

# SENATE BILL REPORT

## SB 6482

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 7, 2020

**Title:** An act relating to licensing by the department of children, youth, and families.

**Brief Description:** Concerning licensing by the department of children, youth, and families.

**Sponsors:** Senators Wilson, C. and Darneille; by request of Department of Children, Youth and Families.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/03/20, 2/07/20 [DPS-WM, DNP].

**Brief Summary of First Substitute Bill**

- Makes changes to child care licensing including the definition of seasonal camps, programs in private schools, and an internal review process.
- Shifts the responsibility of monitoring the State School for the Deaf from the Department of Social and Health Services to the Department of Children, Youth, and Families (DCYF).
- Allows DCYF to issue a child-specific license to relatives who opt to become licensed for placement of relative children in DCYF's care, custody, and control.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 6482 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt, McCoy, Mullet, Pedersen, Salomon and Wagoner.

**Minority Report:** Do not pass.

Signed by Senators Hawkins, Ranking Member; Holy and Padden.

**Staff:** Ailey Kato (786-7434)

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*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.*

**Background: Child Care Licensing.** Under state law, it is unlawful for any agency to care for children unless the agency is licensed by the Department of Children, Youth, and Families (DCYF). Agency means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes certain entities irrespective of whether there is compensation to the agency.

*Seasonal Camps.* Agency does not include certain types of providers including seasonal camps. Seasonal camps must be three month's or less duration and engaged primarily in recreational or educational activities.

*Early Learning Programs in Private Schools.* Private schools that operate early learning programs and do not receive state subsidy payments are subject to minimum health and safety standards.

*Internal Review Process.* In 2017, DCYF was required to develop an internal review process to determine whether DCYF licensors have appropriately and consistently applied agency rules in child care facility licensing compliance agreements that do not involve a violation of health and safety standards.

Child care facility licensing compliance agreement means an agreement issued by DCYF in lieu of DCYF taking enforcement action against a child care provider. The agreement must contain certain information including the violation of the rule or law and the date the violation must be corrected.

DCYF must not develop a child care facility licensing compliance agreement with a child care provider for first-time violations of rules that do not relate to health and safety standards, and that can be corrected on the same day that the violation is identified. DCYF must develop a procedure for providing a warning and offering technical assistance to providers in response to these first-time violations.

Upon majority vote by the DCYF Oversight Board, the board may provide final review of child care facility licensing compliance agreements.

State School for the Deaf. State law requires the Department of Social and Health Services (DSHS) to periodically, and at least annually, monitor the residential program at the State School for the Deaf. DSHS must make recommendations on health and safety improvements related to child safety and well-being. DSHS must conduct a comprehensive child health and safety review every three years.

Relative Care. State law provides the secretary of DCYF with the power and duty to adopt and publish minimum requirements for licensing foster family homes.

Kinship care is the full-time care of children by relatives. DCYF is responsible for planning, designing and implementing strategies to prioritize placing children with willing and able kin when out-of-home placement is required.

Relatives are not required to be licensed foster homes. Relatives can choose to apply for a foster care license and once licensed, receive reimbursement for the care they provide. The

term relative is defined as person to whom the child is related by blood, marriage, including marriages that have been terminated, adoption, and their relatives as well as extended family members, as defined by the law or custom of the Indian child's tribe.

Fire Inspections. The Chief of the Washington State Patrol, through the Director of Fire Protection, must have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

**Summary of Bill (First Substitute):** Child Care Licensing. Each agency must make an application for, or to continue, a child care license using a method prescribed by DCYF, rather than a form. Child care licensees must submit background check applications into DCYF's electronic workforce registry for all current employees of the agency.

*Seasonal Camps.* The definition of seasonal camps, which are exempt from child care licensing, is amended so that they must be three consecutive months or less in duration within each period of 12 consecutive months.

*Early Learning Programs in Private Schools.* The health and safety standards that private schools are subject to are defined as the rules or requirements developed by DCYF to protect the health and safety of children against risk of bodily, mental, or psychological injury, harm, illness, or death.

*Internal Review Process.* Facility licensing compliance agreements are replaced with inspection reports. Inspection report means a written or digital record developed by DCYF that identifies violations of licensing standards.

A licensee must request a review under the internal review process within 10 days of an inspection report. The internal review process must be completed within 60 days, instead of 30 days, after the request from the licensee is received.

The prohibition against developing child care facility licensing compliance agreements for first-time violations is removed.

State School for the Deaf. References to DSHS are replaced with DCYF, so that DCYF is required to monitor the residential program at the State School for the Deaf among other duties. The requirement that the school undergo a comprehensive child health and safety review every three years is removed.

Child-Specific License for Relatives. DCYF may issue a child-specific license to relatives who opt to become licensed for placement of relative children in DCYF's care, custody, and control. These individuals must meet all licensing requirements for foster family homes and are subject to criteria established by DCYF in rule.

For purposes of federal funding, this license is considered a full license with all of the rights and responsibilities of a foster family home license, except that at the sole discretion of DCYF the licensee may only receive placement of specific children who are related to the licensee.

This license does not confer upon the licensee a right to placement of a particular child, nor does it confer party status in any proceeding.

Fire Inspections. Local fire authority must inspect child day care centers. However, if the local fire authority cannot complete such an inspection, then the director of Fire Protection must complete the inspection.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):**

- Provides that the local fire authority must inspect child day care centers unless the local fire authority cannot complete such an inspection.
- Requires the state director of Fire Protection to complete the inspection when the local fire authority cannot.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2020.

**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 on Original Bill:** *The committee recommended a different bill than what was heard.* PRO: This bill cleans up licensing issues and changes certain practices. The child care licensing monitoring process shifts focus to technical assistance. When children in foster care are placed with relatives, these relatives do not have to be licensed, although many choose to be licensed. Creating a child-specific license for relatives allows them to access other supports and services. The bill clarifies DCYF's role in monitoring the State School for the Deaf.

OTHER: There is concern about shifting the state fire marshal's duties to local fire marshals. This could be a drain on local resources.

**Persons Testifying:** PRO: Senator Claire Wilson, Prime Sponsor; Laurie Lippold, Partners for Our Children; Allison Krutsinger, Department of Children, Youth and Families.

OTHER: Bryan McConaughy, Washington State Association of Fire Marshals.

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