
ENGROSSED SENATE BILL 6230

State of Washington

54th Legislature

1996 Regular Session

By Senators Kohl, Fairley and Thibaudeau

Read first time 01/09/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to out-of-home care; amending RCW 74.13.090;
2 reenacting and amending RCW 74.15.020; adding new sections to chapter
3 74.15 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that consumers of
6 child care services have a legitimate interest in receiving timely
7 information about complaints against child care service providers in
8 order to make meaningful choices regarding the facilities and people
9 who provide care for their children. The legislature further finds
10 that as a result of improvements in information management systems, the
11 state's ability to provide relevant information to child care service
12 consumers has also improved.

13 The legislature intends to utilize the state's improved ability to
14 collect and manage information about complaints against child care
15 service providers by requiring the department of social and health
16 services to report all relevant licensing actions and complaints
17 alleging serious issues affecting the health and safety of children to
18 appropriate individuals and organizations in a timely manner. The
19 legislature further intends to authorize the department to report such

1 information to the general public when necessary and appropriate for
2 the health and safety of children.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15 RCW
4 to read as follows:

5 (1) The department shall report any adverse licensing actions
6 against a child day-care center or family day-care provider taken under
7 this chapter as a result of serious issues affecting the health and
8 safety of children as follows: (a) Within two business days of taking
9 the action, by posting for at least two weeks a prominent notice of the
10 licensing action at the facility; and (b) within two business days of
11 taking the action, by notifying the referent and appropriate public or
12 private child care resource and referral agencies. Upon request, a
13 center or provider subject to an adverse licensing action under this
14 chapter shall provide the department, within two business days, a
15 complete list of the names, addresses, and telephone numbers of its
16 current clients. The report shall include a description of the grounds
17 for the adverse licensing action.

18 (2) The department shall report any complaints against a child day-
19 care center or family day-care provider alleging serious issues
20 affecting the health and safety of children that are determined to be
21 well-founded or valid as follows: (a) Within two business days of
22 making the determination, by posting for at least two weeks a prominent
23 notice of the determination at the facility; and (b) within two
24 business days of making the determination, by notifying the referent
25 and appropriate public or private child care resource and referral
26 agencies. Upon request, a center or provider subject to a complaint
27 that must be reported under this subsection shall provide the
28 department, within two business days, a complete list of the names,
29 addresses, and telephone numbers of its current clients. The report
30 shall include a description of the well-founded or valid allegations
31 and a summary of the resolution of the complaint or the follow-up
32 actions taken by the department and the center or provider in response
33 to the complaint.

34 (3) The department is authorized to report to the general public
35 and counterpart licensing departments in other states, as may be
36 necessary and appropriate to protect the health or safety of children,
37 any information that is required to be reported under subsection (1) or
38 (2) of this section.

1 (4) If the child day-care center or family day-care provider is
2 later found to have not committed the acts or conduct justifying the
3 adverse licensing action or alleged in a complaint reported under
4 subsection (1), (2), or (3) of this section, the department shall
5 forthwith prepare a notice of public exoneration. The department shall
6 report the public exoneration to the same people and entities, and in
7 the same manner, who received a report under subsections (2) and (3) of
8 this section. Such notice shall also be maintained as part of the
9 department's permanent record of the licensing action or complaint.

10 (5) The department shall disclose, upon request, the receipt,
11 general nature, and resolution or current status of all complaints on
12 record with the department after the effective date of this act against
13 a child day-care center or family day-care provider alleging serious
14 issues affecting the health and safety of children, regardless of
15 whether an investigation is pending or the complaint has been
16 determined to be invalid, inconclusive, or unfounded.

17 (6) This section shall not be construed to require the reporting of
18 any information that is exempt from public disclosure under chapter
19 42.17 RCW.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.15 RCW
21 to read as follows:

22 At any time during a pending adverse licensing action, a pending
23 investigation of a complaint alleging serious issues affecting the
24 health and safety of children, or an ongoing corrective action plan,
25 the department may, as necessary and appropriate to protect the health
26 or safety of children, (1) place a child day-care center or family day-
27 care provider on nonreferral status, and (2) notify appropriate public
28 and private child care resource and referral agencies of the
29 department's investigation and decision to place the center or provider
30 on nonreferral status. If the department determines, at the conclusion
31 of the investigation of a proceeding under this section, that no
32 adverse licensure action is appropriate, a complaint is not well
33 founded or valid, or a corrective action plan has been successfully
34 concluded, the department shall remove the provider from nonreferral
35 status and provide appropriate notice to the public and private child
36 care resource and referral agencies.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.15 RCW
2 to read as follows:

3 (1) The department shall compile an annual report summarizing all
4 investigations for the previous fiscal year relating to serious issues
5 affecting the health or safety of children in the care of child day-
6 care centers and family day-care providers. The report shall be
7 provided to the legislature, the child care coordinating committee, and
8 child care resource and referral agencies by August 1st of each year
9 beginning in 1997.

10 (2) The report shall include, at a minimum, (a) an analysis of the
11 volume and general nature of all reports and disclosures made by the
12 department as required or authorized under section 2 of this act; (b)
13 an analysis of the volume and general nature of the pending adverse
14 licensing actions, pending complaint investigations, and ongoing
15 corrective action plans for which the department placed centers and
16 providers on nonreferral status under section 3 of this act; (c) an
17 analysis of the volume and general nature of complaints determined to
18 be invalid, inconclusive, or unfounded; and (d) information about the
19 average length of time required by the department to complete
20 investigations determined to be valid or well-founded, inconclusive,
21 and invalid or unfounded.

22 **Sec. 5.** RCW 74.15.020 and 1995 c 311 s 18 and 1995 c 302 s 3 are
23 each reenacted and amended to read as follows:

24 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
25 otherwise clearly indicated by the context thereof, the following terms
26 shall mean:

27 (1) (~~"Department" means the state department of social and health~~
28 ~~services;~~

29 ~~(2) "Secretary" means the secretary of social and health services;~~

30 ~~(3))~~ "Adverse licensing action" means a denial, suspension,
31 revocation, or nonrenewal of a license authorized under this chapter.

32 (2) "Agency" means any person, firm, partnership, association,
33 corporation, or facility which receives children, expectant mothers, or
34 persons with developmental disabilities for control, care, or
35 maintenance outside their own homes, or which places, arranges the
36 placement of, or assists in the placement of children, expectant
37 mothers, or persons with developmental disabilities for foster care or
38 placement of children for adoption, and shall include the following

1 irrespective of whether there is compensation to the agency or to the
2 children, expectant mothers or persons with developmental disabilities
3 for services rendered:

4 (a) "Group-care facility" means an agency, other than a foster-
5 family home, which is maintained and operated for the care of a group
6 of children on a twenty-four hour basis;

7 (b) "Child-placing agency" means an agency which places a child or
8 children for temporary care, continued care, or for adoption;

9 (c) "Maternity service" means an agency which provides or arranges
10 for care or services to expectant mothers, before or during
11 confinement, or which provides care as needed to mothers and their
12 infants after confinement;

13 (d) "Child day-care center" means an agency which regularly
14 provides care for a group of children for periods of less than twenty-
15 four hours;

16 (e) "Family day-care provider" means a child day-care provider who
17 regularly provides child day care for not more than twelve children in
18 the provider's home in the family living quarters;

19 (f) "Foster-family home" means an agency which regularly provides
20 care on a twenty-four hour basis to one or more children, expectant
21 mothers, or persons with developmental disabilities in the family abode
22 of the person or persons under whose direct care and supervision the
23 child, expectant mother, or person with a developmental disability is
24 placed;

25 (g) "Crisis residential center" means an agency which is a
26 temporary protective residential facility operated to perform the
27 duties specified in chapter 13.32A RCW, in the manner provided in RCW
28 74.13.032 through 74.13.036.

29 ((+4)) (3) "Agency" shall not include the following:

30 (a) Persons related to the child, expectant mother, or person with
31 developmental disabilities in the following ways:

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

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

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

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

3 (v) Extended family members, as defined by the law or custom of the
4 Indian child's tribe or, in the absence of such law or custom, a person
5 who has reached the age of eighteen and who is the Indian child's
6 grandparent, aunt or uncle, brother or sister, brother-in-law or
7 sister-in-law, niece or nephew, first or second cousin, or stepparent
8 who provides care in the family abode on a twenty-four-hour basis to an
9 Indian child as defined in 25 U.S.C. Sec. 1903(4);

10 (b) Persons who are legal guardians of the child, expectant mother,
11 or persons with developmental disabilities;

12 (c) Persons who care for a neighbor's or friend's child or
13 children, with or without compensation, where: (i) The person
14 providing care for periods of less than twenty-four hours does not
15 conduct such activity on an ongoing, regularly scheduled basis for the
16 purpose of engaging in business, which includes, but is not limited to,
17 advertising such care; or (ii) the parent and person providing care on
18 a twenty-four-hour basis have agreed to the placement in writing and
19 the state is not providing any payment for the care;

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

22 (e) A person, partnership, corporation, or other entity that
23 provides placement or similar services to exchange students or
24 international student exchange visitors or persons who have the care of
25 an exchange student in their home;

26 (f) Nursery schools or kindergartens which are engaged primarily in
27 educational work with preschool children and in which no child is
28 enrolled on a regular basis for more than four hours per day;

29 (g) Schools, including boarding schools, which are engaged
30 primarily in education, operate on a definite school year schedule,
31 follow a stated academic curriculum, accept only school-age children
32 and do not accept custody of children;

33 (h) Seasonal camps of three months' or less duration engaged
34 primarily in recreational or educational activities;

35 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
36 performing functions defined in chapter 70.41 RCW, nursing homes
37 licensed under chapter 18.51 RCW and boarding homes licensed under
38 chapter 18.20 RCW;

39 (j) Licensed physicians or lawyers;

1 (k) Facilities providing care to children for periods of less than
2 twenty-four hours whose parents remain on the premises to participate
3 in activities other than employment;

4 (l) Facilities approved and certified under chapter 71A.22 RCW;

5 (m) Any agency having been in operation in this state ten years
6 prior to June 8, 1967, and not seeking or accepting moneys or
7 assistance from any state or federal agency, and is supported in part
8 by an endowment or trust fund;

9 (n) Persons who have a child in their home for purposes of
10 adoption, if the child was placed in such home by a licensed child-
11 placing agency, an authorized public or tribal agency or court or if a
12 replacement report has been filed under chapter 26.33 RCW and the
13 placement has been approved by the court;

14 (o) An agency operated by any unit of local, state, or federal
15 government or an agency, located within the boundaries of a federally
16 recognized Indian reservation, licensed by the Indian tribe;

17 (p) An agency located on a federal military reservation, except
18 where the military authorities request that such agency be subject to
19 the licensing requirements of this chapter.

20 (4) "Department" means the state department of social and health
21 services.

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

25 (6) "Referent" means a person or agency who brings to the attention
26 of the department a complaint or information resulting in an
27 investigation or adverse licensing action.

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

30 ~~((6) "Probationary license" means a license issued as a~~
31 ~~disciplinary measure to an agency that has previously been issued a~~
32 ~~full license but is out of compliance with licensing standards.))~~

33 (8) "Secretary" means the secretary of social and health services.

34 (9) "Serious issues affecting the health and safety of children"
35 means allegations, which if true, place children at imminent serious
36 risk of harm. Such allegations may include, but are not limited to,
37 allegations of child abuse or neglect or allegations of licensing
38 violations related to safety or health hazards, supervision problems,

1 accidental injuries, or excessive discipline or mistreatment of a
2 child.

3 NEW SECTION. **Sec. 6.** The department of social and health services
4 shall adopt rules as necessary to implement RCW 74.15.020 and sections
5 2 through 4 of this act.

6 **Sec. 7.** RCW 74.13.090 and 1995 c 399 s 204 are each amended to
7 read as follows:

8 (1) There is established a child care coordinating committee to
9 provide coordination and communication between state agencies
10 responsible for child care and early childhood education services. The
11 child care coordinating committee shall be composed of not less than
12 ~~((seventeen))~~ twenty-three nor more than thirty-three members who shall
13 include:

14 (a) One representative each from the department of social and
15 health services, the department of community, trade, and economic
16 development, the office of the superintendent of public instruction,
17 and any other agency having responsibility for regulation, provision,
18 or funding of child care services in the state;

19 (b) One representative from the department of labor and industries;

20 (c) One representative from the department of revenue;

21 (d) One representative from the employment security department;

22 (e) One representative from the department of personnel;

23 (f) One representative from the department of health;

24 (g) One representative from the higher education coordinating
25 board;

26 (h) One representative from the state board of education;

27 (i) One representative from the state board for community and
28 technical colleges;

29 (j) At least one representative of family home child care providers
30 and one representative of center care providers;

31 ~~((h))~~ (k) At least one representative of early childhood
32 development experts;

33 ~~((i))~~ (l) At least one representative of school districts and
34 teachers involved in the provision of child care and preschool
35 programs;

36 ~~((j))~~ (m) At least one parent education specialist;

1 (~~(k)~~) (n) At least one representative of resource and referral
2 programs;

3 (~~(l)~~) (o) One pediatric or other health professional;

4 (~~(m)~~) (p) At least one representative of college or university
5 child care providers;

6 (~~(n)~~) (q) At least one representative of a citizen group
7 concerned with child care;

8 (~~(o)~~) (r) At least one representative of a labor organization;

9 (~~(p)~~) (s) At least one representative of a head start - early
10 childhood education assistance program agency;

11 (~~(q)~~) (t) At least one employer who provides child care
12 assistance to employees;

13 (~~(r)~~) (u) Parents of children receiving, or in need of, child
14 care, half of whom shall be parents needing or receiving subsidized
15 child care and half of whom shall be parents who are able to pay for
16 child care.

17 The named state agencies shall select their representative to the
18 child care coordinating committee. The department of social and health
19 services shall select the remaining members, considering
20 recommendations from lists submitted by professional associations and
21 other interest groups until such time as the committee adopts a member
22 selection process. The department shall use any federal funds which
23 may become available to accomplish the purposes of RCW 74.13.085
24 through 74.13.095.

25 The committee shall elect officers from among its membership and
26 shall adopt policies and procedures specifying the lengths of terms,
27 methods for filling vacancies, and other matters necessary to the
28 ongoing functioning of the committee. The secretary of social and
29 health services shall appoint a temporary chair until the committee has
30 adopted policies and elected a chair accordingly. Child care
31 coordinating committee members shall be reimbursed for travel expenses
32 as provided in RCW 43.03.050 and 43.03.060.

33 (2) To the extent possible within available funds, the child care
34 coordinating committee shall:

35 (a) Serve as an advisory coordinator for all state agencies
36 responsible for early childhood or child care programs for the purpose
37 of improving communication and interagency coordination;

38 (b) Annually review state programs and make recommendations to the
39 agencies and the legislature which will maximize funding and promote

1 furtherance of the policies set forth in RCW 74.13.085. Reports shall
2 be provided to all appropriate committees of the legislature by
3 December 1 of each year. At a minimum the committee shall:

4 ~~(i) ((Review and propose changes to the child care subsidy system~~
5 ~~in its December 1989 report;~~

6 ~~(ii))~~ Review alternative models for child care service systems, in
7 the context of the policies set forth in RCW 74.13.085, and recommend
8 to the legislature a new child care service structure; and

9 ~~((iii))~~ (ii) Review options and make recommendations on the
10 feasibility of establishing an allocation for day care facilities when
11 constructing state buildings;

12 (c) Review department of social and health services administration
13 of the child care expansion grant program described in RCW 74.13.095;

14 (d) Review rules regarding child care facilities and services for
15 the purpose of identifying those which unnecessarily obstruct the
16 availability and affordability of child care in the state;

17 (e) Advise and assist the office of child care policy in
18 implementing his or her duties under RCW 74.13.0903;

19 (f) Perform other functions to improve the quantity and quality of
20 child care in the state, including compliance with existing and future
21 prerequisites for federal funding; ~~((and))~~

22 (g) Advise and assist the department of personnel in its
23 responsibility for establishing policies and procedures that provide
24 for the development of quality child care programs for state employees;
25 and

26 (h) Review the department's annual reports required under section
27 4 of this act. The committee shall make recommendations to the
28 legislature as necessary to improve the availability of information in
29 the department's possession that is relevant to making meaningful
30 choices regarding child day-care centers and family day-care providers.

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