

HOUSE BILL REPORT

SB 5625

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to authorizing implementation of a nonexpiring license for early learning providers.

Brief Description: Authorizing implementation of a nonexpiring license for early learning providers.

Sponsors: Senators Harper, King, McAuliffe, Litzow and Nelson.

Brief History:

Committee Activity:

Early Learning & Human Services: 3/8/11, 3/22/11 [DPA].

**Brief Summary of Bill
(As Amended by House)**

- Allows fully licensed providers to sustain a license by meeting ongoing licensing requirements.
- Removes the requirement for providers to renew by formally reapplying every three years.
- Defines when an agency is in good standing.
- Requires the Department of Early Learning (DEL) to consider whether an agency is in good standing before issuing a continuation of a full license, and when determining its approach to monitoring.
- Requires the DEL to refer agencies that are not in good standing to the Child Care Resource and Referral Network for assistance prior to issuing a probationary license.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

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

Staff: Megan Palchak (786-7120).

Background:

The Department of Early Learning (DEL) is charged with licensing child care and early learning providers in Washington. According to the DEL, the DEL licenses more than 7,500 child care providers, who care for approximately 180,000 children. The DEL also monitors licensed providers to ensure minimum licensing requirements are met.

In 2010 Engrossed Substitute Senate Bill 6444 directed the DEL to develop a plan to improve child care licensing practices by January 15, 2011. On January 14, 2011, the DEL released its report to the Legislature. The report outlines a 10-year plan to improve licensing. The first item addressed in the plan is implementation of nonexpiring licenses.

Currently, child care providers are issued an initial license for a six-month period until the licensee can demonstrate that they meet specific requirements. Four initial licenses can be issued within a two-year period. Currently, all licensed child care providers are required to reapply for licensure every three years. According to the DEL, "relicensing is a time-consuming process that involves much paperwork for both the licensor and provider, and culminates in a relicensing visit that can last several hours."

According to a 2008 survey administered by the National Association for Regulatory Administration and National Child Care Information and Technical Assistance Center, 12 states utilize the nonexpiring license model. These states include Arkansas, California, Colorado, Georgia, Kansas, Maryland, North Carolina, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin.

Summary of Amended Bill:

Fully licensed child care providers are no longer required to reapply for licensure through the DEL every three years. Full licenses will remain valid so long as licensees submit the following items on an annual basis:

- annual licensing fee;
- declaration to the DEL indicating the intent to either continue or cease operating a licensed child care program;
- declaration of compliance with all licensing rules; and
- background check applications (according to the DEL's established schedule).

If the licensee fails to submit the items above, the license will expire and the licensee must submit a new application for licensure. The license renewal process does not apply to nonexpiring licenses.

The DEL is required to consider whether an agency is in good standing before granting a continuation of a full license and when determining the most appropriate approach and process for monitoring visits. An agency in good standing is defined as an agency that does not have:

- complaints;
- history of noncompliance related to those complaints or pending from prior monitoring visits; or
- other information that when evaluated may result in a finding of noncompliance.

The DEL is authorized to issue a probationary license to an agency that is not in good standing. Before issuing a probationary license, the DEL is required to provide licensees with a written referral to the Child Care Resource and Referral Network or other appropriate resources for technical assistance prior to issuing a probationary license. The DEL, the licensee, and the technical assistance provider are required to meet to develop a plan to correct the areas of noncompliance identified by the DEL within 30 days after the licensee accepts the referral. The DEL may issue a probationary license within 15 working days after the department has sent its referral if: (a) the licensee has provided the DEL with written refusal of the referral, or (b) the licensee has failed to respond in writing to the DEL's referral. The DEL may issue a probationary license after 60 days if the licensee has not corrected the areas of noncompliance in consultation with the technical assistance provider.

Amended Bill Compared to Original Bill:

The amended bill adds the provisions described below.

An agency in good standing is defined as an agency that does not have:

- complaints;
- history of noncompliance related to those complaints or pending from prior monitoring visits; or
- other information that when evaluated may result in a finding of noncompliance.

The DEL is required to consider whether an agency is in good standing:

- before granting a continuation of a full license; and
- when determining the most appropriate approach and process for monitoring visits.

The DEL is authorized to issue a probationary license to an agency that is not in good standing. Before issuing a probationary license, the DEL is required to provide licensees with a written referral to the Child Care Resource and Referral Network or other appropriate resources for technical assistance prior to issuing a probationary license. The DEL, the licensee, and the technical assistance provider are required to meet to develop a plan to correct the areas of noncompliance identified by the DEL within 30 days after the licensee accepts the referral. The DEL may issue a probationary license within 15 working days after the department has sent its referral if: (a) the licensee has provided the DEL with written refusal of the referral, or (b) the licensee has failed to respond in writing to the DEL's referral. The DEL may issue a probationary license after 60 days if the licensee has not corrected the areas of noncompliance in consultation with the technical assistance provider.

The license renewal process does not apply to nonexpiring licenses.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 22, 2011.

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

Staff Summary of Public Testimony:

(In support) This bill will allow the DEL to make better use of its time. The DEL can focus its efforts on quality improvements, rather than onerous and redundant paperwork. This is a good cost-savings measure. Stakeholders support the amendments that were made to the companion House Bill.

(Opposed) None.

Persons Testifying: Senator Harper, prime sponsor; Amy Blondin, Department of Early Learning; and Lani Todd, Service Employees International Union Local 925.

Persons Signed In To Testify But Not Testifying: None.