

HOUSE BILL REPORT

HB 1852

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to building code council rules that impact before or after-school programs.

Brief Description: Requiring the building code council to adopt rules regarding before or after-school programs.

Sponsors: Representatives Kagi, Ryu and Freeman.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/21/13, 2/22/13 [DPS].

Brief Summary of Substitute Bill

- Requires the building code council to adopt rules to allow children who attend classes in a school building during school hours to remain in the same building to participate in before-school or after-school programs.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Farrell, Goodman, MacEwen, Roberts, Sawyer and Zeiger.

Minority Report: Do not pass. Signed by 2 members: Representatives Scott, Assistant Ranking Minority Member; Overstreet.

Staff: Lindsay Lanham (786-7120).

Background:

The building code council is authorized in statute to adopt rules that establish standards for making buildings and facilities accessible to and usable by people with a physical disability or elders, to regulate building construction, and to promote fire and life safety in buildings.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When an agency, program, or child care facility applies for licensure through the Department of Early Learning (DEL), the agency, program, or child care facility must complete a fire and safety check of the building. Currently, the chief of the Washington State Patrol (WSP), through the director of fire protection, has the responsibility to issue a certificate of compliance to applicants of licensure who comply with established requirements. If an agency, program, or child care facility does not receive a certificate of compliance the agency, program, or child care facility cannot be licensed by the DEL.

Summary of Substitute Bill:

This bill requires the director of the DEL to consult with the state Fire Marshal's Office to adopt licensing standards that allow children who attend classes in a school building during school hours to remain in the same building. Additionally, this bill requires the chief of the WSP, through the director of fire protection, to adopt minimum standard requirements to allow children who attend classes in a school building during school hours to remain in the same building.

Substitute Bill Compared to Original Bill:

The substitute bill directs the DEL and the Fire Marshal's Office to adopt minimum standard requirements to allow children who attend classes in a school building during school hours to remain in the same building.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill has been worked on for several years. In Seattle, for example, there are children who attend school in older buildings. When school adjourns the children cannot go down the hall to participate in an after-school program because the building cannot be licensed under existing code. This bill offers a simple solution that says that if children are in school they can stay in that same school for a few additional hours to attend after-school programs. The children are not in any greater risk attending the after-school or before-school program than they are attending school.

Parents cannot access licensed child care programs at the child's school because of conflicting facility standards in state law. A school that is deemed adequate and safe for 6-1/2 hours a day for educational instruction is unqualified to provide three hours of after-school licensed programming. A third grade classroom with only one exit is considered safe

for children for schooling; however, at a ring of a bell the classroom becomes unsafe for those same children to remain in for three additional hours or after-school programming. There are similar concerns with a host of conflictual licensing standards such as playground equipment, bathroom ventilation, and flooring.

These dual licensing standards impact schools in lower-income communities the most. These communities often have older buildings that are not recently updated, and they cannot afford to make repairs. Additionally, only licensed child care programs can accept state subsidies. State subsidies are critical in low-incomes families' access to child care and working parents' ability to maintain employment.

(Opposed) The building code council adopts state codes. There were efforts to resolve the issue between the building code council and the licensing standards. The building code council technical group found that the concern was with licensing and not with the rules adopted by the building code. It is the licensing facility that requires additional requirements. The technical group found it challenging to write licensing provisions that would accommodate licensing standards as established by the DEL.

Persons Testifying: (In support) Representative Kagi, prime sponsor; and Josh Sutton, Young Men's Christian Association of Greater Seattle.

(Opposed) Tim Nogler, Washington State Building Code Council.

Persons Signed In To Testify But Not Testifying: None.