

2 **SB 6230** - S AMD - 180

3 By Senators Kohl, Hargrove, Long and Johnson

4 ADOPTED 2/13/96

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

26 (1) The department shall report any adverse licensing actions  
27 against a child day-care center or family day-care provider taken under  
28 this chapter as a result of serious issues affecting the health and  
29 safety of children as follows: (a) Within two business days of taking  
30 the action, by posting for at least two weeks a prominent notice of the  
31 licensing action at the facility; and (b) within two business days of  
32 taking the action, by notifying the referent and appropriate public or  
33 private child care resource and referral agencies. Upon request, a  
34 center or provider subject to an adverse licensing action under this  
35 chapter shall provide the department, within two business days, a

1 complete list of the names, addresses, and telephone numbers of its  
2 current clients. The report shall include a description of the grounds  
3 for the adverse licensing action.

4 (2) The department shall report any complaints against a child day-  
5 care center or family day-care provider alleging serious issues  
6 affecting the health and safety of children that are determined to be  
7 well-founded or valid as follows: (a) Within two business days of  
8 making the determination, by posting for at least two weeks a prominent  
9 notice of the determination at the facility; and (b) within two  
10 business days of making the determination, by notifying the referent  
11 and appropriate public or private child care resource and referral  
12 agencies. Upon request, a center or provider subject to a complaint  
13 that must be reported under this subsection shall provide the  
14 department, within two business days, a complete list of the names,  
15 addresses, and telephone numbers of its current clients. The report  
16 shall include a description of the well-founded or valid allegations  
17 and a summary of the resolution of the complaint or the follow-up  
18 actions taken by the department and the center or provider in response  
19 to the complaint.

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

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

34 (5) The department shall disclose, upon request, the receipt,  
35 general nature, and resolution or current status of all complaints on  
36 record with the department after the effective date of this act against  
37 a child day-care center or family day-care provider alleging serious  
38 issues affecting the health and safety of children, regardless of

1 whether an investigation is pending or the complaint has been  
2 determined to be invalid, inconclusive, or unfounded.

3 (6) This section shall not be construed to require the reporting of  
4 any information that is exempt from public disclosure under chapter  
5 42.17 RCW.

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

8 At any time during a pending adverse licensing action, a pending  
9 investigation of a complaint alleging serious issues affecting the  
10 health and safety of children, or an ongoing corrective action plan,  
11 the department may, as necessary and appropriate to protect the health  
12 or safety of children, (1) place a child day-care center or family day-  
13 care provider on nonreferral status, and (2) notify appropriate public  
14 and private child care resource and referral agencies of the  
15 department's investigation and decision to place the center or provider  
16 on nonreferral status. If the department determines, at the conclusion  
17 of the investigation of a proceeding under this section, that no  
18 adverse licensure action is appropriate, a complaint is not well  
19 founded or valid, or a corrective action plan has been successfully  
20 concluded, the department shall remove the provider from nonreferral  
21 status and provide appropriate notice to the public and private child  
22 care resource and referral agencies.

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

25 (1) The department shall compile an annual report summarizing all  
26 investigations for the previous fiscal year relating to serious issues  
27 affecting the health or safety of children in the care of child day-  
28 care centers and family day-care providers. The report shall be  
29 provided to the legislature, the child care coordinating committee, and  
30 child care resource and referral agencies by August 1st of each year  
31 beginning in 1997.

32 (2) The report shall include, at a minimum, (a) an analysis of the  
33 volume and general nature of all reports and disclosures made by the  
34 department as required or authorized under section 2 of this act; (b)  
35 an analysis of the volume and general nature of the pending adverse  
36 licensing actions, pending complaint investigations, and ongoing  
37 corrective action plans for which the department placed centers and

1 providers on nonreferral status under section 3 of this act; (c) an  
2 analysis of the volume and general nature of complaints determined to  
3 be invalid, inconclusive, or unfounded; and (d) information about the  
4 average length of time required by the department to complete  
5 investigations determined to be valid or well-founded, inconclusive,  
6 and invalid or unfounded.

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

9 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
10 otherwise clearly indicated by the context thereof, the following terms  
11 shall mean:

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

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

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

17 (2) "Agency" means any person, firm, partnership, association,  
18 corporation, or facility which receives children, expectant mothers, or  
19 persons with developmental disabilities for control, care, or  
20 maintenance outside their own homes, or which places, arranges the  
21 placement of, or assists in the placement of children, expectant  
22 mothers, or persons with developmental disabilities for foster care or  
23 placement of children for adoption, and shall include the following  
24 irrespective of whether there is compensation to the agency or to the  
25 children, expectant mothers or persons with developmental disabilities  
26 for services rendered:

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

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

32 (c) "Maternity service" means an agency which provides or arranges  
33 for care or services to expectant mothers, before or during  
34 confinement, or which provides care as needed to mothers and their  
35 infants after confinement;

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

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

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

10 (g) "Crisis residential center" means an agency which is a  
11 temporary protective residential facility operated to perform the  
12 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
13 74.13.032 through 74.13.036.

14 (~~(4)~~) (3) "Agency" shall not include the following:

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

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

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

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

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

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

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

36 (c) Persons who care for a neighbor's or friend's child or  
37 children, with or without compensation, where: (i) The person  
38 providing care for periods of less than twenty-four hours does not  
39 conduct such activity on an ongoing, regularly scheduled basis for the

1 purpose of engaging in business, which includes, but is not limited to,  
2 advertising such care; or (ii) the parent and person providing care on  
3 a twenty-four-hour basis have agreed to the placement in writing and  
4 the state is not providing any payment for the care;

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

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

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

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

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

20 (i) Hospitals licensed pursuant to chapter 70.41 RCW when  
21 performing functions defined in chapter 70.41 RCW, nursing homes  
22 licensed under chapter 18.51 RCW and boarding homes licensed under  
23 chapter 18.20 RCW;

24 (j) Licensed physicians or lawyers;

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

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

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

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

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

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

7 (4) "Department" means the state department of social and health  
8 services.

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

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

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

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

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

21 (9) "Serious issues affecting the health and safety of children"  
22 means allegations, which if true, place children at imminent serious  
23 risk of harm. Such allegations may include, but are not limited to,  
24 allegations of child abuse or neglect or allegations of licensing  
25 violations related to safety or health hazards, supervision problems,  
26 accidental injuries, or excessive discipline or mistreatment of a  
27 child.

28 NEW SECTION. Sec. 6. The department of social and health services  
29 shall adopt rules as necessary to implement RCW 74.15.020 and sections  
30 2 through 4 of this act.

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

33 (1) There is established a child care coordinating committee to  
34 provide coordination and communication between state agencies  
35 responsible for child care and early childhood education services. The  
36 child care coordinating committee shall be composed of not less than

1 ((seventeen)) twenty-three nor more than thirty-three members who shall  
2 include:

3 (a) One representative each from the department of social and  
4 health services, the department of community, trade, and economic  
5 development, the office of the superintendent of public instruction,  
6 and any other agency having responsibility for regulation, provision,  
7 or funding of child care services in the state;

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

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

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

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

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

13 (g) One representative from the higher education coordinating  
14 board;

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

16 (i) One representative from the state board for community and  
17 technical colleges;

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

20 ((h)) (k) At least one representative of early childhood  
21 development experts;

22 ((i)) (l) At least one representative of school districts and  
23 teachers involved in the provision of child care and preschool  
24 programs;

25 ((j)) (m) At least one parent education specialist;

26 ((k)) (n) At least one representative of resource and referral  
27 programs;

28 ((l)) (o) One pediatric or other health professional;

29 ((m)) (p) At least one representative of college or university  
30 child care providers;

31 ((n)) (q) At least one representative of a citizen group  
32 concerned with child care;

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

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

36 ((q)) (t) At least one employer who provides child care  
37 assistance to employees;

38 ((r)) (u) Parents of children receiving, or in need of, child  
39 care, half of whom shall be parents needing or receiving subsidized



1 child care and half of whom shall be parents who are able to pay for  
2 child care.

3 The named state agencies shall select their representative to the  
4 child care coordinating committee. The department of social and health  
5 services shall select the remaining members, considering  
6 recommendations from lists submitted by professional associations and  
7 other interest groups until such time as the committee adopts a member  
8 selection process. The department shall use any federal funds which  
9 may become available to accomplish the purposes of RCW 74.13.085  
10 through 74.13.095.

11 The committee shall elect officers from among its membership and  
12 shall adopt policies and procedures specifying the lengths of terms,  
13 methods for filling vacancies, and other matters necessary to the  
14 ongoing functioning of the committee. The secretary of social and  
15 health services shall appoint a temporary chair until the committee has  
16 adopted policies and elected a chair accordingly. Child care  
17 coordinating committee members shall be reimbursed for travel expenses  
18 as provided in RCW 43.03.050 and 43.03.060.

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

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

24 (b) Annually review state programs and make recommendations to the  
25 agencies and the legislature which will maximize funding and promote  
26 furtherance of the policies set forth in RCW 74.13.085. Reports shall  
27 be provided to all appropriate committees of the legislature by  
28 December 1 of each year. At a minimum the committee shall:

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

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

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

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

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

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

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

9 (g) Advise and assist the department of personnel in its  
10 responsibility for establishing policies and procedures that provide  
11 for the development of quality child care programs for state employees;  
12 and

13 (h) Review the department's annual reports required under section  
14 4 of this act. The committee shall make recommendations to the  
15 legislature as necessary to improve the availability of information in  
16 the department's possession that is relevant to making meaningful  
17 choices regarding child day-care centers and family day-care  
18 providers."

19 **SB 6230** - S AMD - 180

20 By Senators Kohl, Hargrove, Long and Johnson

21 ADOPTED 2/13/96

22 On page 1, line 1 of the title, after "care;" strike the remainder  
23 of the title and insert "amending RCW 74.13.090; reenacting and  
24 amending RCW 74.15.020; adding new sections to chapter 74.15 RCW; and  
25 creating new sections."

--- END ---