
Early Learning & Human Services Committee

HB 1282

Brief Description: Improving the well-being of children in child care by enhancing transparency measures and modifying liability insurance requirements.

Sponsors: Representatives Pollet and Simmons.

Brief Summary of Bill

- Expands the informational posting requirements applicable to child care centers, outdoor nature-based child care providers, and family home providers.
- Provides alternative requirements for posting required notices when an outdoor nature-based child care provider does not have a suitable physical location for posting.
- Requires the Department of Children, Youth, and Families (DCYF) to notify all parents and guardians of children enrolled in a licensed child care whenever the DCYF takes adverse licensure action.
- Modifies requirements related to notice of, and liability limits pertaining to, child care providers' insurance coverage.
- Requires DCYF to assess and improve the accessibility on its website of specified information and design a standardized poster indicating that this information is available through the DCYF website.

Hearing Date: 1/28/25

Staff: Omeara Harrington (786-7136).

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.

Background:

Child Care Licensing.

The Department of Children, Youth, and Families (DCYF) is responsible for child care licensing. With some exceptions, any person or entity that provides child care or early learning services outside a child's own home must obtain a license from the DCYF. There are different types of licensed child care programs in Washington. Child care centers provide early childhood education and early learning services in a center-based setting for a group of children, family home providers provide child care in their family living quarters, and outdoor nature-based programs provide care to preschool or school-age children in an outdoor, natural space and teach a nature-based curriculum.

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. 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 child care entity may also be issued a probationary license to a licensee who is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance, as long as the noncompliance does not present an immediate safety risk and the licensee has an approved corrective plan in place.

A child care entity's license may be denied, suspended, revoked, modified, or not renewed upon proof that the entity failed or refused to comply with licensing requirements or that the conditions required for issuance of a license no longer exist. The DCYF may also assess monetary penalties upon an unlicensed child care, or a child care that has failed or refused to comply with licensing requirements. In addition to or instead of enforcement action, the DCYF may also place a child care on nonreferral status if the child care has failed or refused to comply with licensing requirements.

Insurance Requirements.

Child care centers and outdoor nature-based child care providers must carry daycare insurance. Daycare insurance policies must have a liability limit of at least \$100,000 per occurrence. Agency rules require providers to post notice of insurance coverage and provide parents with a description of where to find and review the provider's liability insurance. Providers must also post a notice, provide written notice to parents, and notify the DCYF, when insurance coverage has been terminated or has lapsed. Family home providers may choose to opt out of having daycare or other applicable insurance, but must provide written notice to parents of their insurance status. Family home providers that do carry daycare insurance must comply with the same notice requirements as child care centers and outdoor nature-based child care providers.

Early Achievers.

The Early Achievers program is Washington's quality rating and improvement system for child care and early learning. Participation in the Early Achievers program is mandatory for all

providers serving non-school-age children who accept state subsidy payments, and is voluntary for other child care providers. Among the objectives of the program are improving educational outcomes, providing clear and accessible information to parents about the quality of child care and early learning programs, providing professional development and coaching opportunities to providers, and establishing common expectations and standards for quality child care.

There are five Early Achievers rating levels. Generally, a provider must rate at a level three or higher in order to accept state subsidy payments. Providers serving the Early Childhood Education and Assistance Program must rate at a level four or higher.

Information for Parents and Caregivers.

The DCYF is required to maintain a single source of information for parents and caregivers to access details on a child care provider's Early Achievers program rating level, licensing history and enforcement action, and other indicators of quality and safety that will help parents and caregivers make informed choices. In addition, the DCYF is obligated to disclose the receipt, general nature, and resolution or current status of all complaints on record against a child care center or family home provider that result in an enforcement action. The DCYF partners with Child Care Aware of Washington to provide Child Care Check, which is a resource where the public can search for child care providers, view licensing history and inspection reports, and access other information.

Additionally, every child care provider must prominently post certain information in a manner that is clearly visible to parents and staff. Specifically, providers must post their license, the DCYF's toll-free telephone number, notice of any pending enforcement action immediately upon receipt, and a notice that inspection reports and notices of enforcement actions for the previous three years are available.

Summary of Bill:

The Department of Children, Youth, and Families (DCYF) must assess and improve the accessibility on its website of information pertaining to child care provider licensing history, inspection reports, and early achievers ratings. It must also design a standardized poster indicating that this information is available through the DCYF website.

The informational posting requirements applicable to child care providers are expanded to:

- require that information is posted in a manner that takes into account the linguistic needs of parents and staff;
- reiterate agency rules requiring posting proof of insurance coverage, if applicable, as well as policy liability limits;
- require posting of the provider's Early Achievers rating level, if any; and
- include a requirement to post a notice designed by the DCYF stating that provider licensing history, inspection reports, and Early Achievers rating information is available through the DCYF website, along with clear instructions as to how to access that information.

Child care providers that maintain a website must also provide a link on that site to the DCYF's webpage that displays or links to provider licensing history, inspection reports, and Early Achievers ratings.

Outdoor nature-based child care providers without a suitable physical location for posting required statutory notices may post at the host park headquarters or visitor center, or at another location likely to be observed by parents and guardians. These providers must also publish the information on any website maintained by the provider.

The DCYF must notify all parents and guardians of children enrolled in a licensed child care whenever the DCYF suspends, revokes, or declines to renew the child care provider's license. The child care provider must promptly provide the DCYF with parent contact information needed to fulfill this requirement.

Child care provider minimum insurance liability limit requirements must be as established by the DCYF in rule, rather than the minimum statutory liability limits established for daycare insurance policies. By December 1, 2025, the DCYF must review the statutory minimum liability limits for daycare insurance policies and recommend updated limits that take into account insurance product availability, inflation, and average and potential liability coverage needs of child care providers. All licensed child care centers and outdoor nature-based child care providers, and those family home providers that are insured, must provide written notice of insurance coverage to parents with pre-enrollment materials, and must additionally post notice of insurance coverage and any associated liability limits, as well as a link to the provider's insurance policy or policies, on any website maintained by the provider.

Appropriation: None.

Fiscal Note: Available.

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