
Early Learning & Human Services Committee

HB 1033

Brief Description: Authorizing local licensing and regulation of child care providers.

Sponsors: Representatives Couture, Low, Marshall, Jacobsen and Eslick.

Brief Summary of Bill

- Authorizes counties to adopt and maintain ordinances for the licensing and regulation of child care centers and family home providers to take effect no sooner than July 1, 2026.
- Requires the Department of Children, Youth, and Families (DCYF) to provide technical assistance on request to counties that choose to locally license and regulate child care.
- Requires counties that locally license and regulate child care to report to the DCYF on a quarterly basis, and directs the DCYF to compile and maintain on its website a list of counties with local licensing and regulation schemes.
- Requires the DCYF, in consultation with representatives of local governments, to contract for a third-party consultant to conduct an analysis of local licensing and regulation of child care centers and family home providers.

Hearing Date: 2/12/25

Staff: Omeara Harrington (786-7136).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Department of Children, Youth, and Families (DCYF) regulates child care licensing. In general, it is unlawful for any person or business to provide child care services for a child outside the child's own home unless licensed by the DCYF. Child care entities subject to state licensing include family home providers and child care centers. Family home providers are child care providers who regularly provide early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters.

Child care centers regularly provide early childhood education and early learning services for a group of children for periods of less than 24 hours.

The DCYF must maintain licensing standards that:

- provide minimum licensing requirements;
- rely on the standards established in the Early Achievers quality rating and improvement system to address quality issues;
- take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and
- promote the continued safety of child care settings.

Licenses issued by the DCYF must specify the category of child care that an entity is authorized to provide and the ages and number of children to be served. The DCYF may issue an initial temporary license when an applicant demonstrates compliance with health and safety requirements but is not in full compliance with all other requirements. A full child care license remains valid as long as the licensee meets requirements for a nonexpiring license. These requirements include:

- submitting annual documentation and paying an annual licensing fee;
- continued compliance with all licensing rules; and
- submitting background checks as required.

Certain persons and entities are not subject to the DCYF licensing requirement. This includes, for example: relatives, parent cooperatives, schools, seasonal camps, government-run programs, and programs licensed by tribes.

Legislation enacted in 2005 allows counties with a population of no more than 3,000 to adopt and enforce ordinances and regulations for family home providers on a 12-month pilot basis. Ordinances must meet certain minimum criteria related to adequacy of the premises, operation plans, suitability and required number of providers, provision of necessary care, and maintenance of records, among other criteria. Counties participating in the pilot are responsible for regulation of family home providers instead of the state, though the state must provide technical assistance upon request.

Summary of Bill:

The current law statute allowing county regulation of family home providers on a 12-month basis is repealed. In its place, counties are authorized to adopt and maintain ordinances for the licensing and regulation of child care centers and family home providers. Ordinances may be in

effect no sooner than July 1, 2026.

Before a county may engage in licensing and regulation, it must adopt ordinances that address, at a minimum, the following with regard to child care centers and family home providers:

- the size, safety, cleanliness, and general adequacy of the premises;
- the plan of operation;
- the character, suitability, and competence of the provider and its employees who are directly responsible for the care of children served;
- the number of qualified persons required to render care;
- the provision of necessary care, including food, clothing, supervision, and discipline;
- the physical, mental, and social well-being of children served;
- educational and recreational opportunities for children served; and
- the maintenance of records pertaining to children served.

A county must notify the Department of Children, Youth, and Families (DCYF) in writing 60 days prior to the effective date of enactment of ordinances meeting minimum requirements. The transfer of licensing, regulatory, and enforcement authority from the DCYF to the county occurs on the effective date of the ordinances. Upon request, the DCYF must provide technical assistance to any county that is in the process of adopting local regulation ordinances, and after the ordinances become effective.

A county that licenses and regulates child care centers and family home providers must report to the DCYF on a quarterly basis. The DCYF must compile and maintain on its website a list of counties that locally license child care providers. The quarterly reporting must contain the following information:

- the ordinances adopted pursuant to this section that are currently in effect;
- a description of how the adopted ordinances address the specific required areas of regulation; and
- a complete list of locally licensed providers that includes the type of provider and maximum number of children that may be served under the license.

The DCYF must adopt rules as necessary to allow county-licensed child care centers and family home providers to fully participate in the Working Connections Child Care (WCCC) program and the Early Achievers program. In order for county-licensed and regulated providers to qualify to receive state subsidy payments through the WCCC program, the rules must require providers to participate in the Early Achievers program, but must not require providers to rate or request to be rated at any particular Early Achievers program level.

The DCYF must contract for a third-party consultant to conduct an analysis of county licensing and regulation of child care centers and family home providers. The DCYF must consult with representatives of local governments in selecting a consultant. The analysis must describe the rate of utilization of the county licensing and regulation option, and the perceptions of providers, local governments, and the DCYF of the county licensing and regulatory scheme as compared to the state licensing and regulatory scheme. The DCYF must submit the analysis to the

Legislature by October 1, 2030.

Appropriation: None.

Fiscal Note: Requested on February 6, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.