

---

HOUSE BILL 1957

---

State of Washington

65th Legislature

2017 Regular Session

By Representatives Dent, Appleton, Johnson, Kagi, Jenkin, Manweller, Senn, Chandler, Griffey, and Klippert

Read first time 02/06/17. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to establishing community appeals boards that  
2 review licensing decisions of the department of early learning;  
3 amending RCW 43.215.305; and adding a new section to chapter 43.215  
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.215  
7 RCW to read as follows:

8 (1) The early learning advisory council must establish community  
9 appeals boards for the purpose of resolving adverse licensing and  
10 application decisions made by the department. There must be at least  
11 one community appeals board for each regional department licensing  
12 office in the state.

13 (2) For purposes of this section, "community appeals board" means  
14 a five-member board appointed by the early learning advisory council  
15 established in RCW 43.215.090.

16 (3)(a) Two members of the community appeals board shall serve  
17 terms of three years, and three members shall serve terms of two  
18 years.

19 (b) At least two alternate community appeals board members must  
20 also be appointed by the early learning advisory council.

1 (c) A community appeals board member must recuse himself or  
2 herself if he or she has an interest in the resolution of a  
3 particular case or is related to a party.

4 (4) The five-member board must include:

5 (a) Three licensed child care providers, and among those three  
6 providers at least one provider that receives state subsidy;

7 (b) One representative of a local child care advocacy  
8 organization; and

9 (c) One department licensor.

10 (5) A licensee or applicant must give notice to the department of  
11 his or her request to engage in the community appeals board process  
12 within the time frame required for appealing an adverse licensing  
13 action pursuant to this chapter and the administrative procedure act,  
14 chapter 34.05 RCW.

15 (6) If the licensee or applicant chooses to appeal a denial,  
16 modification, suspension, or revocation of a license after completing  
17 the community appeals board process, the licensee or applicant has  
18 the same amount of time that was required for appeal after the final  
19 agency decision. The time begins again upon completion of the  
20 community appeals board process, but the community appeals board  
21 process must be completed within twenty-eight days after a licensee  
22 or applicant gives notice to the department of his or her intention  
23 to engage in the community appeals board process. Within ten days of  
24 the community appeals board hearing on a particular case, the  
25 community appeals board must provide a written description of its  
26 decision on each case provided to the department and the individual  
27 licensee or applicant.

28 (7) If the community appeals board process has not resolved the  
29 appealable issue or issues, the licensee or applicant must follow the  
30 existing procedure in this chapter for providing notice and serving  
31 the department with his or her intent to appeal after completion of  
32 the community appeals board process.

33 (8) Licensees or applicants who receive a denial, modification,  
34 suspension, or revocation of a license under this chapter who choose  
35 to use the community appeals board created by this section retain  
36 their rights to contest the adverse action pursuant to the  
37 administrative procedure act, chapter 34.05 RCW.

38 (9) A majority of each community appeals board constitutes a  
39 quorum for transacting official business of the board. The board  
40 shall make findings of fact and prepare a written decision in each

1 case, and such findings and decisions shall be effective upon being  
2 signed by a majority of the members of the community appeals board.  
3 Any finding of the community appeals board must be immediately  
4 delivered to the department and the individual involved in the case.

5 (10) Each community appeals board shall annually elect one of its  
6 members to act as chair. Each community appeals board must meet at  
7 least twice monthly to hear any disputes between the department and  
8 individuals who have received adverse licensing or application  
9 decisions by the department. The board shall also meet at the request  
10 of the chair of the community appeals board or at the request of a  
11 cochair of the early learning advisory council.

12 (11) Each community appeals board member may receive  
13 reimbursement from the department for travel expenses incurred in the  
14 discharge of his or her duties in accordance with RCW 43.03.050 and  
15 43.03.060.

16 (12) The department must contract with a separate organization or  
17 persons for the appropriate staffing of the community appeals boards.

18 **Sec. 2.** RCW 43.215.305 and 2007 c 17 s 3 are each amended to  
19 read as follows:

20 (1) The department shall give written notice of the denial of an  
21 application for a license to the applicant or his or her agent. The  
22 department shall give written notice of revocation, suspension, or  
23 modification of a license to the licensee or his or her agent. The  
24 notice shall state the reasons for the action. The notice shall  
25 include a description of the appeals process and the option to engage  
26 in the community appeals board process established in section 1 of  
27 this act. The notice shall be personally served in the manner of  
28 service of a summons in a civil action or shall be given in another  
29 manner that shows proof of receipt.

30 (2) Except as otherwise provided in this subsection and in  
31 subsection (4) of this section, revocation, suspension, or  
32 modification is effective twenty-eight days after the licensee or the  
33 agent receives the notice.

34 (a) The department may make the date the action is effective  
35 later than twenty-eight days after receipt. If the department does  
36 so, it shall state the effective date in the written notice given the  
37 licensee or agent.

38 (b) The department may make the date the action is effective  
39 sooner than twenty-eight days after receipt when necessary to protect

1 the public health, safety, or welfare. When the department does so,  
2 it shall state the effective date and the reasons supporting the  
3 effective date in the written notice given to the licensee or agent.

4 (c) When the department has received certification pursuant to  
5 chapter 74.20A RCW from the division of child support that the  
6 licensee is a person who is not in compliance with a support order,  
7 the department shall provide that the suspension is effective  
8 immediately upon receipt of the suspension notice by the licensee.

9 (3) Except for licensees suspended for noncompliance with a  
10 support order under chapter 74.20A RCW, a license applicant or  
11 licensee who is aggrieved by a department denial, revocation,  
12 suspension, or modification has the right to an adjudicative  
13 proceeding. The proceeding is governed by the administrative  
14 procedure act, chapter 34.05 RCW. The application must be in writing,  
15 state the basis for contesting the adverse action, include a copy of  
16 the adverse notice, be served on and received by the department  
17 within twenty-eight days of the license applicant's or licensee's  
18 receiving the adverse notice, and be served in a manner that shows  
19 proof of receipt.

20 (4)(a) If the department gives a licensee twenty-eight or more  
21 days' notice of revocation, suspension, or modification and the  
22 licensee files an appeal before its effective date, the department  
23 shall not implement the adverse action until the final order has been  
24 entered. The presiding or reviewing officer may permit the department  
25 to implement part or all of the adverse action while the proceedings  
26 are pending if the appellant causes an unreasonable delay in the  
27 proceeding, if the circumstances change so that implementation is in  
28 the public interest, or for other good cause.

29 (b) If the department gives a licensee less than twenty-eight  
30 days' notice of revocation, suspension, or modification and the  
31 licensee timely files a sufficient appeal, the department may  
32 implement the adverse action on the effective date stated in the  
33 notice. The presiding or reviewing officer may order the department  
34 to stay implementation of part or all of the adverse action while the  
35 proceedings are pending if staying implementation is in the public  
36 interest or for other good cause.

--- END ---