

# SENATE BILL REPORT

## SB 5625

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As Amended by House, April 5, 2011

**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:** Human Services & Corrections: 2/10/11, 2/11/11 [DP].

Passed Senate: 2/28/11, 48-0.

Passed House: 4/05/11, 94-2.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Carrell and Harper.

**Staff:** Jennifer Strus (786-7316)

**Background:** The Department of Early Learning (DEL) is charged with licensing early learning providers in Washington. (Child care is included in the definition of early learning.) According to DEL, it licenses more than 7500 child care providers, who care for approximately 180,000 children. DEL also monitors licensed providers to ensure minimum licensing requirements are met.

In the 2010 legislative session, ESB 6444 directed DEL, by January 15, 2011, to develop a plan to improve child care licensing practices. On January 14, 2011, DEL released its report to the Legislature. The report outlines a ten-year plan to improve licensing. One of the items addressed in the plan is to allow non-expiring licenses for child care providers.

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. All licensed child care providers are required to reapply for licensure every three years. According to DEL, "relicensing is a time-consuming process that

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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, the following 12 states use the non-expiring license model: Arkansas, California, Colorado, Georgia, Kansas, Maryland, North Carolina, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin.

**Summary of Bill:** Fully licensed child care providers are no longer required to reapply for licensure every three years. Instead, full licenses will remain valid so long as licensees submit the following items to DEL on an annual basis:

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

If a licensee fails to submit the items listed above, the license will expire, and the licensee must submit a new application for licensure.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill will substantially reduce the administrative paperwork burden on DEL and the child care providers. This is important to overall health and safety because it will allow more time for DEL to concentrate on and assist child care providers who have had issues. Licensors spend over 10 percent of their time relicensing providers. It is a national recommendation that states go to non-expiring licenses and 12 other states currently do it. During the provider's last licensing visit, the licensor was in her home for more than six hours even though nothing has changed physically about the provider's home. Providers are asked to submit a lot of paperwork the first time they are licensed; and this paperwork, that must be done even at relicensing, is a huge burden for child care providers. It would also free up DEL licensing staff as well.

**Persons Testifying:** PRO: Kristen Holabird, SEIU 925; Kathy Yazzi, child care provider; Amy Blondin, DEL.

**House Amendment(s):**

- Requires DEL to establish time frames for monitoring visits of non-expiring licensees.
- Requires DEL to consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits.

- Clarifies that DEL is authorized to issue a probationary license to an agency that is not in good standing.
- Requires DEL to provide licensees who are not in good standing 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.
- Requires DEL, the licensee, and the technical assistance provider to meet to develop a plan to correct the areas of noncompliance identified by DEL within 30 days after the licensee accepts the referral.
- Authorizes DEL to issue a probationary license if (a) within 15 working days after the department has sent its referral and the licensee has provided DEL with written refusal of the referral or the licensee has failed to respond in writing to the DEL's referral; and (b) after 60 days the licensee has not corrected the areas of noncompliance in consultation with the technical assistance provider.