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**HOUSE BILL 2046**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Dent, Schmick, Jacobsen, Graham, Sandlin, Tharinger, and Caldier

AN ACT Relating to establishing alternative requirements for child care providers in underresourced areas; amending RCW 43.216.250, 43.216.255, and 43.216.290; and adding new sections to chapter 43.216 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must create and publish an annual list, for the period of July 1st to June 30th of each year, of rural counties that are also child care deserts.

(2) For purposes of this section:

(a) "Child care desert" means any county in which there are one or more census tracts with more than 50 children under the age of five years that contain either no child care providers or so few providers that there are more than three times as many children as licensed child care slots.

(b) "Rural county" has the same meaning as in RCW 82.14.370.

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must contract with a nonprofit entity focused on child care to create an instructional handbook for child care providers. The handbook must be completed by December 1, 2024, and must provide educational material on the following topics related to care of children:

(a) Health, safety, and nutritional needs of children;

(b) How to establish a nurturing relationship; and

(c) The fundamentals of instruction.

(2) The handbook must be made available free of charge in both physical and online formats.

(3) A child care provider in a county identified on the list maintained by the department as required by section 1 of this act is exempt from any requirement to obtain an early childhood education certificate if, by July 1, 2025, for persons employed as a child care provider prior to January 1, 2025, or within the first six months of hire, for persons employed on or after January 1, 2025:

(a) The provider has read the handbook and has submitted to the department a signed attestation indicating that they have read the handbook; and

(b) The child care center director or center assistant director has submitted to the department a signed attestation that the provider has read the handbook and has implemented the instructional material.

(4) For purposes of this section:

(a) A "child care provider" includes an employee of a child care center who provides direct care to children; and

(b) A "child care center" includes a child day care center, an outdoor nature-based child care provider, or a family day care provider.

**Sec.**  RCW 43.216.250 and 2021 c 304 s 9 are each amended to read as follows:

It shall be the secretary's duty with regard to licensing under this chapter:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities or outdoor locations for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto: PROVIDED, That in counties identified on the list maintained by the department as required by section 1 of this act:

(a) In each classroom or well-defined space of a child care center, the maximum group size and ratio of center staff members to children, including children related to staff or the licensee, must be:

(i) Preschoolers (30 months through six years of age who are not attending kindergarten or elementary school) with a maximum group size of 21 with a ratio of no less than one to 11; and

(ii) School-age children (five years through 12 years of age who are enrolled in or attending kindergarten or elementary school) with a maximum group size of 31 with a ratio of no less than one to 16; and

(b) Licensed indoor early learning program space must have a minimum of 34 square feet per child in attendance and further comply with the requirements of this chapter;

(2)(a) In consultation with the state fire marshal's office, the secretary shall use an interagency process to address health and safety requirements for child care programs that serve school-age children and are operated in buildings that contain public or private schools that safely serve children during times in which school is in session;

(b) Any requirements in (a) of this subsection as they relate to the physical facility, including outdoor playgrounds, do not apply to before-school and after-school programs that serve only school-age children and operate in the same facilities used by public or private schools;

(3) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(4) In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in child care;

(5) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person;

(6) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of child care that an agency is authorized to render and the ages and number of children to be served;

(7) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(8) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(9) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child care requirements; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

**Sec.**  RCW 43.216.255 and 2021 c 304 s 10 are each amended to read as follows:

(1) No later than November 1, 2016, the department shall implement a single set of licensing standards for child care and the early childhood education and assistance program. The department shall produce the single set of licensing standards within the department's available appropriations. The new licensing standards must:

(a) Provide minimum licensing requirements for child care and preschool programs, subject to the statutory requirements under RCW 43.216.250(1);

(b) Rely on the standards established in the early achievers program to address quality issues in participating early childhood programs;

(c) Take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and

(d) Promote the continued safety of child care settings.

(2) Private schools that operate early learning programs and do not receive state subsidy payments shall be subject to the minimum health and safety standards as defined in RCW 43.216.395(2)(b), the health and safety requirements under chapter 28A.195 RCW, and the requirements necessary to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school. The state, and any agency thereof, shall not restrict or dictate any specific educational or other programs for early learning programs operated by private schools except for programs that receive state subsidy payments.

**Sec.**  RCW 43.216.290 and 2006 c 265 s 305 are each amended to read as follows:

((~~All~~)) (1) Subject to the notice requirement in subsection (2) of this section, all agencies subject to this chapter shall accord the department, the chief of the Washington state patrol, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of this chapter and the requirements adopted under it.

(2) In counties identified on the list maintained by the department as required by section 1 of this act, the department must provide 24 hours notice prior to seeking entry to an agency's facility for purposes of inspection.

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