

CERTIFICATION OF ENROLLMENT

SENATE BILL 5625

62nd Legislature
2011 Regular Session

Passed by the Senate April 21, 2011
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 20, 2011
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5625** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5625

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Senators Harper, King, McAuliffe, Litzow, and Nelson

Read first time 02/02/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to authorizing implementation of a nonexpiring
2 license for early learning providers; and amending RCW 43.215.260,
3 43.215.290, and 43.215.270.

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

5 **Sec. 1.** RCW 43.215.260 and 2006 c 265 s 307 are each amended to
6 read as follows:

7 (1) Each agency shall make application for a license or ((renewal
8 of)) the continuation of a full license to the department on forms
9 prescribed by the department. Upon receipt of such application, the
10 department shall either grant or deny a license or continuation of a
11 full license within ninety days. A license or continuation shall be
12 granted if the agency meets the minimum requirements set forth in this
13 chapter and the departmental requirements consistent with ((the
14 {this}) this chapter, except that an initial license may be issued as
15 provided in RCW 43.215.280. The department shall consider whether an
16 agency is in good standing, as defined in subsection (4)(b) of this
17 section, before granting a continuation of a full license. Full
18 licenses provided for in this chapter shall ((be issued for a period of
19 three years)) continue to remain valid so long as the licensee meets

1 the requirements for a nonexpiring license in subsection (2) of this
2 section. The licensee, however, shall advise the director of any
3 material change in circumstances which might constitute grounds for
4 reclassification of license as to category. The license issued under
5 this chapter is not transferable and applies only to the licensee and
6 the location stated in the application. For licensed family day care
7 homes having an acceptable history of child care, the license may
8 remain in effect for two weeks after a move.

9 (2) In order to qualify for a nonexpiring full license, a licensee
10 must meet the following requirements on an annual basis as established
11 from the date of initial licensure:

12 (a) Submit the annual licensing fee;

13 (b) Submit a declaration to the department indicating the
14 licensee's intent to continue operating a licensed child care program,
15 or the intent to cease operation on a date certain;

16 (c) Submit a declaration of compliance with all licensing rules;
17 and

18 (d) Submit background check applications on the schedule
19 established by the department.

20 (3) If a licensee fails to meet the requirements in subsection (2)
21 of this section for continuation of a full license the license expires
22 and the licensee must submit a new application for licensure under this
23 chapter.

24 (4)(a) Nothing about the nonexpiring license process may interfere
25 with the department's established monitoring practice.

26 (b) For the purpose of this section, an agency is considered to be
27 in good standing if in the intervening period between monitoring visits
28 the agency does not have any of the following:

29 (i) Valid complaints;

30 (ii) A history of noncompliance related to those valid complaints
31 or pending from prior monitoring visits; or

32 (iii) Other information that when evaluated would result in a
33 finding of noncompliance with this section.

34 (c) The department shall consider whether an agency is in good
35 standing when determining the most appropriate approach and process for
36 monitoring visits, for the purposes of administrative efficiency while
37 protecting children, consistent with this chapter. If the department

1 determines that an agency is not in good standing, the department may
2 issue a probationary license, as provided in RCW 43.215.290.

3 **Sec. 2.** RCW 43.215.290 and 2006 c 265 s 310 are each amended to
4 read as follows:

5 (1) The department may issue a probationary license to a licensee
6 who has had ((a)) an initial, expiring, or other license but is
7 temporarily unable to comply with a rule or has been the subject of
8 multiple complaints or concerns about noncompliance if:

9 (a) The noncompliance does not present an immediate threat to the
10 health and well-being of the children but would be likely to do so if
11 allowed to continue; and

12 (b) The licensee has a plan approved by the department to correct
13 the area of noncompliance within the probationary period.

14 (2) Before issuing a probationary license, the department shall, in
15 writing, refer the licensee to the child care resource and referral
16 network or other appropriate resource for technical assistance. The
17 department may issue a probationary license pursuant to subsection (1)
18 of this section if within fifteen working days after the department has
19 sent its referral:

20 (a) The licensee, in writing, has refused the department's referral
21 for technical assistance; or

22 (b) The licensee has failed to respond in writing to the
23 department's referral for technical assistance.

24 (3) If the licensee accepts the department's referral for technical
25 assistance issued under subsection (2) of this section, the department,
26 the licensee, and the technical assistance provider shall meet within
27 thirty days after the licensee's acceptance. The licensee and the
28 department, in consultation with the technical assistance provider,
29 shall develop a plan to correct the areas of noncompliance identified
30 by the department. If, after sixty days, the licensee has not
31 corrected the areas of noncompliance identified in the plan developed
32 in consultation with the technical assistance provider, the department
33 may issue a probationary license pursuant to subsection (1) of this
34 section.

35 (4) A probationary license may be issued for up to six months, and
36 at the discretion of the department it may be extended for an
37 additional six months. The department shall immediately terminate the

1 probationary license, if at any time the noncompliance for which the
2 probationary license was issued presents an immediate threat to the
3 health or well-being of the children.

4 ~~((3))~~ (5) The department may, at any time, issue a probationary
5 license for due cause that states the conditions of probation.

6 ~~((4))~~ (6) An existing license is invalidated when a probationary
7 license is issued.

8 ~~((5))~~ (7) At the expiration of the probationary license, the
9 department shall reinstate the original license for the remainder of
10 its term, issue a new license, or revoke the original license.

11 ~~((6))~~ (8) A right to an adjudicative proceeding shall not accrue
12 to the licensee whose license has been placed on probationary status
13 unless the licensee does not agree with the placement on probationary
14 status and the department then suspends, revokes, or modifies the
15 license.

16 **Sec. 3.** RCW 43.215.270 and 2006 c 265 s 308 are each amended to
17 read as follows:

18 (1) If a licensee desires to apply for a renewal of its license, a
19 request for a renewal shall be filed ninety days before the expiration
20 date of the license. If the department has failed to act at the time
21 of the expiration date of the license, the license shall continue in
22 effect until such time as the department acts.

23 (2) License renewal under this section does not apply to
24 nonexpiring licenses described in RCW 43.215.260.

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