

# HOUSE BILL REPORT

## SSB 5952

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### As Passed House:

March 30, 2007

**Title:** An act relating to correcting provisions for the department of early learning.

**Brief Description:** Correcting provisions for the department of early learning.

**Sponsors:** By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Kohl-Welles and Rasmussen; by request of Department of Early Learning).

### Brief History:

#### Committee Activity:

Early Learning & Children's Services: 3/20/07, 3/23/07 [DP].

#### Floor Activity:

Passed House: 3/30/07, 94-0.

### Brief Summary of Substitute Bill

- Revises provisions for the Department of Early Learning related to charging license fees; notification authority related to license denial, revocation, suspension or modification and monetary penalties; background checks and release of records for research; safe passenger loading areas; and negotiated rule making for family child care licensees.

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## HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

**Majority Report:** Do pass. Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

**Staff:** Chris Alejano (786-7115).

### Background:

The Department of Early Learning (DEL) was established in 2006 as an executive branch agency whose primary duties are to implement early learning policy and to coordinate,

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consolidate, and integrate child care and early learning programs to promote an efficient use of funds. One-hundred-sixty-five full-time equivalent employees (FTEs) transferred from the Department of Social and Health Services (DSHS), 13.5 FTE's from the Department for Community, Trade, and Economic Development (CTED), and 6 new FTE's were pulled together to create the DEL. When this merge occurred, some of the authorities that were granted under the originating agencies were not transferred over to the new Department of Early Learning statute.

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**Summary of Bill:**

*Charging License Fees*

The DEL is authorized to charge license fees to agencies requesting a license. The DEL will regulate these fees and base them on the cost to the DEL for the license or licenses requested.

*Notification Authority Related to License Denial, Revocation, Suspension, or Modification*

The DEL is authorized to give written notification of a license denial, revocation, suspension, or modification and an adjudicative proceeding.

The action will take effect 28 days after notification has been received or longer if specifically indicated by the DEL. Action can happen sooner than twenty-eight days if specifically indicated by the DEL and if it is necessary to protect the public health, safety, or welfare.

License applicants or licensees given notice of the denial, revocation, suspension, or modification of a license are allowed an adjudicative proceeding and must request it in writing within 28 days of receiving notification. If the appeal is received before its effective date, action will not be taken until the final order has been determined. This does not apply for license applicants or licensees that have been given less than 28 days notice. In these instances, action can be taken on the stated effective date in the notification.

*Notification Authority Related to Monetary Penalties*

The DEL is authorized to give written notification of a civil monetary penalty and an adjudicative proceeding when an agency has failed or refused to comply with licensing requirements.

The fine is due 28 days after receiving notification or later if specifically indicated by the DEL.

License applicants or licensees given notice of a civil monetary penalty are allowed an adjudicative proceeding and must request it in writing within 28 days of receiving notification. If the appeal is received before its effective date, action will not be taken until the final order has been determined.

*Background Checks and Release of Records for Research*

The Washington State Patrol must provide the DEL with conviction records upon written request. The DEL is also included in the list of state agencies that may authorize access to individually identifiable personal records for research purposes.

Recodified Section

The authority to create local child care resource and referral organizations is recodified in the Department of Early Learning statute.

Repealed Section

One of the two sections regarding licensed day care centers providing notice of pesticide use in the Department of Early Learning statute is repealed.

Safe Passenger Loading Areas at Family Day Care Provider Facilities

The responsibility to certify a safe passenger loading area at a family day care provider facility is transferred from the Office of Child Care Policy to the DEL.

Negotiated rule making for family child care licensees

The power to engage in negotiated rule making with the exclusive representative of the family child care licensees is transferred from the Secretary of the Department of Social and Health Services to the Director of the DEL. Additionally, the section establishing a statewide unit of all family child care licensees was repealed and added to the Department of Early Learning statute.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In Support) The bill cleans up the statutory language necessary for the new agency to carry out its mission for the children of Washington. It ensures that the DEL can execute the same authority as when they were part of the Department of Social and Health Services.

(Opposed) None

**Persons Testifying:** (In support) Jone Bosworth, Department of Early Learning.

**Persons Signed In To Testify But Not Testifying:** None.