
**Human Services, Youth, & Early
Learning Committee**

HB 2046

Brief Description: Establishing alternative requirements for child care providers in underresourced areas.

Sponsors: Representatives Dent, Schmick, Jacobsen, Graham, Sandlin, Tharinger and Caldier.

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF) to create and publish an annual list of rural counties that are also child care deserts.
- Establishes statutory minimum staff-to-child ratio requirements for child care centers and square footage requirements for licensed indoor early learning programs, applicable in rural child care deserts.
- Requires DCYF to contract with a nonprofit to create a free instructional handbook for child care providers related to the care of children, and exempts providers in rural child care deserts from standard educational requirements if the provider has read and implemented the material from the handbook.
- Requires DCYF to provide 24-hours notice prior to physical entry of a child care entity for purposes of inspection in rural child care deserts.

Hearing Date: 1/30/24

Staff: Omeara Harrington (786-7136).

Background:

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

The Department of Children, Youth, and Families (DCYF) regulates child care licensing. In general, it is unlawful for any person or business to provide child care services for a child outside the child's own home unless licensed by the DCYF.

Child Care Licensing Standards.

The DCYF must maintain licensing standards that:

- provide minimum licensing requirements;
- rely on the standards established in the Early Achievers program to address quality issues;
- take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and
- promote the continued safety of child care settings.

Licenses issued by the DCYF must specify the category of child care that an agency is authorized to render and the ages and number of children to be served. In establishing licensing standards, the DCYF has adopted rules outlining staff-to-child ratio requirements for child care centers. In each classroom or well-defined space, the maximum group size and ratio of center staff members to children, including children related to staff or the licensee, must be:

- for preschoolers (30 months through age 6 who are not attending kindergarten or elementary school), a ratio of 1 to 10 with a maximum group size of 20; and
- for school-age children (ages 5 through 12 who are enrolled in or attending kindergarten or elementary school), a ratio of 1 to 15 with a maximum group size of 30.

Also in rule , the DCYF requires licensed indoor early learning program spaces to have a minimum of 35 square feet per child in attendance.

Child Care Provider Education Requirements.

The DCYF has adopted core competencies for child care providers that describe the standards of knowledge and skills required to provide quality care and education to children and their families.

Early learning providers must meet certain education requirements or the equivalent by August 1, 2026, or within five years of the provider's date of hire, if hired after August 1, 2019. Providers serving the Early Childhood Education and Assistance Program must meet education requirements at the time of hire. Education requirements include earning an initial, short, or full state Early Childhood Education (ECE) certificate for most positions, which requires completion of college credits in core competency areas. To earn an initial ECE certificate requires 12 college credits; the short ECE certificate requires 20 credits (the initial certificate plus eight additional credits); and the full state ECE certificate requires 47 credits (the short certificate plus 27 additional credits). There are additional in-service professional development requirements for continuing education delivered or approved by the DCYF to maintain staff standards and qualifications while employed as an early learning provider.

Legislation enacted in 2021 required the DCYF to create a noncredit-bearing, community-based training pathway for licensed child care providers to meet professional education requirements.

The community-based training pathway must align with early learning core competencies, include culturally relevant practices, and be made available: at low cost to providers, not to exceed \$250 per person; in multiple languages; and in an accessible manner for providers in rural and urban settings. The DCYF fully implemented the program in 2022 as the Provider Access to a Community Equivalent program, or "PACE," as an alternative option for meeting licensing education requirements for provider roles that require an initial or short ECE certificate, including assistant teachers, lead teachers, and family home licensees. The PACE alternative requires the following instruction: 30 hours in child care basics, 20 hours in enhancing the quality of early learning; 40 hours of additional in-service training; and 30 hours of on-the-job learning.

Child Care Inspections.

All child care providers subject to DCYF licensing must provide the DCYF, the Chief of the Washington State Patrol, and the Director of Fire Protection, or their designees, the right of entrance and the privilege of access to and inspection of records for determining compliance with legal requirements.

Summary of Bill:

List of Rural Child Care Deserts.

The DCYF must create and publish an annual list for the period of July 1st through June 30th, of rural counties that are also child care deserts. A rural county is a county with a population density of less than 100 persons per square mile or a county smaller than 225 square miles. A child care desert is defined to include any county in which there are one or more census tracts with more than 50 children under the age of five years that contain either no child care providers or so few providers that there are more than three times as many children as licensed child care slots.

Child Care Licensing Standards.

Statutory minimum staff-to-child ratio requirements for child care centers are established for rural counties that are child care deserts. In each classroom or well-defined space of a child care center, the maximum group size and ratio of center staff members to children, including children related to staff or the licensee, must be:

- for preschoolers (30 months through age 6 who are not attending kindergarten or elementary school), a ratio of no less than 1 to 11 with a maximum group size of 21; and
- for school-age children (age 5 through 12 who are enrolled in or attending kindergarten or elementary school), a ratio of no less than 1 to 16 with a maximum group size of 31.

In rural counties that are child care deserts, licensed indoor early learning program space must have a minimum of 34 square feet per child in attendance.

Child Care Provider Education Requirements.

The DCYF must contract with a nonprofit entity focused on child care to create an instructional handbook for all child care providers by December 1, 2024. Child care providers include

employees of child day care centers, outdoor nature-based daycare providers, and family day care providers, who provide direct care to children. The handbook must be made available free of charge in both physical and online formats, and must provide educational material on: the health, safety, and nutritional needs of children; how to establish a nurturing relationship; and the fundamentals of instruction.

A child care provider in a county that is a rural child care desert is exempt from any requirement to obtain an early childhood education certificate if, by July 1, 2025, for persons employed as a child care provider prior to January 1, 2025, or within the first six months of hire, for persons employed on or after January 1, 2025:

- the provider has read the handbook and has submitted to the DCYF a signed attestation indicating that they have read the handbook; and
- the child care center director or center assistant director has submitted to the DCYF a signed attestation that the provider has read the handbook and has implemented the instructional material.

Child Care Inspections.

In counties that are rural child care deserts, the DCYF must provide 24 hours notice prior to seeking entry to a licensed child care facility for purposes of inspection.

Appropriation: None.

Fiscal Note: Requested on January 24, 2024.

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