

# HOUSE BILL REPORT

## SHB 2169

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### As Amended by the Senate

**Title:** An act relating to licensing of family day care.

**Brief Description:** Creating a pilot project authorizing small counties to regulate day care.

**Sponsors:** By House Committee on Children & Family Services (originally sponsored by Representatives Walsh, Grant, Buri, Cox and Haler).

#### **Brief History:**

##### **Committee Activity:**

Children & Family Services: 2/28/05, 3/2/05 [DPS].

##### **Floor Activity:**

Passed House: 3/15/05, 89-7.

Senate Amended.

Passed Senate: 4/6/05, 46-2.

#### **Brief Summary of Substitute Bill**

- Allows certain counties to regulate family daycare providers as a 12-month pilot project.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hinkle, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

**Staff:** Cynthia Forland (786-7152).

#### **Background:**

The Department of Social and Health Services (DSHS) is required to license agencies providing care for children outside of their homes as identified by state law. The purpose of this licensing requirement is to assure the users of those agencies, their parents, the community at large, and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children in order to safeguard the health, safety, and well-being of those children receiving care.

Among the agencies identified in state law as subject to licensing by the DSHS are family daycare providers, which are defined as child daycare providers who regularly provide child daycare for not more than 12 children in the provider's home in the family living quarters.

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**Summary of Substitute Bill:**

Notwithstanding the requirement that the DSHS license agencies providing care for children outside of their homes, counties with a population of 3,000 or less may adopt and enforce ordinances and regulations for family daycare providers as a 12-month pilot project. Before a county may regulate family daycare providers, it must adopt ordinances and regulations that address, at a minimum, the following:

- the size, safety, cleanliness, and general adequacy of the premises;
- the plan of operation;
- the character, suitability, and competence of a family daycare provider and other persons associated with a family daycare provider 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.

The county must notify the DSHS in writing 60 days prior to adoption of the family daycare regulations. The transfer of jurisdiction may not occur until the county has notified the DSHS in writing of the effective date of the regulations, and is limited to a period of 12 months from the effective date of the regulations. Regulation by counties of family daycare providers are to be administered and enforced by those counties. The DSHS may not regulate these activities for the 12-month pilot period. Upon request, the DSHS must provide technical assistance to any county that is in the process of adopting family daycare regulations, and after the regulations become effective.

Any county regulating family daycare providers pursuant to the bill is required to report to the Governor and the appropriate committees of the Legislature concerning the outcome of the pilot project upon expiration of the 12-month pilot period. The report must include the adopted ordinances and regulations and a description of how those ordinances and regulations address the specific areas of regulation identified in the bill.

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**EFFECT OF SENATE AMENDMENT(S):**

Provides that the Department of Social and Health Services must not bear any civil liability for regulation of family daycare providers by counties under the pilot project.

**Appropriation:** None.

**Fiscal Note:** Available on original.

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

**Testimony For:** Small counties should be able to regulate daycare. This bill will help small counties provide high-quality daycare for their children and parents. We tend to think that government can always do it better, but it is important that sometimes we let communities take care of themselves and restore a little bit of personal responsibility. This bill partners the state with other local governments that are closer to the ground, closer to the scene of the action, and gives them the credit and the authority to say that local communities may have a better perspective than the state does on this issue of whether children are safe and cared for and dealt with responsibly. There would be enough rules and regulation to assure the safety of the children in these counties. This bill applies to three counties, Garfield, Columbia, and Wahkiakum. We have to look at the socio-economic factors involved in these situations. This is a cost-saving measure for the state.

**Testimony Against:** The quality of care that children get is really important. Young children need to be in healthy, safe, and developmentally appropriate surroundings no matter who is caring for them. Research, which is used to develop the state's child care regulations, shows that some things are really important, such as the child-to-teacher ratio and the background, education, and training of the provider. This bill would set up two different kinds of licensing, one that is very comprehensive and meets the needs of kids, and one that is less comprehensive and could miss some of the things that are important, such as criminal background checks and child abuse and neglect history checks.

All children in both rural and urban counties deserve the same safety and health protections that licensing provides. Giving counties the ability to water down or enhance or make licensing requirements in their own ways would not strengthen the system in general, but would further weaken the fragmented system of services for children across the state. It is not clear how this would provide any new services or any help to parents. It is not clear how it would be funded. It could be a considerable expense for counties that have little tax revenue to pay for such services. Licensing isn't just about regulation. It's about helping providers do the best that they can for children under their particular circumstances.

**Persons Testifying:** (In support) Representative Walsh, prime sponsor; Representative Cox; and Jim Kowalkowski, Pomeroy School District.

(Opposed) Rachael Langen, Department of Social and Health Services, Division of Child Care and Early Learning; and Annie Cubberly, Child Care Collaborative.

**Persons Signed In To Testify But Not Testifying:** None.