 (14) "Extended day program" means an early childhood education
16 and assistance program that offers early learning education for at
17 least ten hours per day, a minimum of two thousand hours per year, at
18 least four days per week, and operates year-round.

19 (15) "Full day program" means an early childhood education and
20 assistance program that offers early learning education for a minimum
21 of one thousand hours per year.

22 (16) "Low-income child care provider" means a person who
23 administers a child care program that consists of at least eighty
24 percent of children receiving working connections child care subsidy.

25 (17) "Low-income neighborhood" means a district or community
26 where more than twenty percent of households are below the federal
27 poverty level.

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

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

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

37 (c) An adverse agency action, including termination, revocation,
38 or denial of a license or certification, or if pending adverse agency
39 action, the voluntary surrender of a license, certification, or
40 contract in lieu of the adverse action;

1 (d) A revocation, denial, or restriction placed on any
2 professional license; or

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

4 (19) "Nonconviction information" means arrest, founded
5 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
6 or other negative action adverse to the applicant.

7 (20) "Nonschool-age child" means a child who is age six years or
8 younger and who is not enrolled in a public or private school.

9 (21) "Part day program" means an early childhood education and
10 assistance program that offers early learning education for at least
11 two and one-half hours per class session, at least three hundred
12 twenty hours per year, for a minimum of thirty weeks per year.

13 (22) "Private school" means a private school approved by the
14 state under chapter 28A.195 RCW.

15 (23) "Probationary license" means a license issued as a
16 disciplinary measure to an agency that has previously been issued a
17 full license but is out of compliance with licensing standards.

18 (24) "Requirement" means any rule, regulation, or standard of
19 care to be maintained by an agency.

20 (25) "School-age child" means a child who is (~~between the ages~~
21 ~~of~~) five years (~~and~~) of age through twelve years of age and is
22 attending a public or private school or is receiving home-based
23 instruction under chapter 28A.200 RCW.

24 (26) "Washington state preschool program" means an education
25 program for children three-to-five years of age who have not yet
26 entered kindergarten, such as the early childhood education and
27 assistance program.

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