

SENATE BILL REPORT

SB 5132

As Reported By Senate Committee On:
Ways & Means, February 8, 2000

Title: An act relating to increasing public and parental access to information regarding child care service.

Brief Description: Improving child care services.

Sponsors: Senators Kohl-Welles, Long, Hargrove, Brown, Patterson, McAuliffe and Costa.

Brief History:

Committee Activity: Human Services & Corrections: 2/2/99, 2/5/99 [DP-WM].
Ways & Means: 2/1/00, 2/8/2000 [DPS].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass.

Signed by Senators Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Winsley and Wojahn.

Staff: Risa Sandler (786-7708)

Background: The Department of Social and Health Services (DSHS) licenses child care centers and family day-care homes.

Under current law, the department uses a variety of sanctions with regard to licensed child day-care facilities when they are not in compliance with statute or regulations. Such sanctions include: issuance of a deficiency statement and creation of a compliance plan; civil monetary penalties; and, for more serious violations, suspension or revocation of the license and initiation of court proceedings. When there is a danger to a child, the child can be removed immediately from the facility.

For many licensing actions or other sanctions, customers and potential customers have no reliable way to discover what actions have been taken against the facility, either currently or in the recent past.

Citizens have expressed concern that parents are unable to contact one source to find information about child day-care facilities.

The Licensing Division of DSHS provides information about a day-care's license. The Division of Children and Family Services processes complaints of abuse or neglect in day-care facilities, but the public cannot call one phone number to inquire about licenses or make complaints.

Summary of Substitute Bill: Every licensed child day-care center and family day-care provider is required to prominently post the following items: (1) a copy of the license; (2) the notice of any pending enforcement action; and (3) a notice that inspection reports and notices of enforcement actions for the past three years are available for review.

"Enforcement action" is defined to mean any disciplinary action including suspension or revocation of a license or any other adverse licensing action, issuance of a deficiency statement, notification of a violation, protective action, initiation of a court proceeding, and imposition of a civil monetary penalty.

When an enforcement action is taken, and notice is received by the licensee, the notice must be posted immediately by the licensee, and must remain posted for at least two weeks or until the violation is corrected, whichever is longer.

The department must make available to the public information about specific child day-care centers and family day-care providers, including inspection reports, enforcement actions, and corrective measures taken by the facility. The department must follow public disclosure laws in making information public.

The department must compile annual reports analyzing all enforcement actions, investigations, and reports made as a result of this act.

DSHS establishes and maintains a toll-free number and worldwide web site for communication of information related to child and family day care. Callers can find out the following information: (a) determine whether a day care is licensed; (b) determine whether a day care is in good standing regarding licensing requirements; (c) obtain information on how to report suspected or observed noncompliance with licensing requirements; (d) obtain information on how to report alleged abuse or neglect in day care; (e) obtain information on how to report health, safety, and welfare concerns in day care; (f) receive follow-up assistance, including information on the office of the Family and Children's Ombudsman; and (g) receive referral information on other agencies or entities that may be of further assistance to the caller.

DSHS must investigate complaints pursuant to its own internal protocol and refer callers to appropriate agencies for assistance.

DSHS must give the phone number to parents and post the phone number at all child and family day-care centers. Further, the number must be published in reasonably available printed and electronic media.

Substitute Bill Compared to Original Bill: Provisions requiring public notice and exoneration are removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Human Services & Corrections): Parents think a license means a day care is safe, and parents want to know if a licensor has information to the contrary. Parents want a meaningful choice when they leave their child with someone else. If day care is not safe, they want to protect their child. The bill would give better access to better information.

Testimony Against (Human Services & Corrections): None.

Testified (Human Services & Corrections): PRO: Dawn Larsen, Olympia Child Care Center; Michelle Hunt, Washington Parents; Majken Keira, WA Women United; Stu Jacobson, Washington Parents.

Testimony For (Ways & Means): The state has numerous 1-800 numbers; this bill is a bargain. If parents had this information, children may not have died in child care.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): Laura Wells, Child Care Works for Washington (pro).