

SENATE BILL REPORT

SB 6533

As of February 8, 2018

Title: An act relating to child care center licensing standards regarding educational requirements.

Brief Description: Concerning child care center licensing standards regarding educational requirements.

Sponsors: Senators Billig, Padden, Zeiger, Kuderer and Short.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/30/18.

Brief Summary of Bill

- Requires the Department of Early Learning (DEL) and then the Department of Children, Youth, and Families (DCYF) to engage in negotiated rulemaking before adopting or defining equivalencies to educational requirements for child care center employees.
- Exempts child care center employees who meet current education requirements from any new requirements.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: DCYF. In 2017, the Legislature passed a bill that created the new DCYF. On July 1, 2018, all powers, duties, and functions from DEL will transfer to DCYF. One of the duties that will be transferred is the adoption of rules necessary to implement child day care and early learning programs.

Single Set of Licensing Standards. In 2015, the Legislature directed DEL to produce a single set of licensing standards by November 1, 2016. The licensing standards, which will be set forth in new rules, must:

- provide minimum health and safety standards for child care and preschool programs;
- rely on the standards established in the Early Achievers program to address quality issues;

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.

- take into account the separate needs of family care providers and child care centers; and
- promote the continued safety of child care settings.

DEL has published draft standards for use in public comment and negotiated rulemaking. According to DEL's timeline, the new standards will be implemented starting in August 2019.

Negotiated Rule Making. The state's Administrative Procedure Act encourages agencies to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include negotiated rule making by which representatives of an agency and those impacted by a subject of rule making seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated.

DEL and DCYF have the power and duty to engage in negotiated rulemaking with the exclusive representative of family child care licensees and with other affected interests before adopting requirements that affect family child care licensees.

Education Requirements for Child Care Center Employees. Current DEL rules provide certain education requirements for different child care center positions. For example, a child care center lead teacher must have completed a high school education or the equivalent and have documented child development education or work experience or complete certain training within six months of becoming a lead teacher.

DEL's draft licensing standards provide that center lead teachers must have a minimum of an Early Childhood Education (ECE) state certificate or equivalent as approved and verified in the electronic workforce registry by DEL within three years of the date this requirement becomes effective, or from being employed at any licensed early learning program.

Under the draft licensing standards, an ECE initial certificate is 12 quarter credits and covers foundational content for early learning professionals. The ECE short certificate is the initial certificate plus eight quarter credits. The ECE state certificate is the short certificate plus 27 quarter credits and is the benchmark for core competencies and prepares for the next step, which is an associate's degree in ECE.

Summary of Bill: DEL and then DCYF must engage in negotiated rule making with entities representing or operating child care centers and entities representing family home child care providers before adopting or defining equivalencies to educational requirements that affect the following child care center employees:

- directors;
- assistant directors;
- supervisors;
- lead teachers;
- assistant teachers;
- instructional aides; and
- aides.

Child care center employees who have met the education requirements set forth in rule as of January 1, 2018, are exempt from any new education requirements established by DEL and DCYF.

Appropriation: None.

Fiscal Note: Requested on January 26, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The majority of children in licensed child care are in centers. This bill provides child care centers, which are becoming more organized, with a seat at the table when important licensing decisions are made. Child care providers and staff should be professionalized and have educational requirements, but the subsidy rates need to be increased. Until rates are increased, it makes sense to grandfather in existing child care providers that meet current educational requirements. Existing child care staff are concerned that their educational requirements will not meet the equivalencies for the new requirements.

OTHER: There are a number of children who are not ready for kindergarten. In order to prepare these children for kindergarten, there need to be quality measures in place, including staff qualifications of teachers and administrators. Children who attend high quality early learning programs are better prepared and are more successful in school and life. DEL is engaged in an intensive negotiated rulemaking process, and this process should be allowed to move forward.

Persons Testifying: PRO: Senator Andy Billig, Prime Sponsor; Alex Hur, SEIU 925; Jennifer Ziegler, Washington Child Care Centers Association; Luc Jasmin, Washington Child Care Centers Association; Julie Schroath, Creative Kids Child Care Center.

OTHER: Sally Holloway, Early Childhood Education Project Director, Whatcom Community College.

Persons Signed In To Testify But Not Testifying: No one.