

---

**SUBSTITUTE SENATE BILL 6266**

---

**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators B. Sheldon, McAuliffe, Shin, Berkey, Fairley, Kline, Kohl-Welles, Thibaudeau, Eide, Keiser, Spanel, Franklin and Jacobsen)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to kindergarten; reenacting and amending RCW  
2 74.15.020; and adding a new section to chapter 74.15 RCW.

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

4 **Sec. 1.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001  
5 c 137 s 3 are each reenacted and amended to read as follows:

6 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
7 otherwise clearly indicated by the context thereof, the following terms  
8 shall mean:

9 (1) "Agency" means any person, firm, partnership, association,  
10 corporation, or facility which receives children, expectant mothers, or  
11 persons with developmental disabilities for control, care, or  
12 maintenance outside their own homes, or which places, arranges the  
13 placement of, or assists in the placement of children, expectant  
14 mothers, or persons with developmental disabilities for foster care or  
15 placement of children for adoption, and shall include the following  
16 irrespective of whether there is compensation to the agency or to the  
17 children, expectant mothers or persons with developmental disabilities  
18 for services rendered:

1 (a) "Child day-care center" means an agency which regularly  
2 provides care for a group of children for periods of less than twenty-  
3 four hours;

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

6 (c) "Community facility" means a group care facility operated for  
7 the care of juveniles committed to the department under RCW 13.40.185.  
8 A county detention facility that houses juveniles committed to the  
9 department under RCW 13.40.185 pursuant to a contract with the  
10 department is not a community facility;

11 (d) "Crisis residential center" means an agency which is a  
12 temporary protective residential facility operated to perform the  
13 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
14 74.13.032 through 74.13.036;

15 (e) "Emergency respite center" is an agency that may be commonly  
16 known as a crisis nursery, that provides emergency and crisis care for  
17 up to seventy-two hours to children who have been admitted by their  
18 parents or guardians to prevent abuse or neglect. Emergency respite  
19 centers may operate for up to twenty-four hours a day, and for up to  
20 seven days a week. Emergency respite centers may provide care for  
21 children ages birth through seventeen, and for persons eighteen through  
22 twenty with developmental disabilities who are admitted with a sibling  
23 or siblings through age seventeen. Emergency respite centers may not  
24 substitute for crisis residential centers or HOPE centers, or any other  
25 services defined under this section, and may not substitute for  
26 services which are required under chapter 13.32A or 13.34 RCW;

27 (f) "Family day-care provider" means a child day-care provider who  
28 regularly provides child day care for not more than twelve children in  
29 the provider's home in the family living quarters;

30 (g) "Foster-family home" means an agency which regularly provides  
31 care on a twenty-four hour basis to one or more children, expectant  
32 mothers, or persons with developmental disabilities in the family abode  
33 of the person or persons under whose direct care and supervision the  
34 child, expectant mother, or person with a developmental disability is  
35 placed;

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

1 (i) "HOPE center" means an agency licensed by the secretary to  
2 provide temporary residential placement and other services to street  
3 youth. A street youth may remain in a HOPE center for thirty days  
4 while services are arranged and permanent placement is coordinated. No  
5 street youth may stay longer than thirty days unless approved by the  
6 department and any additional days approved by the department must be  
7 based on the unavailability of a long-term placement option. A street  
8 youth whose parent wants him or her returned to home may remain in a  
9 HOPE center until his or her parent arranges return of the youth, not  
10 longer. All other street youth must have court approval under chapter  
11 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

12 (j) "Maternity service" means an agency which provides or arranges  
13 for care or services to expectant mothers, before or during  
14 confinement, or which provides care as needed to mothers and their  
15 infants after confinement;

16 (k) "Responsible living skills program" means an agency licensed by  
17 the secretary that provides residential and transitional living  
18 services to persons ages sixteen to eighteen who are dependent under  
19 chapter 13.34 RCW and who have been unable to live in his or her  
20 legally authorized residence and, as a result, the minor lived outdoors  
21 or in another unsafe location not intended for occupancy by the minor.  
22 Dependent minors ages fourteen and fifteen may be eligible if no other  
23 placement alternative is available and the department approves the  
24 placement;

25 (l) "Service provider" means the entity that operates a community  
26 facility.

27 (2) "Agency" shall not include the following:

28 (a) Persons related to the child, expectant mother, or person with  
29 developmental disability in the following ways:

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

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

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

1 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
2 subsection (2)(a), 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) A person, partnership, corporation, or other entity that  
27 provides placement or similar services to international children who  
28 have entered the country by obtaining visas that meet the criteria for  
29 medical care as established by the United States immigration and  
30 naturalization service, or persons who have the care of such an  
31 international child in their home;

32 (g) Nursery schools or kindergartens which are engaged primarily in  
33 educational work with preschool children and in which no child is  
34 enrolled on a regular basis for more than four hours per day or  
35 kindergartens that meet the requirements of section 2 of this act and  
36 that are engaged primarily in educational work with children who have  
37 reached at least the age of five by August 31st and in which no such  
38 child is enrolled on a regular basis for more than seven hours per day;

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

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

7 (j) Hospitals licensed pursuant to chapter 70.41 RCW when  
8 performing functions defined in chapter 70.41 RCW, nursing homes  
9 licensed under chapter 18.51 RCW and boarding homes licensed under  
10 chapter 18.20 RCW;

11 (k) Licensed physicians or lawyers;

12 (l) Facilities providing care to children for periods of less than  
13 twenty-four hours whose parents remain on the premises to participate  
14 in activities other than employment;

15 (m) Facilities approved and certified under chapter 71A.22 RCW;

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

20 (o) Persons who have a child in their home for purposes of  
21 adoption, if the child was placed in such home by a licensed child-  
22 placing agency, an authorized public or tribal agency or court or if a  
23 replacement report has been filed under chapter 26.33 RCW and the  
24 placement has been approved by the court;

25 (p) An agency operated by any unit of local, state, or federal  
26 government or an agency, located within the boundaries of a federally  
27 recognized Indian reservation, licensed by the Indian tribe;

28 (q) A maximum or medium security program for juvenile offenders  
29 operated by or under contract with the department;

30 (r) An agency located on a federal military reservation, except  
31 where the military authorities request that such agency be subject to  
32 the licensing requirements of this chapter.

33 (3) "Department" means the state department of social and health  
34 services.

35 (4) "Juvenile" means a person under the age of twenty-one who has  
36 been sentenced to a term of confinement under the supervision of the  
37 department under RCW 13.40.185.

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

4 (6) "Requirement" means any rule, regulation, or standard of care  
5 to be maintained by an agency.

6 (7) "Secretary" means the secretary of social and health services.

7 (8) "Street youth" means a person under the age of eighteen who  
8 lives outdoors or in another unsafe location not intended for occupancy  
9 by the minor and who is not residing with his or her parent or at his  
10 or her legally authorized residence.

11 (9) "Transitional living services" means at a minimum, to the  
12 extent funds are available, the following:

13 (a) Educational services, including basic literacy and  
14 computational skills training, either in local alternative or public  
15 high schools or in a high school equivalency program that leads to  
16 obtaining a high school equivalency degree;

17 (b) Assistance and counseling related to obtaining vocational  
18 training or higher education, job readiness, job search assistance, and  
19 placement programs;

20 (c) Counseling and instruction in life skills such as money  
21 management, home management, consumer skills, parenting, health care,  
22 access to community resources, and transportation and housing options;

23 (d) Individual and group counseling; and

24 (e) Establishing networks with federal agencies and state and local  
25 organizations such as the United States department of labor, employment  
26 and training administration programs including the job training  
27 partnership act which administers private industry councils and the job  
28 corps; vocational rehabilitation; and volunteer programs.

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

31 A kindergarten engaged primarily in educational work with children  
32 who have reached at least the age of five by August 31st and in which  
33 no such child is enrolled on a regular basis for more than seven hours  
34 per day does not need to be licensed as a child day-care center if it  
35 certifies to the department of social and health services that it meets  
36 only the following requirements specified in this section:

1           (1) Submit proof that all employees who have regularly scheduled  
2 unsupervised access to children and applicants have undergone a record  
3 check through the Washington state patrol criminal identification  
4 system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050  
5 and through the federal bureau of investigation. The record check  
6 shall include a fingerprint check using a complete Washington state  
7 criminal identification fingerprint card. The kindergarten, the  
8 employee, or the applicant shall pay the costs associated with the  
9 record check. If the employee or applicant has had a record check  
10 within the previous two years, the kindergarten may waive the record  
11 check; and

12           (2) Submit proof of compliance with applicable state and local  
13 building codes, fire codes, and health requirements.

--- END ---