

HB 1547 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/12/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are
4 each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Agency" means any person, firm, partnership, association,
8 corporation, or facility that provides child care and early learning
9 services outside a child's own home and includes the following
10 irrespective of whether there is compensation to the agency:

11 (a) "Child day care center" means an agency that regularly provides
12 child day care and early learning services for a group of children for
13 periods of less than twenty-four hours;

14 (b) "Early learning" includes but is not limited to programs and
15 services for child care; state, federal, private, and nonprofit
16 preschool; child care subsidies; child care resource and referral;
17 parental education and support; and training and professional
18 development for early learning professionals;

19 (c) "Family day care provider" means a child day care provider who
20 regularly provides child day care and early learning services for not
21 more than twelve children in the provider's home in the family living
22 quarters;

23 (d) "Nongovernmental private-public partnership" means an entity
24 registered as a nonprofit corporation in Washington state with a
25 primary focus on early learning, school readiness, and parental
26 support, and an ability to raise a minimum of five million dollars in
27 contributions;

28 (e) "Service provider" means the entity that operates a community
29 facility.

30 (2) "Agency" does not include the following:

1 (a) Persons related to the child in the following ways:

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

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

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

10 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this
11 subsection (~~((2)(a))~~), even after the marriage is terminated;

12 (b) Persons who are legal guardians of the child;

13 (c) Persons who care for a neighbor's or friend's child or
14 children, with or without compensation, where the person providing care
15 for periods of less than twenty-four hours does not conduct such
16 activity on an ongoing, regularly scheduled basis for the purpose of
17 engaging in business, which includes, but is not limited to,
18 advertising such care;

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

21 (e) Nursery schools or kindergartens that are engaged primarily in
22 educational work with preschool children and in which no child is
23 enrolled on a regular basis for more than four hours per day;

24 (f) Schools, including boarding schools, that are engaged primarily
25 in education, operate on a definite school year schedule, follow a
26 stated academic curriculum, accept only school-age children, and do not
27 accept custody of children;

28 (g) Seasonal camps of three months' or less duration engaged
29 primarily in recreational or educational activities;

30 (h) Facilities providing child care for periods of less than
31 twenty-four hours when a parent or legal guardian of the child remains
32 on the premises of the facility for the purpose of participating in:

33 (i) Activities other than employment; or

34 (ii) Employment of up to two hours per day when the facility is
35 operated by a nonprofit entity that also operates a licensed child care
36 program at the same facility in another location or at another
37 facility;

1 ~~(i) ((Any agency having been in operation in this state ten years~~
2 ~~before June 8, 1967, and not seeking or accepting moneys or assistance~~
3 ~~from any state or federal agency, and is supported in part by an~~
4 ~~endowment or trust fund;))~~ Any entity that provides recreational or
5 educational programming for school-aged children only and the entity
6 meets all of the following requirements:

7 (i) The entity utilizes a drop-in model for programming, where
8 children are able to attend during any or all program hours without a
9 formal reservation;

10 (ii) The entity does not assume responsibility in lieu of the
11 parent, unless for coordinated transportation;

12 (iii) The entity is a local affiliate of a national nonprofit; and

13 (iv) The entity is in compliance with all safety and quality
14 standards set by the associated national agency;

15 (j) An agency operated by any unit of local, state, or federal
16 government or an agency, located within the boundaries of a federally
17 recognized Indian reservation, licensed by the Indian tribe;

18 (k) An agency located on a federal military reservation, except
19 where the military authorities request that such agency be subject to
20 the licensing requirements of this chapter;

21 (l) An agency that offers early learning and support services, such
22 as parent education, and does not provide child care services on a
23 regular basis.

24 (3) "Applicant" means a person who requests or seeks employment in
25 an agency.

26 (4) "Conviction information" means criminal history record
27 information relating to an incident which has led to a conviction or
28 other disposition adverse to the applicant.

29 (5) "Department" means the department of early learning.

30 (6) "Director" means the director of the department.

31 (7) "Employer" means a person or business that engages the services
32 of one or more people, especially for wages or salary to work in an
33 agency.

34 (8) "Enforcement action" means denial, suspension, revocation,
35 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)
36 or assessment of civil monetary penalties pursuant to RCW
37 43.215.300(3).

1 (9) "Negative action" means a court order, court judgment, or an
2 adverse action taken by an agency, in any state, federal, tribal, or
3 foreign jurisdiction, which results in a finding against the applicant
4 reasonably related to the individual's character, suitability, and
5 competence to care for or have unsupervised access to children in child
6 care. This may include, but is not limited to:

7 (a) A decision issued by an administrative law judge;

8 (b) A final determination, decision, or finding made by an agency
9 following an investigation;

10 (c) An adverse agency action, including termination, revocation, or
11 denial of a license or certification, or if pending adverse agency
12 action, the voluntary surrender of a license, certification, or
13 contract in lieu of the adverse action;

14 (d) A revocation, denial, or restriction placed on any professional
15 license; or

16 (e) A final decision of a disciplinary board.

17 (10) "Nonconviction information" means arrest, founded allegations
18 of child abuse, or neglect pursuant to chapter 26.44 RCW, or other
19 negative action adverse to the applicant.

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

23 (12) "Requirement" means any rule, regulation, or standard of care
24 to be maintained by an agency."

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25 On page 1, line 2 of the title, after "children;" strike the
26 remainder of the title and insert "and reenacting and amending RCW
27 43.215.010."

EFFECT: Removes obsolete language exempting an agency in operation

for ten years prior to June 8, 1967, from child care licensing provisions.

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