
HOUSE BILL 1033

State of Washington

69th Legislature

2025 Regular Session

By Representative Couture

Prefiled 12/11/24.

1 AN ACT Relating to local licensing and regulation of child care
2 providers; reenacting and amending RCW 43.216.010; adding new
3 sections to chapter 43.216 RCW; repealing RCW 43.216.695; and
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.216
7 RCW to read as follows:

8 (1) Notwithstanding RCW 43.216.250 and 43.216.255, counties may
9 adopt and maintain ordinances as provided in this section for the
10 licensing and regulation of child care centers and family home
11 providers. Ordinances may be in effect no sooner than July 1, 2026.
12 Before a county may engage in licensing and regulation in accordance
13 with this section, it shall adopt ordinances that address, at a
14 minimum, the following with regard to child care centers and family
15 home providers:

16 (a) The size, safety, cleanliness, and general adequacy of the
17 premises;

18 (b) The plan of operation;

19 (c) The character, suitability, and competence of the provider
20 and its employees who are directly responsible for the care of
21 children served;

1 (d) The number of qualified persons required to render care;

2 (e) The provision of necessary care, including food, clothing,
3 supervision, and discipline;

4 (f) The physical, mental, and social well-being of children
5 served;

6 (g) Educational and recreational opportunities for children
7 served; and

8 (h) The maintenance of records pertaining to children served.

9 (2) The county shall notify the department in writing 60 days
10 prior to the effective date of its enacted ordinances meeting the
11 minimum requirements in subsection (1) of this section. The transfer
12 of licensing and regulatory authority shall occur on the effective
13 date of the ordinances as indicated in the county's notification to
14 the department. Licensing and regulation by counties of child care
15 centers and family home providers as provided in this section shall
16 be administered and enforced by those counties. The department shall
17 not regulate these activities nor shall the department bear any civil
18 liability associated with locally licensed and regulated providers.
19 Upon request, the department shall provide technical assistance to
20 any county that is in the process of adopting the ordinances required
21 by this section, and after the ordinances become effective.

22 (3) Any county licensing and regulating child care centers and
23 family home providers pursuant to this section shall report to the
24 department on a quarterly basis with the following information: The
25 ordinances adopted pursuant to this section that are currently in
26 effect; a description of how these provisions address the specific
27 areas of regulation identified in subsection (1) of this section; and
28 a complete list of locally licensed providers that includes the type
29 of provider and maximum number of children that may be served under
30 the license. The department must compile and maintain on its website
31 a list of counties that locally license child care centers and family
32 home providers.

33 (4) The department shall adopt rules as necessary to allow
34 locally licensed and regulated child care centers and family home
35 providers to fully participate in the working connections child care
36 program and the early achievers program. In order for locally
37 licensed and regulated providers to qualify to receive state subsidy
38 payments through the working connections child care program, the
39 rules must require providers to participate in the early achievers

1 program, but must not require providers to rate or request to be
2 rated at any particular early achievers program level.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216
4 RCW to read as follows:

5 (1) The department shall contract for a third-party consultant to
6 conduct an analysis of local licensing and regulation of child care
7 centers and family home providers. The analysis must describe the
8 rate of utilization of the local licensing and regulation option
9 permitted under section 1 of this act, and the perceptions of
10 providers, local governments, and the department of the local
11 licensing and regulatory scheme as compared to the state licensing
12 and regulatory scheme.

13 (2) The department must consult with representatives of local
14 governments in selecting a consultant. The department must make the
15 analysis available to the legislature, in compliance with RCW
16 43.01.036, by October 1, 2030.

17 **Sec. 3.** RCW 43.216.010 and 2021 c 304 s 2 and 2021 c 199 s 501
18 are each reenacted and amended to read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Agency" means any person, firm, partnership, association,
22 corporation, or facility that provides child care and early learning
23 services outside a child's own home and includes the following
24 irrespective of whether there is compensation to the agency:

25 (a) "Child day care center" and "child care center" mean an
26 agency that regularly provides early childhood education and early
27 learning services for a group of children for periods of less than 24
28 hours;

29 (b) "Early learning" includes but is not limited to programs and
30 services for child care; state, federal, private, and nonprofit
31 preschool; child care subsidies; child care resource and referral;
32 parental education and support; and training and professional
33 development for early learning professionals;

34 (c) "Family day care provider" and "family home provider" mean a
35 child care provider who regularly provides early childhood education
36 and early learning services for not more than 12 children at any
37 given time in the provider's home in the family living quarters
38 except as provided in RCW 43.216.692;

1 (d) "Nongovernmental private-public partnership" means an entity
2 registered as a nonprofit corporation in Washington state with a
3 primary focus on early learning, school readiness, and parental
4 support, and an ability to raise a minimum of \$5,000,000 in
5 contributions;

6 (e) "Outdoor nature-based child care" means an agency or an
7 agency-offered program that:

8 (i) Enrolls preschool or school-age children;

9 (ii) Provides early learning services to the enrolled children in
10 an outdoor natural space approved by the department for not less than
11 four hours per day or fifty percent of the daily program hours,
12 whichever is less; and

13 (iii) Teaches a nature-based curriculum to enrolled children;

14 (f) "Service provider" means the entity that operates a community
15 facility.

16 (2) "Agency" does not include the following:

17 (a) Persons related to the child in the following ways:

18 (i) Any blood relative, including those of half-blood, and
19 including first cousins, nephews or nieces, and persons of preceding
20 generations as denoted by prefixes of grand, great, or great-great;

21 (ii) Stepfather, stepmother, stepbrother, and stepsister;

22 (iii) A person who legally adopts a child or the child's parent
23 as well as the natural and other legally adopted children of such
24 persons, and other relatives of the adoptive parents in accordance
25 with state law; or

26 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
27 this subsection, even after the marriage is terminated;

28 (b) Persons who are legal guardians of the child;

29 (c) Persons who care for a neighbor's or friend's child or
30 children, with or without compensation, where the person providing
31 care for periods of less than 24 hours does not conduct such activity
32 on an ongoing, regularly scheduled basis for the purpose of engaging
33 in business, which includes, but is not limited to, advertising such
34 care;

35 (d) Parents on a mutually cooperative basis exchange care of one
36 another's children;

37 (e) Nursery schools that are engaged primarily in early childhood
38 education with preschool children and in which no child is enrolled
39 on a regular basis for more than four hours per day;

1 (f) Schools, including boarding schools, that are engaged
2 primarily in education, operate on a definite school year schedule,
3 follow a stated academic curriculum, and accept only school age
4 children;

5 (g) Seasonal camps. For purposes of this chapter, "seasonal camp"
6 means a program that:

7 (i) Operates for three months or less within a period of twelve
8 consecutive months;

9 (ii) Is engaged primarily in recreational or educational
10 activities conducted on a closely supervised basis; and

11 (iii) Is owned by any person, organization, association, or
12 corporation, or is operated by a federal, state, county, or municipal
13 government;

14 (h) Facilities providing child care for periods of less than 24
15 hours when a parent or legal guardian of the child remains on the
16 premises of the facility for the purpose of participating in:

17 (i) Activities other than employment; or

18 (ii) Employment of up to two hours per day when the facility is
19 operated by a nonprofit entity that also operates a licensed child
20 care program at the same facility in another location or at another
21 facility;

22 (i) Any entity that provides recreational or educational
23 programming for school age children only and the entity meets all of
24 the following requirements:

25 (i) The entity utilizes a drop-in model for programming, where
26 children are able to attend during any or all program hours without a
27 formal reservation;

28 (ii) The entity does not assume responsibility in lieu of the
29 parent, unless for coordinated transportation;

30 (iii) The entity is a local affiliate of a national nonprofit;
31 and

32 (iv) The entity is in compliance with all safety and quality
33 standards set by the associated national agency;

34 (j) A program operated by any unit of local, state, or federal
35 government;

36 (k) A program located within the boundaries of a federally
37 recognized Indian reservation, licensed by the Indian tribe;

38 (l) A program located on a federal military reservation, except
39 where the military authorities request that such agency be subject to
40 the licensing requirements of this chapter;

1 (m) A program that offers early learning and support services,
2 such as parent education, and does not provide child care services on
3 a regular basis; or

4 (n) A child care center or family home provider that is locally
5 licensed as authorized under section 1 of this act.

6 (3) "Applicant" means a person who requests or seeks employment
7 in an agency.

8 (4) "Certificate of parental improvement" means a certificate
9 issued under RCW 74.13.720 to an individual who has a founded finding
10 of physical abuse or negligent treatment or maltreatment, or a court
11 finding that the individual's child was dependent as a result of a
12 finding that the individual abused or neglected their child pursuant
13 to RCW 13.34.030(6)(b).

14 (5) "Conviction information" means criminal history record
15 information relating to an incident which has led to a conviction or
16 other disposition adverse to the applicant.

17 (6) "Department" means the department of children, youth, and
18 families.

19 (7) "Early achievers" means a program that improves the quality
20 of early learning programs and supports and rewards providers for
21 their participation.

22 (8) "Early childhood education and assistance program contractor"
23 means an organization that provides early childhood education and
24 assistance program services under a signed contract with the
25 department.

26 (9) "Early childhood education and assistance program provider"
27 means an organization that provides site level, direct, and high
28 quality early childhood education and assistance program services
29 under the direction of an early childhood education and assistance
30 program contractor.

31 (10) "Education data center" means the education data center
32 established in RCW 43.41.400, commonly referred to as the education
33 research and data center.

34 (11) "Employer" means a person or business that engages the
35 services of one or more people, especially for wages or salary to
36 work in an agency.

37 (12) "Enforcement action" means denial, suspension, revocation,
38 modification, or nonrenewal of a license pursuant to RCW
39 43.216.325(1) or assessment of civil monetary penalties pursuant to
40 RCW 43.216.325(3).

1 (13) "Extended day program" means an early childhood education
2 and assistance program that offers early learning education for at
3 least 10 hours per day, a minimum of 2,000 hours per year, at least
4 four days per week, and operates year-round.

5 (14) "Family resource and referral linkage system" means a system
6 that connects families to resources, services, and programs for which
7 families are eligible and uses a database that is developed and
8 maintained in partnership with communities, health care providers,
9 and early learning providers.

10 (15) "Family resource center" means a unified single point of
11 entry where families, individuals, children, and youth in communities
12 can obtain information, an assessment of needs, referral to, or
13 direct delivery of family services in a manner that is welcoming and
14 strength-based.

15 (a) A family resource center is designed to meet the needs,
16 cultures, and interests of the communities that the family resource
17 center serves.

18 (b) Family services may be delivered directly to a family at the
19 family resource center by family resource center staff or by
20 providers who contract with or have provider agreements with the
21 family resource center. Any family resource center that provides
22 family services shall comply with applicable state and federal laws
23 and regulations regarding the delivery of such family services,
24 unless required waivers or exemptions have been granted by the
25 appropriate governing body.

26 (c) Each family resource center shall have one or more family
27 advocates who screen and assess a family's needs and strengths. If
28 requested by the family, the family advocate shall assist the family
29 with setting its own goals and, together with the family, develop a
30 written plan to pursue the family's goals in working towards a
31 greater level of self-reliance or in attaining self-sufficiency.

32 (16) "Full day program" means an early childhood education and
33 assistance program that offers early learning education for a minimum
34 of 1,000 hours per year.

35 (17) "Inspection report" means a written or digital record or
36 report created by the department that identifies or describes
37 licensing violations or conditions within an agency. An inspection
38 report does not include a child care facility licensing compliance
39 agreement as defined in RCW 43.216.395.

1 (18) "Low-income child care provider" means a person who
2 administers a child care program that consists of at least 80 percent
3 of children receiving working connections child care subsidy.

4 (19) "Low-income neighborhood" means a district or community
5 where more than 20 percent of households are below the federal
6 poverty level.

7 (20) "Negative action" means a court order, court judgment, or an
8 adverse action taken by an agency, in any state, federal, tribal, or
9 foreign jurisdiction, which results in a finding against the
10 applicant reasonably related to the individual's character,
11 suitability, and competence to care for or have unsupervised access
12 to children in child care. This may include, but is not limited to:

13 (a) A decision issued by an administrative law judge;

14 (b) A final determination, decision, or finding made by an agency
15 following an investigation;

16 (c) An adverse agency action, including termination, revocation,
17 or denial of a license or certification, or if pending adverse agency
18 action, the voluntary surrender of a license, certification, or
19 contract in lieu of the adverse action;

20 (d) A revocation, denial, or restriction placed on any
21 professional license; or

22 (e) A final decision of a disciplinary board.

23 (21) "Nonconviction information" means arrest, founded
24 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
25 or other negative action adverse to the applicant.

26 (22) "Nonschool age child" means a child who is age six years or
27 younger and who is not enrolled in a public or private school.

28 (23) "Part day program" means an early childhood education and
29 assistance program that offers early learning education for at least
30 two and one-half hours per class session, at least 320 hours per
31 year, for a minimum of 30 weeks per year.

32 (24) "Private school" means a private school approved by the
33 state under chapter 28A.195 RCW.

34 (25) "Probationary license" means a license issued as a
35 disciplinary measure to an agency that has previously been issued a
36 full license but is out of compliance with licensing standards.

37 (26) "Requirement" means any rule, regulation, or standard of
38 care to be maintained by an agency.

1 (27) "School age child" means a child who is five years of age
2 through 12 years of age and is attending a public or private school
3 or is receiving home-based instruction under chapter 28A.200 RCW.

4 (28) "Secretary" means the secretary of the department.

5 (29) "Washington state preschool program" means an education
6 program for children three-to-five years of age who have not yet
7 entered kindergarten, such as the early childhood education and
8 assistance program.

9 NEW SECTION. **Sec. 4.** RCW 43.216.695 (County regulation of
10 family day-care centers—Twelve-month pilot projects) and 2005 c 509 s
11 1 are each repealed, effective July 1, 2026.

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