
HOUSE BILL 1547

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Walsh, Kagi, Freeman, Fey, Zeiger, Ryu, Morrell, Roberts, Moscoso, and Santos

Read first time 01/30/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to an entity that provides drop-in educational or
2 recreational programming for school-aged children; and reenacting and
3 amending RCW 43.215.010.

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

5 **Sec. 1.** RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are
6 each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

16 (b) "Early learning" includes but is not limited to programs and
17 services for child care; state, federal, private, and nonprofit
18 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" means a child day care provider who
4 regularly provides child day care and early learning services for not
5 more than twelve children in the provider's home in the family living
6 quarters;

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

12 (e) "Service provider" means the entity that operates a community
13 facility.

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

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

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

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

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

24 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this
25 subsection (~~((2)(a))~~), even after the marriage is terminated;

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

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

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

35 (e) Nursery schools or kindergartens that are engaged primarily in
36 educational work with preschool children and in which no child is
37 enrolled on a regular basis for more than four hours per day;

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

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

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

10 (i) Activities other than employment; or

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

15 (i) Any agency having been in operation in this state ten years
16 before June 8, 1967, and not seeking or accepting moneys or assistance
17 from any state or federal agency, and is supported in part by an
18 endowment or trust fund;

19 (j) Any entity that provides recreational or educational
20 programming for school-aged children only and the entity meets all of
21 the following requirements:

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

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

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

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

30 (k) An agency operated by any unit of local, state, or federal
31 government or an agency, located within the boundaries of a federally
32 recognized Indian reservation, licensed by the Indian tribe;

33 ((+k)) (l) An agency located on a federal military reservation,
34 except where the military authorities request that such agency be
35 subject to the licensing requirements of this chapter;

36 ((+l)) (m) An agency that offers early learning and support
37 services, such as parent education, and does not provide child care
38 services on a regular basis.

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

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

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

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

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

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

15 (9) "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 applicant
18 reasonably related to the individual's character, suitability, and
19 competence to care for or have unsupervised access to children in child
20 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, or
25 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 professional
29 license; or

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

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

34 (11) "Probationary license" means a license issued as a
35 disciplinary measure to an agency that has previously been issued a
36 full license but is out of compliance with licensing standards.

1 (12) "Requirement" means any rule, regulation, or standard of care
2 to be maintained by an agency.

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