

1 (b) Research across disciplines now demonstrates that what happens
2 in the earliest years makes a critical difference in children's
3 readiness to succeed in school and life;

4 (c) Washington's competitiveness in the global economy requires a
5 world-class education system that starts early and supports life-long
6 learning;

7 (d) Washington state currently makes substantial investments in
8 voluntary child care and early learning services and supports, but
9 because services are fragmented across multiple state agencies, and
10 early learning providers lack the supports and incentives needed to
11 improve the quality of services they provide, many parents have
12 difficulty accessing high quality early learning services;

13 (e) A more cohesive and integrated voluntary early learning system
14 would result in greater efficiencies for the state, increased
15 partnership between the state and the private sector, improved access
16 to high quality early learning services, and better employment and
17 early learning outcomes for families and all children.

18 (2) The legislature finds that the early years of a child's life
19 are critical to the child's healthy brain development and that the
20 quality of caregiving during the early years can significantly impact
21 the child's intellectual, social, and emotional development.

22 (3) The purpose of this chapter is:

23 (a) To establish the department of early learning, the purpose of
24 which is to coordinate and consolidate child care and early learning
25 programs;

26 (b) To safeguard the health, safety, and well-being of children
27 receiving child care and early learning services, which is paramount
28 over the right of any person to provide care;

29 (c) To promote linkages and alignment between early learning
30 programs and elementary schools and support the transition of children
31 and families from prekindergarten environments to kindergarten;

32 (d) To promote the development of a sufficient number and variety
33 of adequate child care and early learning facilities, both public and
34 private; and

35 (e) To license agencies and to assure the users of such agencies,
36 their parents, the community at large and the agencies themselves that
37 adequate minimum standards are maintained by all child care and early
38 learning facilities.

1 NEW SECTION. **Sec. 102.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

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

7 (a) "Child day care center" means an agency that regularly provides
8 child day care and early learning services for a group of children for
9 periods of less than twenty-four hours;

10 (b) "Family day care provider" means a child day care provider who
11 regularly provides child day care and early learning services for not
12 more than twelve children in the provider's home in the family living
13 quarters;

14 (c) "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 as
23 well as the natural and other legally adopted children of such persons,
24 and other relatives of the adoptive parents in accordance with state
25 law; or

26 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
27 subsection (2)(a), 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 care
31 for periods of less than twenty-four hours does not conduct such
32 activity on an ongoing, regularly scheduled basis for the purpose of
33 engaging in business, which includes, but is not limited to,
34 advertising such care;

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

37 (e) Nursery schools or kindergartens that are engaged primarily in

1 educational work with preschool children and in which no child is
2 enrolled on a regular basis for more than four hours per day;

3 (f) Schools, including boarding schools, that are engaged primarily
4 in education, operate on a definite school year schedule, follow a
5 stated academic curriculum, accept only school-age children, and do not
6 accept custody of children;

7 (g) Seasonal camps of three months' or less duration engaged
8 primarily in recreational or educational activities;

9 (h) Facilities providing care to children for periods of less than
10 twenty-four hours whose parents remain on the premises to participate
11 in activities other than employment;

12 (i) Any agency having been in operation in this state ten years
13 before June 8, 1967, and not seeking or accepting moneys or assistance
14 from any state or federal agency, and is supported in part by an
15 endowment or trust fund;

16 (j) An agency operated by any unit of local, state, or federal
17 government or an agency, located within the boundaries of a federally
18 recognized Indian reservation, licensed by the Indian tribe;

19 (k) An agency located on a federal military reservation, except
20 where the military authorities request that such agency be subject to
21 the licensing requirements of this chapter.

22 (3) "Department" means the department of early learning.

23 (4) "Director" means the director of the department.

24 (5) "Enforcement action" means denial, suspension, revocation,
25 modification, or nonrenewal of a license pursuant to section 311(1) of
26 this act or assessment of civil monetary penalties pursuant to section
27 311(3) of this act.

28 (6) "Probationary license" means a license issued as a disciplinary
29 measure to an agency that has previously been issued a full license but
30 is out of compliance with licensing standards.

31 (7) "Requirement" means any rule, regulation, or standard of care
32 to be maintained by an agency.

33 NEW SECTION. **Sec. 103.** (1) The department of early learning is
34 created as an executive branch agency. The department is vested with
35 all powers and duties transferred to it under this chapter and such
36 other powers and duties as may be authorized by law.

1 (2) The primary duties of the department are to implement state
2 early learning policy and to coordinate, consolidate, and integrate
3 child care and early learning programs in order to administer programs
4 and funding as efficiently as possible. The department's duties
5 include, but are not limited to, the following:

6 (a) To have lead responsibility for the state's early learning
7 policy;

8 (b) To improve parent education and support;

9 (c) To carry out activities to improve the quality of early
10 learning opportunities for young children including activities in
11 cooperation with the public-private partnership;

12 (d) To administer child care and early learning programs;

13 (e) To standardize internal financial audits, oversight visits,
14 performance benchmarks, and licensing criteria, so that programs can
15 function in an integrated fashion;

16 (f) To assist in the implementation of the public-private
17 partnership and cooperate with that partnership in pursuing its goals
18 including providing data and support necessary for the successful work
19 of the partnership;

20 (g) To work cooperatively and in coordination with the early
21 learning council; and

22 (h) To collaborate with the K-12 school system at the state and
23 local levels to ensure appropriate connections and smooth transitions
24 between early learning and K-12 programs.

25 NEW SECTION. **Sec. 104.** (1) The executive head and appointing
26 authority of the department is the director. The director shall be
27 appointed by the governor with the consent of the senate, and shall
28 serve at the pleasure of the governor. The director shall be paid a
29 salary to be fixed by the governor in accordance with RCW 43.03.040.
30 If a vacancy occurs in the position of director while the senate is not
31 in session, the governor shall make a temporary appointment until the
32 next meeting of the senate when the governor's nomination for the
33 office of director shall be presented.

34 (2) The director may employ staff members, who shall be exempt from
35 chapter 41.06 RCW, and any additional staff members as are necessary to
36 administer this chapter. The director may delegate any power or duty

1 vested in him or her by this chapter, including authority to make final
2 decisions and enter final orders in hearings conducted under chapter
3 34.05 RCW.

4 NEW SECTION. **Sec. 105.** It is the intent of the legislature
5 wherever possible to place the internal affairs of the department under
6 the control of the director in order that the director may institute
7 therein the flexible, alert, and intelligent management of its business
8 that changing contemporary circumstances require. Therefore, whenever
9 the director's authority is not specifically limited by law, the
10 director has complete charge and supervisory powers over the
11 department. The director may create such administrative structures as
12 the director considers appropriate, except as otherwise specified by
13 law. The director may employ such assistants and personnel as
14 necessary for the general administration of the department. This
15 employment shall be in accordance with the state civil service law,
16 chapter 41.06 RCW, except as otherwise provided.

17 NEW SECTION. **Sec. 106.** The director may appoint such advisory
18 committees or councils as may be required by any federal legislation as
19 a condition to the receipt of federal funds by the department. The
20 director may also appoint statewide committees or councils on such
21 subject matters as are or come within the department's
22 responsibilities. The committees or councils shall be constituted as
23 required by federal law or as the director may determine.

24 Members of such state advisory committees or councils may be paid
25 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

26 NEW SECTION. **Sec. 107.** In furtherance of the policy of the state
27 to cooperate with the federal government in all of the programs under
28 the jurisdiction of the department, such rules as may become necessary
29 to entitle the state to participate in federal funds may be adopted,
30 unless expressly prohibited by law. Any internal reorganization
31 carried out under the terms of this chapter shall meet federal
32 requirements that are a necessary condition to state receipt of federal
33 funds. Any section or provision of law dealing with the department
34 that may be susceptible to more than one construction shall be

1 interpreted in favor of the construction most likely to comply with
2 federal laws entitling this state to receive federal funds for the
3 various programs of the department.

4 NEW SECTION. **Sec. 108.** (1) In addition to other duties under this
5 chapter, the director shall provide leadership and active participation
6 in the creation and governance of a nongovernmental public-private
7 partnership focused on supporting government's investments in early
8 learning and ensuring that every child in the state is prepared to
9 succeed in school and in life.

10 (2) In addition to other powers granted to the director, the
11 director may:

12 (a) Enter into contracts on behalf of the department to carry out
13 the purposes of this chapter;

14 (b) Accept gifts, grants, or other funds for the purposes of this
15 chapter; and

16 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to
17 implement this chapter, including rules governing child day care and
18 early learning programs under this chapter.

19 NEW SECTION. **Sec. 109.** A new section is added to chapter 41.06
20 RCW to read as follows:

21 In addition to the exemptions under RCW 41.06.070, the provisions
22 of this chapter shall not apply in the department of early learning to
23 the director, the director's personal secretary, and any other exempt
24 staff members provided for in section 104(2) of this act.

25 **Sec. 110.** RCW 43.17.010 and 2005 c 333 s 10 are each amended to
26 read as follows:

27 There shall be departments of the state government which shall be
28 known as (1) the department of social and health services, (2) the
29 department of ecology, (3) the department of labor and industries, (4)
30 the department of agriculture, (5) the department of fish and wildlife,
31 (6) the department of transportation, (7) the department of licensing,
32 (8) the department of general administration, (9) the department of
33 community, trade, and economic development, (10) the department of
34 veterans affairs, (11) the department of revenue, (12) the department
35 of retirement systems, (13) the department of corrections, (14) the

1 department of health, (15) the department of financial institutions,
2 (~~and~~) (16) the department of archaeology and historic preservation,
3 and (17) the department of early learning, which shall be charged with
4 the execution, enforcement, and administration of such laws, and
5 invested with such powers and required to perform such duties, as the
6 legislature may provide.

7 **Sec. 111.** RCW 43.17.020 and 2005 c 333 s 11 and 2005 c 319 s 2 are
8 each reenacted and amended to read as follows:

9 There shall be a chief executive officer of each department to be
10 known as: (1) The secretary of social and health services, (2) the
11 director of ecology, (3) the director of labor and industries, (4) the
12 director of agriculture, (5) the director of fish and wildlife, (6) the
13 secretary of transportation, (7) the director of licensing, (8) the
14 director of general administration, (9) the director of community,
15 trade, and economic development, (10) the director of veterans affairs,
16 (11) the director of revenue, (12) the director of retirement systems,
17 (13) the secretary of corrections, (14) the secretary of health, (15)
18 the director of financial institutions, (~~and~~) (16) the director of
19 the department of archaeology and historic preservation, and (17) the
20 director of early learning.

21 Such officers, except the director of fish and wildlife, shall be
22 appointed by the governor, with the consent of the senate, and hold
23 office at the pleasure of the governor. The director of fish and
24 wildlife shall be appointed by the fish and wildlife commission as
25 prescribed by RCW 77.04.055.

26 **Sec. 112.** RCW 42.17.2401 and 2005 c 424 s 17 are each amended to
27 read as follows:

28 For the purposes of RCW 42.17.240, the term "executive state
29 officer" includes:

30 (1) The chief administrative law judge, the director of
31 agriculture, the administrator of the Washington basic health plan, the
32 director of the department of services for the blind, the director of
33 the state system of community and technical colleges, the director of
34 community, trade, and economic development, the secretary of
35 corrections, the director of early learning, the director of ecology,
36 the commissioner of employment security, the chair of the energy

1 facility site evaluation council, the secretary of the state finance
2 committee, the director of financial management, the director of fish
3 and wildlife, the executive secretary of the forest practices appeals
4 board, the director of the gambling commission, the director of general
5 administration, the secretary of health, the administrator of the
6 Washington state health care authority, the executive secretary of the
7 health care facilities authority, the executive secretary of the higher
8 education facilities authority, the executive secretary of the horse
9 racing commission, the executive secretary of the human rights
10 commission, the executive secretary of the indeterminate sentence
11 review board, the director of the department of information services,
12 the director of the interagency committee for outdoor recreation, the
13 executive director of the state investment board, the director of labor
14 and industries, the director of licensing, the director of the lottery
15 commission, the director of the office of minority and women's business
16 enterprises, the director of parks and recreation, the director of
17 personnel, the executive director of the public disclosure commission,
18 the director of retirement systems, the director of revenue, the
19 secretary of social and health services, the chief of the Washington
20 state patrol, the executive secretary of the board of tax appeals, the
21 secretary of transportation, the secretary of the utilities and
22 transportation commission, the director of veterans affairs, the
23 president of each of the regional and state universities and the
24 president of The Evergreen State College, each district and each campus
25 president of each state community college;

26 (2) Each professional staff member of the office of the governor;

27 (3) Each professional staff member of the legislature; and

28 (4) Central Washington University board of trustees, board of
29 trustees of each community college, each member of the state board for
30 community and technical colleges, state convention and trade center
31 board of directors, committee for deferred compensation, Eastern
32 Washington University board of trustees, Washington economic
33 development finance authority, The Evergreen State College board of
34 trustees, executive ethics board, forest practices appeals board,
35 forest practices board, gambling commission, life sciences discovery
36 fund authority board of trustees, Washington health care facilities
37 authority, each member of the Washington health services commission,
38 higher education coordinating board, higher education facilities

1 authority, horse racing commission, state housing finance commission,
2 human rights commission, indeterminate sentence review board, board of
3 industrial insurance appeals, information services board, interagency
4 committee for outdoor recreation, state investment board, commission on
5 judicial conduct, legislative ethics board, liquor control board,
6 lottery commission, marine oversight board, Pacific Northwest electric
7 power and conservation planning council, parks and recreation
8 commission, personnel appeals board, board of pilotage commissioners,
9 pollution control hearings board, public disclosure commission, public
10 pension commission, shorelines hearing board, public employees'
11 benefits board, salmon recovery funding board, board of tax appeals,
12 transportation commission, University of Washington board of regents,
13 utilities and transportation commission, Washington state maritime
14 commission, Washington personnel resources board, Washington public
15 power supply system executive board, Washington State University board
16 of regents, Western Washington University board of trustees, and fish
17 and wildlife commission.

18 **PART 2**

19 **POLICIES AND PROGRAMS TRANSFERRED**

20 **Sec. 201.** RCW 41.04.385 and 2005 c 490 s 9 are each amended to
21 read as follows:

22 The legislature finds that (1) demographic, economic, and social
23 trends underlie a critical and increasing demand for child care in the
24 state of Washington; (2) working parents and their children benefit
25 when the employees' child care needs have been resolved; (3) the state
26 of Washington should serve as a model employer by creating a supportive
27 atmosphere, to the extent feasible, in which its employees may meet
28 their child care needs; and (4) the state of Washington should
29 encourage the development of partnerships between state agencies, state
30 employees, state employee labor organizations, and private employers to
31 expand the availability of affordable quality child care. The
32 legislature finds further that resolving employee child care concerns
33 not only benefits the employees and their children, but may benefit the
34 employer by reducing absenteeism, increasing employee productivity,
35 improving morale, and enhancing the employer's position in recruiting
36 and retaining employees. Therefore, the legislature declares that it

1 is the policy of the state of Washington to assist state employees by
2 creating a supportive atmosphere in which they may meet their child
3 care needs. Policies and procedures for state agencies to address
4 employee child care needs will be the responsibility of the director of
5 personnel in consultation with the director of the department of early
6 learning and state employee representatives.

7 **Sec. 202.** RCW 74.13.085 and 1989 c 381 s 2 are each amended to
8 read as follows:

9 It shall be the policy of the state of Washington to:

10 (1) Recognize the family as the most important social and economic
11 unit of society and support the central role parents play in child
12 rearing. All parents are encouraged to care for and nurture their
13 children through the traditional methods of parental care at home.
14 However, there has been a dramatic increase in participation of women
15 in the workforce which has made the availability of quality, affordable
16 child care a critical concern for the state and its citizens. There
17 are not enough child care services and facilities to meet the needs of
18 working parents, the costs of care are often beyond the resources of
19 working parents, and child care facilities are not located conveniently
20 to work places and neighborhoods. Parents are encouraged to
21 participate fully in the effort to improve the quality of child care
22 services.

23 (2) Promote a variety of culturally and developmentally appropriate
24 child care settings and services of the highest possible quality in
25 accordance with the basic principle of continuity of care. These
26 settings shall include, but not be limited to, family day care homes,
27 mini-centers, centers and schools.

28 (3) Promote the growth, development and safety of children by
29 working with community groups including providers and parents to
30 establish standards for quality service, training of child care
31 providers, fair and equitable monitoring, and salary levels
32 commensurate with provider responsibilities and support services.

33 (4) Promote equal access to quality, affordable, socio-economically
34 integrated child care for all children and families.

35 (5) Facilitate broad community and private sector involvement in
36 the provision of quality child care services to foster economic

1 development and assist industry through the department of early
2 learning.

3 **Sec. 203.** RCW 74.13.0902 and 1989 c 381 s 6 are each amended to
4 read as follows:

5 An employer liaison position is established in the department of
6 (~~social and health services to be colocated at the business assistance~~
7 ~~center established under RCW 43.31.083~~) early learning to be colocated
8 with the department of community, trade, and economic development. The
9 employer liaison shall, within appropriated funds:

10 (1) Staff and assist the child care partnership in the
11 implementation of its duties (~~under RCW 74.13.0901~~);

12 (2) Provide technical assistance to employers regarding child care
13 services, working with and through local resource and referral
14 organizations whenever possible. Such technical assistance shall
15 include at a minimum:

16 (a) Assessing the child care needs of employees and prospective
17 employees;

18 (b) Reviewing options available to employers interested in
19 increasing access to child care for their employees;

20 (c) Developing techniques to permit small businesses to increase
21 access to child care for their employees;

22 (d) Reviewing methods of evaluating the impact of child care
23 activities on employers; and

24 (e) Preparing, collecting, and distributing current information for
25 employers on options for increasing involvement in child care; and

26 (3) Provide assistance to local child care resource and referral
27 organizations to increase their capacity to provide quality technical
28 assistance to employers in their community.

29 **Sec. 204.** RCW 74.13.0903 and 2005 c 490 s 10 are each amended to
30 read as follows:

31 The (~~office of child care policy is established to operate under~~
32 ~~the authority of the department of social and health services. The~~
33 ~~duties and responsibilities of the office include, but are not limited~~
34 ~~to, the following, within appropriated funds~~) department of early
35 learning shall:

- 1 (1) Work in conjunction with the statewide child care resource and
2 referral network as well as local governments, nonprofit organizations,
3 businesses, and community child care advocates to create local child
4 care resource and referral organizations. These organizations may
5 carry out needs assessments, resource development, provider training,
6 technical assistance, and parent information and training;
- 7 (2) Actively seek public and private money for distribution as
8 grants to the statewide child care resource and referral network and to
9 existing or potential local child care resource and referral
10 organizations;
- 11 (3) Adopt rules regarding the application for and distribution of
12 grants to local child care resource and referral organizations. The
13 rules shall, at a minimum, require an applicant to submit a plan for
14 achieving the following objectives:
- 15 (a) Provide parents with information about child care resources,
16 including location of services and subsidies;
- 17 (b) Carry out child care provider recruitment and training
18 programs, including training under RCW 74.25.040;
- 19 (c) Offer support services, such as parent and provider seminars,
20 toy-lending libraries, and substitute banks;
- 21 (d) Provide information for businesses regarding child care supply
22 and demand;
- 23 (e) Advocate for increased public and private sector resources
24 devoted to child care;
- 25 (f) Provide technical assistance to employers regarding employee
26 child care services; and
- 27 (g) Serve recipients of temporary assistance for needy families and
28 working parents with incomes at or below household incomes of one
29 hundred seventy-five percent of the federal poverty line;
- 30 (4) Provide staff support and technical assistance to the statewide
31 child care resource and referral network and local child care resource
32 and referral organizations;
- 33 (5) Maintain a statewide child care licensing data bank and work
34 with department (~~of social and health services~~) licensors to provide
35 information to local child care resource and referral organizations
36 about licensed child care providers in the state;
- 37 (6) Through the statewide child care resource and referral network

1 and local resource and referral organizations, compile data about local
2 child care needs and availability for future planning and development;

3 (7) Coordinate with the statewide child care resource and referral
4 network and local child care resource and referral organizations for
5 the provision of training and technical assistance to child care
6 providers; and

7 (8) Collect and assemble information regarding the availability of
8 insurance and of federal and other child care funding to assist state
9 and local agencies, businesses, and other child care providers in
10 offering child care services.

11 **Sec. 205.** RCW 74.13.098 and 2005 c 507 s 2 are each amended to
12 read as follows:

13 (1) Subject to the availability of funds appropriated for this
14 specific purpose, the (~~division of child care and early learning in~~
15 ~~the~~) department (~~of social and health services~~) shall establish a
16 child care career and wage ladder in licensed child care centers that
17 meet the following criteria: (a) At least ten percent of child care
18 slots are dedicated to children whose care is subsidized by the state
19 or any political subdivision thereof or any local government; (b) the
20 center agrees to adopt the child care career and wage ladder, which, at
21 a minimum, shall be at the same pay schedule as existed in the previous
22 child care career and wage ladder pilot project; and (c) the center
23 meets further program standards as established by rule pursuant to
24 section 4 (~~of this act~~), chapter 507, Laws of 2005.

25 The child care career and wage ladder shall include wage increments
26 for levels of education, years of relevant experience, levels of work
27 responsibility, relevant early childhood education credits, and
28 relevant requirements in the state training and registry system.

29 (2) The (~~division~~) department shall establish procedures for the
30 allocation of funds to implement the child care career and wage ladder
31 among child care centers meeting the criteria identified in subsection
32 (1) of this section. In developing these procedures, the (~~division~~)
33 department shall:

34 (a) Review past efforts or administration of the child care career
35 and wage ladder pilot project in order to take advantage of any
36 findings, recommendations, or administrative practices that contributed
37 to that pilot project's success;

1 (b) Consult with stakeholders, including organizations representing
2 child care teachers and providers, in developing an allocation formula
3 that incorporates consideration of geographic and demographic
4 distribution of child care centers adopting the child care career and
5 wage ladder; and

6 (c) Develop a system for prioritizing child care centers interested
7 in adopting the child care career and wage ladder that is based on the
8 criteria identified in subsection (1) of this section.

9 (3) Notwithstanding the requirements of subsection (2) of this
10 section, child care centers meeting the criteria in subsection (1) of
11 this section located in urban areas of the department of social and
12 health services region one shall receive a minimum of fifteen percent
13 of the funds allocated through the child care career and wage ladder,
14 and of these centers, child care centers meeting the criteria in
15 subsection (1) of this section participating in the (~~department of~~
16 ~~social and health services~~) Spokane tiered reimbursement pilot project
17 shall have first priority for child care career and wage ladder
18 funding.

19 **Sec. 206.** RCW 74.13.099 and 2005 c 507 s 3 are each amended to
20 read as follows:

21 Child care centers adopting the child care career and wage ladder
22 established pursuant to RCW 74.13.098 (as recodified by this act) shall
23 increase wages for child care workers who have earned a high school
24 diploma or GED certificate, gain additional years of experience, or
25 accept increasing levels of responsibility in providing child care, in
26 accordance with the child care career and wage ladder. The adoption of
27 a child care career and wage ladder shall not prohibit the provision of
28 wage increases based upon merit. The department (~~of social and health~~
29 ~~services~~) shall pay wage increments for child care workers employed by
30 child care centers adopting the child care career and wage ladder
31 established pursuant to RCW 74.13.098 (as recodified by this act) who
32 earn early childhood education credits or meet relevant requirements in
33 the state training and registry system, in accordance with the child
34 care career and wage ladder.

35 **Sec. 207.** RCW 74.15.350 and 2005 c 490 s 7 are each amended to
36 read as follows:

1 (1) Subject to the availability of amounts appropriated for this
2 specific purpose, the department (~~(of social and health services)~~)
3 shall implement the tiered-reimbursement system developed pursuant to
4 section 6, chapter 490, Laws of 2005. Implementation of the tiered-
5 reimbursement system shall initially consist of two pilot sites in
6 different geographic regions of the state with demonstrated public-
7 private partnerships, with statewide implementation to follow.

8 (2) In implementing the tiered-reimbursement system, consideration
9 shall be given to child care providers who provide staff wage
10 progression.

11 (3) The department shall begin implementation of the two pilot
12 sites by March 30, 2006.

13 **Sec. 208.** RCW 74.12.340 and 1973 1st ex.s. c 154 s 111 are each
14 amended to read as follows:

15 (1) The department is authorized to (~~(promulgate)~~) adopt rules
16 (~~(and regulations)~~) governing the provision of day care as a part of
17 child welfare services when the secretary determines that a need exists
18 for such day care and that it is in the best interests of the child,
19 the parents, or the custodial parent and in determining the need for
20 such day care priority shall be given to geographical areas having the
21 greatest need for such care and to members of low income groups in the
22 population: PROVIDED, That where the family is financially able to pay
23 part or all of the costs of such care, fees shall be imposed and paid
24 according to the financial ability of the family.

25 (2) This section does not affect the authority of the department of
26 early learning to adopt rules governing child day care and early
27 learning programs.

28 **Sec. 209.** RCW 74.08A.340 and 1997 c 58 s 321 are each amended to
29 read as follows:

30 The department of social and health services shall operate the
31 Washington WorkFirst program authorized under RCW 74.08A.200 through
32 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW
33 within the following constraints:

34 (1) The full amount of the temporary assistance for needy families
35 block grant, plus qualifying state expenditures as appropriated in the
36 biennial operating budget, shall be appropriated to the department each

1 year in the biennial appropriations act to carry out the provisions of
2 the program authorized in RCW 74.08A.200 through 74.08A.330,
3 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

4 (2)(a) The department may expend funds defined in subsection (1) of
5 this section, with the exception of funds that constitute the working
6 connections child care program, in any manner that will effectively
7 accomplish the outcome measures defined in RCW 74.08A.410.

8 (b) The legislature shall appropriate and the department of early
9 learning shall expend funds defined in subsection (1) of this section
10 that constitute the working connections child care program in a manner
11 that is consistent with the outcome measures defined in RCW 74.08A.410.

12 (c) No more than fifteen percent of the amount provided in
13 subsection (1) of this section may be spent for administrative
14 purposes. For the purpose of this subsection, "administrative
15 purposes" does not include expenditures for information technology and
16 computerization needed for tracking and monitoring required by P.L.
17 104-193. The department shall not increase grant levels to recipients
18 of the program authorized in RCW 74.08A.200 through 74.08A.330 and
19 43.330.145 and chapter 74.12 RCW.

20 (3) The department shall implement strategies that accomplish the
21 outcome measures identified in RCW 74.08A.410 that are within the
22 funding constraints in this section. Specifically, the department
23 shall implement strategies that will cause the number of cases in the
24 program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145
25 and chapter 74.12 RCW to decrease by at least fifteen percent during
26 the 1997-99 biennium and by at least five percent in the subsequent
27 biennium. The department may transfer appropriation authority between
28 funding categories within the economic services program in order to
29 carry out the requirements of this subsection.

30 (4) The department shall monitor expenditures against the
31 appropriation levels provided for in subsection (1) of this section.
32 The department shall quarterly make a determination as to whether
33 expenditure levels will exceed available funding and communicate its
34 finding to the legislature. If the determination indicates that
35 expenditures will exceed funding at the end of the fiscal year, the
36 department shall take all necessary actions to ensure that all services
37 provided under this chapter shall be made available only to the extent
38 of the availability and level of appropriation made by the legislature.

1 **Sec. 210.** RCW 28A.215.110 and 1999 c 350 s 1 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout RCW 28A.215.100 through 28A.215.200 and
5 28A.215.900 through 28A.215.908 (as recodified by this act).

6 (1) "Advisory committee" means the advisory committee under RCW
7 28A.215.140 (as recodified by this act).

8 (2) "Department" means the department of (~~community, trade, and~~
9 ~~economic development~~) early learning.

10 (3) "Eligible child" means a child not eligible for kindergarten
11 whose family income is at or below one hundred ten percent of the
12 federal poverty level, as published annually by the federal department
13 of health and human services, and includes a child whose family is
14 eligible for public assistance, and who is not a participant in a
15 federal or state program providing comprehensive services and may
16 include children who are eligible under rules adopted by the department
17 if the number of such children equals not more than ten percent of the
18 total enrollment in the early childhood program. Priority for
19 enrollment shall be given to children from families with the lowest
20 income or to eligible children from families with multiple needs.

21 (4) "Approved programs" means those state-supported education and
22 special assistance programs which are recognized by the department (~~of~~
23 ~~community, trade, and economic development~~) as meeting the minimum
24 program rules adopted by the department to qualify under RCW
25 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 (as
26 recodified by this act) and are designated as eligible for funding by
27 the department under RCW 28A.215.160 and 28A.215.180 (as recodified by
28 this act).

29 (5) "Comprehensive" means an assistance program that focuses on the
30 needs of the child and includes education, health, and family support
31 services.

32 (6) "Family support services" means providing opportunities for
33 parents to:

34 (a) Actively participate in their child's early childhood program;

35 (b) Increase their knowledge of child development and parenting
36 skills;

37 (c) Further their education and training;

38 (d) Increase their ability to use needed services in the community;

1 (e) Increase their self-reliance.

2 **Sec. 211.** RCW 28A.215.120 and 1994 c 166 s 4 are each amended to
3 read as follows:

4 The department (~~(of community, trade, and economic development)~~)
5 shall administer a state-supported early childhood education and
6 assistance program to assist eligible children with educational,
7 social, health, nutritional, and cultural development to enhance their
8 opportunity for success in the common school system. Eligible children
9 shall be admitted to approved early childhood programs to the extent
10 that the legislature provides funds, and additional eligible children
11 may be admitted to the extent that grants and contributions from
12 community sources provide sufficient funds for a program equivalent to
13 that supported by state funds.

14 **Sec. 212.** RCW 43.63A.066 and 1993 c 280 s 58 are each amended to
15 read as follows:

16 The department of (~~(community, trade, and economic development)~~)
17 early learning shall have primary responsibility for providing child
18 abuse and neglect prevention training to preschool age children
19 participating in the federal head start program or the early childhood
20 education and assistance program established under RCW 28A.215.010
21 through 28A.215.050, 28A.215.100 through 28A.215.200, and 28A.215.900
22 through 28A.215.908 (as recodified by this act).

23 **PART 3**

24 **DEPARTMENT OF EARLY LEARNING LICENSING**

25 NEW SECTION. **Sec. 301.** The director shall have the power and it
26 shall be the director's duty with regard to licensing:

27 (1) In consultation and with the advice and assistance of persons
28 representative of the various type agencies to be licensed, to
29 designate categories of child care facilities for which separate or
30 different requirements shall be developed as may be appropriate whether
31 because of variations in the ages and other characteristics of the
32 children served, variations in the purposes and services offered or
33 size or structure of the agencies to be licensed, or because of any
34 other factor relevant thereto;

1 (2) In consultation and with the advice and assistance of persons
2 representative of the various type agencies to be licensed, to adopt
3 and publish minimum requirements for licensing applicable to each of
4 the various categories of agencies to be licensed under this chapter.

5 The minimum requirements shall be limited to:

6 (a) The size and suitability of a facility and the plan of
7 operation for carrying out the purpose for which an applicant seeks a
8 license;

9 (b) The character, suitability, and competence of an agency and
10 other persons associated with an agency directly responsible for the
11 care of children. In consultation with law enforcement personnel, the
12 director shall investigate the conviction record or pending charges and
13 dependency record information under chapter 43.43 RCW of each agency
14 and its staff seeking licensure or relicensure. No unfounded
15 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
16 disclosed to a provider licensed under this chapter. In order to
17 determine the suitability of applicants for an agency license,
18 licensees, their employees, and other persons who have unsupervised
19 access to children in care, and who have not resided in the state of
20 Washington during the three-year period before being authorized to care
21 for children shall be fingerprinted. The fingerprints shall be
22 forwarded to the Washington state patrol and federal bureau of
23 investigation for a criminal history records check. The fingerprint
24 criminal history records checks will be at the expense of the licensee.
25 The licensee may not pass this cost on to the employee or prospective
26 employee, unless the employee is determined to be unsuitable due to his
27 or her criminal history record. The director shall use the information
28 solely for the purpose of determining eligibility for a license and for
29 determining the character, suitability, and competence of those persons
30 or agencies, excluding parents, not required to be licensed who are
31 authorized to care for children. Criminal justice agencies shall
32 provide the director such information as they may have and that the
33 director may require for such purpose;

34 (c) The number of qualified persons required to render the type of
35 care for which an agency seeks a license;

36 (d) The health, safety, cleanliness, and general adequacy of the
37 premises to provide for the comfort, care, and well-being of children;

1 (e) The provision of necessary care and early learning, including
2 food, clothing, supervision, and discipline; physical, mental, and
3 social well-being; and educational, recreational, and spiritual
4 opportunities for those served;

5 (f) The financial ability of an agency to comply with minimum
6 requirements established under this chapter; and

7 (g) The maintenance of records pertaining to the care of children;

8 (3) To issue, revoke, or deny licenses to agencies pursuant to this
9 chapter. Licenses shall specify the category of care that an agency is
10 authorized to render and the ages and number of children to be served;

11 (4) To prescribe the procedures and the form and contents of
12 reports necessary for the administration of this chapter and to require
13 regular reports from each licensee;

14 (5) To inspect agencies periodically to determine whether or not
15 there is compliance with this chapter and the requirements adopted
16 under this chapter;

17 (6) To review requirements adopted under this chapter at least
18 every two years and to adopt appropriate changes after consultation
19 with affected groups for child day care requirements; and

20 (7) To consult with public and private agencies in order to help
21 them improve their methods and facilities for the care and early
22 learning of children.

23 NEW SECTION. **Sec. 302.** The chief of the Washington state patrol,
24 through the director of fire protection, shall have the power and it
25 shall be his or her duty:

26 (1) In consultation with the director and with the advice and
27 assistance of persons representative of the various type agencies to be
28 licensed, to adopt recognized minimum standard requirements pertaining
29 to each category of agency established pursuant to this chapter
30 necessary to protect all persons residing therein from fire hazards;

31 (2) To make or cause to be made such inspections and investigations
32 of agencies as he or she deems necessary;

33 (3) To make a periodic review of requirements under section 301(5)
34 of this act and to adopt necessary changes after consultation as
35 required in subsection (1) of this section;

36 (4) To issue to applicants for licenses under this chapter who
37 comply with the requirements, a certificate of compliance, a copy of

1 which shall be presented to the department before a license shall be
2 issued, except that an initial license may be issued as provided in
3 section 309 of this act.

4 NEW SECTION. **Sec. 303.** Licensed child day care centers shall
5 provide notice of pesticide use to parents or guardians of students and
6 employees pursuant to chapter 17.21 RCW.

7 NEW SECTION. **Sec. 304.** A copy of the articles of incorporation of
8 any agency or amendments to the articles of existing corporation
9 agencies shall be sent by the secretary of state to the department at
10 the time such articles or amendments are filed.

11 NEW SECTION. **Sec. 305.** All agencies subject to this chapter shall
12 accord the department, the chief of the Washington state patrol, and
13 the director of fire protection, or their designees, the right of
14 entrance and the privilege of access to and inspection of records for
15 the purpose of determining whether or not there is compliance with the
16 provisions of this chapter and the requirements adopted under it.

17 NEW SECTION. **Sec. 306.** (1) It is unlawful for any agency to care
18 for children unless the agency is licensed as provided in this chapter.
19 (2) A license issued under chapter 74.15 RCW before July 1, 2006,
20 for an agency subject to this chapter after July 1, 2006, is valid
21 until its next renewal, unless otherwise suspended or revoked by the
22 department.

23 NEW SECTION. **Sec. 307.** Each agency shall make application for a
24 license or renewal of license to the department on forms prescribed by
25 the department. Upon receipt of such application, the department shall
26 either grant or deny a license within ninety days. A license shall be
27 granted if the agency meets the minimum requirements set forth in this
28 chapter and the departmental requirements consistent with the chapter,
29 except that an initial license may be issued as provided in section 309
30 of this act. Licenses provided for in this chapter shall be issued for
31 a period of three years. The licensee, however, shall advise the
32 director of any material change in circumstances which might constitute
33 grounds for reclassification of license as to category. The license

1 issued under this chapter is not transferable and applies only to the
2 licensee and the location stated in the application. For licensed
3 family day care homes having an acceptable history of child care, the
4 license may remain in effect for two weeks after a move.

5 NEW SECTION. **Sec. 308.** If a licensee desires to apply for a
6 renewal of its license, a request for a renewal shall be filed ninety
7 days before the expiration date of the license. If the department has
8 failed to act at the time of the expiration date of the license, the
9 license shall continue in effect until such time as the department
10 acts.

11 NEW SECTION. **Sec. 309.** The director may, at his or her
12 discretion, issue an initial license instead of a full license, to an
13 agency or facility for a period not to exceed six months, renewable for
14 a period not to exceed two years, to allow such agency or facility
15 reasonable time to become eligible for full license.

16 NEW SECTION. **Sec. 310.** (1) The department may issue a
17 probationary license to a licensee who has had a license but is
18 temporarily unable to comply with a rule or has been the subject of
19 multiple complaints or concerns about noncompliance if:

20 (a) The noncompliance does not present an immediate threat to the
21 health and well-being of the children but would be likely to do so if
22 allowed to continue; and

23 (b) The licensee has a plan approved by the department to correct
24 the area of noncompliance within the probationary period.

25 (2) A probationary license may be issued for up to six months, and
26 at the discretion of the department it may be extended for an
27 additional six months. The department shall immediately terminate the
28 probationary license, if at any time the noncompliance for which the
29 probationary license was issued presents an immediate threat to the
30 health or well-being of the children.

31 (3) The department may, at any time, issue a probationary license
32 for due cause that states the conditions of probation.

33 (4) An existing license is invalidated when a probationary license
34 is issued.

1 (5) At the expiration of the probationary license, the department
2 shall reinstate the original license for the remainder of its term,
3 issue a new license, or revoke the original license.

4 (6) A right to an adjudicative proceeding shall not accrue to the
5 licensee whose license has been placed on probationary status unless
6 the licensee does not agree with the placement on probationary status
7 and the department then suspends, revokes, or modifies the license.

8 NEW SECTION. **Sec. 311.** (1) An agency may be denied a license, or
9 any license issued pursuant to this chapter may be suspended, revoked,
10 modified, or not renewed by the director upon proof (a) that the agency
11 has failed or refused to comply with the provisions of this chapter or
12 the requirements adopted pursuant to this chapter; or (b) that the
13 conditions required for the issuance of a license under this chapter
14 have ceased to exist with respect to such licenses. RCW 43.20A.205
15 governs notice of a license denial, revocation, suspension, or
16 modification and provides the right to an adjudicative proceeding.

17 (2) In any adjudicative proceeding regarding the denial,
18 modification, suspension, or revocation of any license under this
19 chapter, the department's decision shall be upheld if it is supported
20 by a preponderance of the evidence.

21 (3) The department may assess civil monetary penalties upon proof
22 that an agency has failed or refused to comply with the rules adopted
23 under this chapter or that an agency subject to licensing under this
24 chapter is operating without a license except that civil monetary
25 penalties shall not be levied against a licensed foster home. Monetary
26 penalties levied against unlicensed agencies that submit an application
27 for licensure within thirty days of notification and subsequently
28 become licensed will be forgiven. These penalties may be assessed in
29 addition to or in lieu of other disciplinary actions. Civil monetary
30 penalties, if imposed, may be assessed and collected, with interest,
31 for each day an agency is or was out of compliance. Civil monetary
32 penalties shall not exceed seventy-five dollars per violation for a
33 family day care home and two hundred fifty dollars per violation for
34 child day care centers. Each day upon which the same or substantially
35 similar action occurs is a separate violation subject to the assessment
36 of a separate penalty. The department shall provide a notification
37 period before a monetary penalty is effective and may forgive the

1 penalty levied if the agency comes into compliance during this period.
2 The department may suspend, revoke, or not renew a license for failure
3 to pay a civil monetary penalty it has assessed pursuant to this
4 chapter within ten days after such assessment becomes final. Chapter
5 43.20A RCW governs notice of a civil monetary penalty and provides the
6 right of an adjudicative proceeding. The preponderance of evidence
7 standard shall apply in adjudicative proceedings related to assessment
8 of civil monetary penalties.

9 (4)(a) In addition to or in lieu of an enforcement action being
10 taken, the department may place a child day care center or family day
11 care provider on nonreferral status if the center or provider has
12 failed or refused to comply with this chapter or rules adopted under
13 this chapter or an enforcement action has been taken. The nonreferral
14 status may continue until the department determines that: (i) No
15 enforcement action is appropriate; or (ii) a corrective action plan has
16 been successfully concluded.

17 (b) Whenever a child day care center or family day care provider is
18 placed on nonreferral status, the department shall provide written
19 notification to the child day care center or family day care provider.

20 (5) The department shall notify appropriate public and private
21 child care resource and referral agencies of the department's decision
22 to: (a) Take an enforcement action against a child day care center or
23 family day care provider; or (b) place or remove a child day care
24 center or family day care provider on nonreferral status.

25 NEW SECTION. **Sec. 312.** (1) The office of administrative hearings
26 shall not assign nor allow an administrative law judge to preside over
27 an adjudicative hearing regarding denial, modification, suspension, or
28 revocation of any license to provide child care under this chapter,
29 unless such judge has received training related to state and federal
30 laws and department policies and procedures regarding:

- 31 (a) Child abuse, neglect, and maltreatment;
- 32 (b) Child protective services investigations and standards;
- 33 (c) Licensing activities and standards;
- 34 (d) Child development; and
- 35 (e) Parenting skills.

36 (2) The office of administrative hearings shall develop and
37 implement a training program that carries out the requirements of this

1 section. The office of administrative hearings shall consult and
2 coordinate with the department in developing the training program. The
3 department may assist the office of administrative hearings in
4 developing and providing training to administrative law judges.

5 NEW SECTION. **Sec. 313.** The director shall immediately suspend the
6 license or certificate of a person who has been certified pursuant to
7 RCW 74.20A.320 by the department of social and health services as a
8 person who is not in compliance with a support order or a residential
9 or visitation order. If the person has continued to meet all other
10 requirements for reinstatement during the suspension, reissuance of the
11 license or certificate shall be automatic upon the director's receipt
12 of a release issued by the department of social and health services
13 stating that the licensee is in compliance with the order.

14 NEW SECTION. **Sec. 314.** Notwithstanding the existence or pursuit
15 of any other remedy, the director may, in the manner provided by law,
16 upon the advice of the attorney general, who shall represent the
17 department in the proceeding, maintain an action in the name of the
18 state for injunction or such other relief as he or she may deem
19 advisable against any agency subject to licensing under the provisions
20 of this chapter or against any such agency not having a license as
21 heretofore provided in this chapter.

22 NEW SECTION. **Sec. 315.** Any agency operating without a license
23 shall be guilty of a misdemeanor. This section shall not be
24 enforceable against an agency until sixty days after the effective date
25 of new rules, applicable to such agency, have been adopted under this
26 chapter.

27 **PART 4**

28 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES LICENSING REVISIONS**

29 **Sec. 401.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and
30 2001 c 137 s 3 are each reenacted and amended to read as follows:

31 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
32 otherwise clearly indicated by the context thereof, the following terms
33 shall mean:

1 (1) "Agency" means any person, firm, partnership, association,
2 corporation, or facility which receives children, expectant mothers, or
3 persons with developmental disabilities for control, care, or
4 maintenance outside their own homes, or which places, arranges the
5 placement of, or assists in the placement of children, expectant
6 mothers, or persons with developmental disabilities for foster care or
7 placement of children for adoption, and shall include the following
8 irrespective of whether there is compensation to the agency or to the
9 children, expectant mothers or persons with developmental disabilities
10 for services rendered:

11 (a) (~~("Child day care center" means an agency which regularly~~
12 ~~provides care for a group of children for periods of less than twenty-~~
13 ~~four hours;~~

14 ~~(b))~~) "Child-placing agency" means an agency which places a child
15 or children for temporary care, continued care, or for adoption;

16 ~~((e))~~) (b) "Community facility" means a group care facility
17 operated for the care of juveniles committed to the department under
18 RCW 13.40.185. A county detention facility that houses juveniles
19 committed to the department under RCW 13.40.185 pursuant to a contract
20 with the department is not a community facility;

21 ~~((d))~~) (c) "Crisis residential center" means an agency which is a
22 temporary protective residential facility operated to perform the
23 duties specified in chapter 13.32A RCW, in the manner provided in RCW
24 74.13.032 through 74.13.036;

25 ~~((e))~~) (d) "Emergency respite center" is an agency that may be
26 commonly known as a crisis nursery, that provides emergency and crisis
27 care for up to seventy-two hours to children who have been admitted by
28 their parents or guardians to prevent abuse or neglect. Emergency
29 respite centers may operate for up to twenty-four hours a day, and for
30 up to seven days a week. Emergency respite centers may provide care
31 for children ages birth through seventeen, and for persons eighteen
32 through twenty with developmental disabilities who are admitted with a
33 sibling or siblings through age seventeen. Emergency respite centers
34 may not substitute for crisis residential centers or HOPE centers, or
35 any other services defined under this section, and may not substitute
36 for services which are required under chapter 13.32A or 13.34 RCW;

37 ~~((f))~~) ~~"Family day care provider" means a child day care provider~~

1 ~~who regularly provides child day care for not more than twelve children~~
2 ~~in the provider's home in the family living quarters;~~

3 ~~(g))~~ (e) "Foster-family home" means an agency which regularly
4 provides care on a twenty-four hour basis to one or more children,
5 expectant mothers, or persons with developmental disabilities in the
6 family abode of the person or persons under whose direct care and
7 supervision the child, expectant mother, or person with a developmental
8 disability is placed;

9 ~~((h))~~ (f) "Group-care facility" means an agency, other than a
10 foster-family home, which is maintained and operated for the care of a
11 group of children on a twenty-four hour basis;

12 ~~((i))~~ (g) "HOPE center" means an agency licensed by the secretary
13 to provide temporary residential placement and other services to street
14 youth. A street youth may remain in a HOPE center for thirty days
15 while services are arranged and permanent placement is coordinated. No
16 street youth may stay longer than thirty days unless approved by the
17 department and any additional days approved by the department must be
18 based on the unavailability of a long-term placement option. A street
19 youth whose parent wants him or her returned to home may remain in a
20 HOPE center until his or her parent arranges return of the youth, not
21 longer. All other street youth must have court approval under chapter
22 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

23 ~~((j))~~ (h) "Maternity service" means an agency which provides or
24 arranges for care or services to expectant mothers, before or during
25 confinement, or which provides care as needed to mothers and their
26 infants after confinement;

27 ~~((k))~~ (i) "Responsible living skills program" means an agency
28 licensed by the secretary that provides residential and transitional
29 living services to persons ages sixteen to eighteen who are dependent
30 under chapter 13.34 RCW and who have been unable to live in his or her
31 legally authorized residence and, as a result, the minor lived outdoors
32 or in another unsafe location not intended for occupancy by the minor.
33 Dependent minors ages fourteen and fifteen may be eligible if no other
34 placement alternative is available and the department approves the
35 placement;

36 ~~((l))~~ (j) "Service provider" means the entity that operates a
37 community facility.

38 (2) "Agency" shall not include the following:

1 (a) Persons related to the child, expectant mother, or person with
2 developmental disability in the following ways:

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

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

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

11 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
12 subsection (2)(a), even after the marriage is terminated; or

13 (v) Extended family members, as defined by the law or custom of the
14 Indian child's tribe or, in the absence of such law or custom, a person
15 who has reached the age of eighteen and who is the Indian child's
16 grandparent, aunt or uncle, brother or sister, brother-in-law or
17 sister-in-law, niece or nephew, first or second cousin, or stepparent
18 who provides care in the family abode on a twenty-four-hour basis to an
19 Indian child as defined in 25 U.S.C. Sec. 1903(4);

20 (b) Persons who are legal guardians of the child, expectant mother,
21 or persons with developmental disabilities;

22 (c) Persons who care for a neighbor's or friend's child or
23 children, with or without compensation, where(~~(i) The person~~
24 ~~providing care for periods of less than twenty four hours does not~~
25 ~~conduct such activity on an ongoing, regularly scheduled basis for the~~
26 ~~purpose of engaging in business, which includes, but is not limited to,~~
27 ~~advertising such care; or (ii)) the parent and person providing care
28 on a twenty-four-hour basis have agreed to the placement in writing and
29 the state is not providing any payment for the care;~~

30 (~~(d) ((Parents on a mutually cooperative basis exchange care of one~~
31 ~~another's children;~~

32 (~~e))~~) A person, partnership, corporation, or other entity that
33 provides placement or similar services to exchange students or
34 international student exchange visitors or persons who have the care of
35 an exchange student in their home;

36 (~~(f))~~) (e) A person, partnership, corporation, or other entity
37 that provides placement or similar services to international children
38 who have entered the country by obtaining visas that meet the criteria

1 for medical care as established by the United States immigration and
2 naturalization service, or persons who have the care of such an
3 international child in their home;

4 ~~((g) Nursery schools or kindergartens which are engaged primarily
5 in educational work with preschool children and in which no child is
6 enrolled on a regular basis for more than four hours per day;~~

7 ~~(h))~~ (f) Schools, including boarding schools, which are engaged
8 primarily in education, operate on a definite school year schedule,
9 follow a stated academic curriculum, accept only school-age children
10 and do not accept custody of children;

11 ~~((i) Seasonal camps of three months' or less duration engaged
12 primarily in recreational or educational activities;~~

13 ~~(j))~~ (g) Hospitals licensed pursuant to chapter 70.41 RCW when
14 performing functions defined in chapter 70.41 RCW, nursing homes
15 licensed under chapter 18.51 RCW and boarding homes licensed under
16 chapter 18.20 RCW;

17 ~~((k))~~ (h) Licensed physicians or lawyers;

18 ~~((l) Facilities providing care to children for periods of less
19 than twenty four hours whose parents remain on the premises to
20 participate in activities other than employment;~~

21 ~~(m))~~ (i) Facilities approved and certified under chapter 71A.22
22 RCW;

23 ~~((n))~~ (j) Any agency having been in operation in this state ten
24 years prior to June 8, 1967, and not seeking or accepting moneys or
25 assistance from any state or federal agency, and is supported in part
26 by an endowment or trust fund;

27 ~~((o))~~ (k) Persons who have a child in their home for purposes of
28 adoption, if the child was placed in such home by a licensed child-
29 placing agency, an authorized public or tribal agency or court or if a
30 replacement report has been filed under chapter 26.33 RCW and the
31 placement has been approved by the court;

32 ~~((p))~~ (l) An agency operated by any unit of local, state, or
33 federal government or an agency, located within the boundaries of a
34 federally recognized Indian reservation, licensed by the Indian tribe;

35 ~~((q))~~ (m) A maximum or medium security program for juvenile
36 offenders operated by or under contract with the department;

37 ~~((r))~~ (n) An agency located on a federal military reservation,

1 except where the military authorities request that such agency be
2 subject to the licensing requirements of this chapter.

3 (3) "Department" means the state department of social and health
4 services.

5 (4) "Juvenile" means a person under the age of twenty-one who has
6 been sentenced to a term of confinement under the supervision of the
7 department under RCW 13.40.185.

8 (5) "Probationary license" means a license issued as a disciplinary
9 measure to an agency that has previously been issued a full license but
10 is out of compliance with licensing standards.

11 (6) "Requirement" means any rule, regulation, or standard of care
12 to be maintained by an agency.

13 (7) "Secretary" means the secretary of social and health services.

14 (8) "Street youth" means a person under the age of eighteen who
15 lives outdoors or in another unsafe location not intended for occupancy
16 by the minor and who is not residing with his or her parent or at his
17 or her legally authorized residence.

18 (9) "Transitional living services" means at a minimum, to the
19 extent funds are available, the following:

20 (a) Educational services, including basic literacy and
21 computational skills training, either in local alternative or public
22 high schools or in a high school equivalency program that leads to
23 obtaining a high school equivalency degree;

24 (b) Assistance and counseling related to obtaining vocational
25 training or higher education, job readiness, job search assistance, and
26 placement programs;

27 (c) Counseling and instruction in life skills such as money
28 management, home management, consumer skills, parenting, health care,
29 access to community resources, and transportation and housing options;

30 (d) Individual and group counseling; and

31 (e) Establishing networks with federal agencies and state and local
32 organizations such as the United States department of labor, employment
33 and training administration programs including the job training
34 partnership act which administers private industry councils and the job
35 corps; vocational rehabilitation; and volunteer programs.

36 **Sec. 402.** RCW 74.15.030 and 2005 c 490 s 11 are each amended to
37 read as follows:

1 The secretary shall have the power and it shall be the secretary's
2 duty:

3 (1) In consultation with the children's services advisory
4 committee, and with the advice and assistance of persons representative
5 of the various type agencies to be licensed, to designate categories of
6 facilities for which separate or different requirements shall be
7 developed as may be appropriate whether because of variations in the
8 ages, sex and other characteristics of persons served, variations in
9 the purposes and services offered or size or structure of the agencies
10 to be licensed hereunder, or because of any other factor relevant
11 thereto;

12 (2) In consultation with the children's services advisory
13 committee, and with the advice and assistance of persons representative
14 of the various type agencies to be licensed, to adopt and publish
15 minimum requirements for licensing applicable to each of the various
16 categories of agencies to be licensed.

17 The minimum requirements shall be limited to:

18 (a) The size and suitability of a facility and the plan of
19 operation for carrying out the purpose for which an applicant seeks a
20 license;

21 (b) The character, suitability and competence of an agency and
22 other persons associated with an agency directly responsible for the
23 care and treatment of children, expectant mothers or developmentally
24 disabled persons. In consultation with law enforcement personnel, the
25 secretary shall investigate the conviction record or pending charges
26 and dependency record information under chapter 43.43 RCW of each
27 agency and its staff seeking licensure or relicensure. No unfounded
28 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
29 disclosed to a child-placing agency, private adoption agency, or any
30 other provider licensed under this chapter. In order to determine the
31 suitability of applicants for an agency license, licensees, their
32 employees, and other persons who have unsupervised access to children
33 in care, and who have not resided in the state of Washington during the
34 three-year period before being authorized to care for children shall be
35 fingerprinted. The fingerprints shall be forwarded to the Washington
36 state patrol and federal bureau of investigation for a criminal history
37 records check. The fingerprint criminal history records checks will be
38 at the expense of the licensee except that in the case of a foster

1 family home, if this expense would work a hardship on the licensee, the
2 department shall pay the expense. The licensee may not pass this cost
3 on to the employee or prospective employee, unless the employee is
4 determined to be unsuitable due to his or her criminal history record.
5 The secretary shall use the information solely for the purpose of
6 determining eligibility for a license and for determining the
7 character, suitability, and competence of those persons or agencies,
8 excluding parents, not required to be licensed who are authorized to
9 care for children, expectant mothers, and developmentally disabled
10 persons. Criminal justice agencies shall provide the secretary such
11 information as they may have and that the secretary may require for
12 such purpose;

13 (c) The number of qualified persons required to render the type of
14 care and treatment for which an agency seeks a license;

15 (d) The safety, cleanliness, and general adequacy of the premises
16 to provide for the comfort, care and well-being of children, expectant
17 mothers or developmentally disabled persons;

18 (e) The provision of necessary care, including food, clothing,
19 supervision and discipline; physical, mental and social well-being; and
20 educational, recreational and spiritual opportunities for those served;

21 (f) The financial ability of an agency to comply with minimum
22 requirements established pursuant to chapter 74.15 RCW and RCW
23 74.13.031; and

24 (g) The maintenance of records pertaining to the admission,
25 progress, health and discharge of persons served;

26 (3) To investigate any person, including relatives by blood or
27 marriage except for parents, for character, suitability, and competence
28 in the care and treatment of children, expectant mothers, and
29 developmentally disabled persons prior to authorizing that person to
30 care for children, expectant mothers, and developmentally disabled
31 persons. However, if a child is placed with a relative under RCW
32 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
33 and competent to provide care and treatment the criminal history
34 background check required by this section need not be completed before
35 placement, but shall be completed as soon as possible after placement;

36 (4) On reports of alleged child abuse and neglect, to investigate
37 agencies in accordance with chapter 26.44 RCW, including child day-care

1 centers and family day-care homes, to determine whether the alleged
2 abuse or neglect has occurred, and whether child protective services or
3 referral to a law enforcement agency is appropriate;

4 (5) To issue, revoke, or deny licenses to agencies pursuant to
5 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
6 category of care which an agency is authorized to render and the ages,
7 sex and number of persons to be served;

8 (6) To prescribe the procedures and the form and contents of
9 reports necessary for the administration of chapter 74.15 RCW and RCW
10 74.13.031 and to require regular reports from each licensee;

11 (7) To inspect agencies periodically to determine whether or not
12 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
13 requirements adopted hereunder;

14 (8) To review requirements adopted hereunder at least every two
15 years and to adopt appropriate changes after consultation ((with
16 ~~affected groups for child day care requirements and~~) with the
17 children's services advisory committee for requirements for other
18 agencies; and

19 (9) To consult with public and private agencies in order to help
20 them improve their methods and facilities for the care of children,
21 expectant mothers and developmentally disabled persons.

22 **Sec. 403.** RCW 74.15.100 and 1995 c 302 s 8 are each amended to
23 read as follows:

24 Each agency shall make application for a license or renewal of
25 license to the department of social and health services on forms
26 prescribed by the department. A licensed agency having foster-family
27 homes under its supervision may make application for a license on
28 behalf of any such foster-family home. Such a foster home license
29 shall cease to be valid when the home is no longer under the
30 supervision of that agency. Upon receipt of such application, the
31 department shall either grant or deny a license within ninety days
32 unless the application is for licensure as a foster-family home, in
33 which case RCW 74.15.040 shall govern. A license shall be granted if
34 the agency meets the minimum requirements set forth in chapter 74.15
35 RCW and RCW 74.13.031 and the departmental requirements consistent
36 herewith, except that an initial license may be issued as provided in
37 RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW

1 74.13.031 shall be issued for a period of three years. The licensee,
2 however, shall advise the secretary of any material change in
3 circumstances which might constitute grounds for reclassification of
4 license as to category. The license issued under this chapter is not
5 transferable and applies only to the licensee and the location stated
6 in the application. For licensed foster-family (~~and family day care~~)
7 homes having an acceptable history of child care, the license may
8 remain in effect for two weeks after a move, except that (~~for the~~
9 ~~foster family home~~) this will apply only if the family remains intact.

10 **Sec. 404.** RCW 74.15.130 and 2005 c 473 s 6 are each amended to
11 read as follows:

12 (1) An agency may be denied a license, or any license issued
13 pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended,
14 revoked, modified, or not renewed by the secretary upon proof (a) that
15 the agency has failed or refused to comply with the provisions of
16 chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated
17 pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or
18 (b) that the conditions required for the issuance of a license under
19 chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect
20 to such licenses. RCW 43.20A.205 governs notice of a license denial,
21 revocation, suspension, or modification and provides the right to an
22 adjudicative proceeding.

23 (2) In any adjudicative proceeding regarding the denial,
24 modification, suspension, or revocation of a foster family home
25 license, the department's decision shall be upheld if there is
26 reasonable cause to believe that:

27 (a) The applicant or licensee lacks the character, suitability, or
28 competence to care for children placed in out-of-home care, however, no
29 unfounded report of child abuse or neglect may be used to deny
30 employment or a license;

31 (b) The applicant or licensee has failed or refused to comply with
32 any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements
33 adopted pursuant to such provisions; or

34 (c) The conditions required for issuance of a license under chapter
35 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such
36 licenses.

1 (3) In any adjudicative proceeding regarding the denial,
2 modification, suspension, or revocation of any license under this
3 chapter, other than a foster family home license, the department's
4 decision shall be upheld if it is supported by a preponderance of the
5 evidence.

6 (4) The department may assess civil monetary penalties upon proof
7 that an agency has failed or refused to comply with the rules adopted
8 under the provisions of this chapter and RCW 74.13.031 or that an
9 agency subject to licensing under this chapter and RCW 74.13.031 is
10 operating without a license except that civil monetary penalties shall
11 not be levied against a licensed foster home. Monetary penalties
12 levied against unlicensed agencies that submit an application for
13 licensure within thirty days of notification and subsequently become
14 licensed will be forgiven. These penalties may be assessed in addition
15 to or in lieu of other disciplinary actions. Civil monetary penalties,
16 if imposed, may be assessed and collected, with interest, for each day
17 an agency is or was out of compliance. Civil monetary penalties shall
18 not exceed (~~seventy five dollars per violation for a family day care~~
19 ~~home and~~) two hundred fifty dollars per violation for group homes(~~(~~
20 ~~child day care centers,~~) and child-placing agencies. Each day upon
21 which the same or substantially similar action occurs is a separate
22 violation subject to the assessment of a separate penalty. The
23 department shall provide a notification period before a monetary
24 penalty is effective and may forgive the penalty levied if the agency
25 comes into compliance during this period. The department may suspend,
26 revoke, or not renew a license for failure to pay a civil monetary
27 penalty it has assessed pursuant to this chapter within ten days after
28 such assessment becomes final. Chapter 43.20A RCW governs notice of a
29 civil monetary penalty and provides the right of an adjudicative
30 proceeding. The preponderance of evidence standard shall apply in
31 adjudicative proceedings related to assessment of civil monetary
32 penalties.

33 (~~(5)(a) In addition to or in lieu of an enforcement action being~~
34 ~~taken, the department may place a child day care center or family day~~
35 ~~care provider on nonreferral status if the center or provider has~~
36 ~~failed or refused to comply with this chapter or rules adopted under~~
37 ~~this chapter or an enforcement action has been taken. The nonreferral~~

1 ~~status may continue until the department determines that: (i) No~~
2 ~~enforcement action is appropriate; or (ii) a corrective action plan has~~
3 ~~been successfully concluded.~~

4 ~~(b) Whenever a child day care center or family day care provider is~~
5 ~~placed on nonreferral status, the department shall provide written~~
6 ~~notification to the child day care center or family day care provider.~~

7 ~~(6) The department shall notify appropriate public and private~~
8 ~~child care resource and referral agencies of the department's decision~~
9 ~~to: (a) Take an enforcement action against a child day care center or~~
10 ~~family day care provider; or (b) place or remove a child day care~~
11 ~~center or family day care provider on nonreferral status.))~~

12 **PART 5**

13 **TRANSFER OF POWERS, DUTIES, AND FUNCTIONS**

14 NEW SECTION. **Sec. 501.** (1) All powers, duties, and functions of
15 the office of the superintendent of public instruction and the
16 department of community, trade, and economic development pertaining to
17 the early childhood education and assistance (ECEAP) program and the
18 early reading initiative are transferred to the department of early
19 learning. All references to the director or the department of
20 community, trade, and economic development in the Revised Code of
21 Washington shall be construed to mean the director or the department of
22 early learning when referring to the functions transferred in this
23 section.

24 (2) All powers, duties, and functions of the division of child care
25 and early learning in the department of social and health services
26 pertaining to the working connections child care program, child care
27 licensing, child care quality activities, and the head start
28 collaboration office are transferred to the department of early
29 learning. However, eligibility staffing and eligibility payment
30 functions for the working connections child care program shall not be
31 transferred to the department of early learning. All references to the
32 secretary or the department of social and health services in the
33 Revised Code of Washington shall be construed to mean the director or
34 the department of early learning when referring to the functions
35 transferred in this section.

1 NEW SECTION. **Sec. 502.** All reports, documents, surveys, books,
2 records, files, papers, or written material in the possession of the
3 office of the superintendent of public instruction, the department of
4 social and health services, and the department of community, trade, and
5 economic development pertaining to the powers, functions, and duties
6 transferred in section 501 of this act shall be delivered to the
7 custody of the department of early learning. All cabinets, furniture,
8 office equipment, motor vehicles, and other tangible property employed
9 by the office of the superintendent of public instruction, the
10 department of social and health services, and the department of
11 community, trade, and economic development in carrying out the powers,
12 functions, and duties transferred shall be made available to the
13 department of early learning. All funds, credits, or other assets held
14 in connection with the powers, functions, and duties transferred shall
15 be assigned to the department of early learning.

16 NEW SECTION. **Sec. 503.** (1) Any appropriations made to the office
17 of the superintendent of public instruction or the department of
18 community, trade, and economic development for carrying out the powers,
19 functions, and duties transferred in section 501 of this act shall, on
20 the effective date of this section, be transferred and credited to the
21 department of early learning;

22 (2) Any appropriations made to the department of social and health
23 services for carrying out the powers, functions, and duties transferred
24 shall, on the effective date of this section, be transferred to the
25 department of early learning through an interagency agreement.

26 NEW SECTION. **Sec. 504.** (1) All employees of the office of the
27 superintendent of public instruction, the department of social and
28 health services, and the department of community, trade, and economic
29 development engaged in performing the powers, functions, and duties
30 transferred in section 501 of this act are transferred to the
31 jurisdiction of the department of early learning. All employees
32 classified under chapter 41.06 RCW, the state civil service law, are
33 assigned to the department of early learning to perform their usual
34 duties upon the same terms as formerly, without any loss of rights,
35 subject to any action that may be appropriate thereafter in accordance
36 with the laws and rules governing state civil service.

1 (2) Nothing contained in this section may be construed to alter any
2 existing collective bargaining unit or the provisions of any existing
3 collective bargaining agreement until the agreement has expired or
4 until the bargaining unit has been modified by action of the public
5 employment relations commission as provided by law.

6 NEW SECTION. **Sec. 505.** (1) All rules and all pending business
7 before the office of the superintendent of public instruction, the
8 department of social and health services, and the department of
9 community, trade, and economic development pertaining to the powers,
10 functions, and duties transferred in section 501 of this act shall be
11 continued and acted upon by the department of early learning. All
12 existing contracts and obligations shall remain in full force and shall
13 be performed by the department of early learning.

14 (2) The transfer of the powers, duties, functions, and personnel of
15 the office of the superintendent of public instruction, the department
16 of social and health services, and the department of community, trade,
17 and economic development shall not affect the validity of any act
18 performed before the effective date of this section.

19 (3) Whenever any question arises as to the transfer of any
20 personnel, funds, books, documents, records, papers, files, equipment,
21 or other tangible property used or held in the exercise of the powers
22 and the performance of the duties and functions transferred, the
23 director of financial management shall make a determination as to the
24 proper allocation and certify the same to the state agencies concerned.

25 (4) If apportionments of budgeted funds are required because of the
26 transfers directed by this section and sections 501 through 504 of this
27 act, the director of financial management shall certify the
28 apportionments to the agencies affected, the state auditor, and the
29 state treasurer. Each of these shall make the appropriate transfer and
30 adjustments in funds and appropriation accounts and equipment records
31 in accordance with the certification.

32 NEW SECTION. **Sec. 506.** By November 15, 2006, the department of
33 early learning, in collaboration with the early learning council, shall
34 prepare a report and make recommendations to the governor and
35 appropriate committees of the legislature detailing:

- 1 (1) Coordination and collaboration between the department and the
- 2 K-12 system at the state and local levels to ensure appropriate
- 3 connections and smooth transitions between early learning and K-12;
- 4 (2) Ongoing coordination and collaboration between the department
- 5 and other programs not included in the department;
- 6 (3) Ways the department will support local communities in
- 7 encouraging public-private partnerships, innovative solutions to local
- 8 issues, coordination of early learning services, and improved
- 9 transitions from early learning to kindergarten;
- 10 (4) The relationship between the department and the public-private
- 11 partnership;
- 12 (5) Internal governance of the department, to be implemented July
- 13 1, 2007, upon termination of the early learning council; and
- 14 (6) Transition of any additional early learning programs and
- 15 responsibilities, including administration of federal child care funds
- 16 and subsidy eligibility and payment functions.

17 **PART 6**

18 **MISCELLANEOUS PROVISIONS**

19 NEW SECTION. **Sec. 601.** The following sections are each recodified

20 as new sections in the new chapter created in section 603 of this act:

- 21 RCW 74.13.097
- 22 RCW 74.13.098
- 23 RCW 74.13.099
- 24 RCW 74.15.063
- 25 RCW 74.15.310
- 26 RCW 74.15.320
- 27 RCW 74.15.330
- 28 RCW 74.15.340
- 29 RCW 74.15.350
- 30 RCW 28A.215.100
- 31 RCW 28A.215.110
- 32 RCW 28A.215.120
- 33 RCW 28A.215.130
- 34 RCW 28A.215.140
- 35 RCW 28A.215.150
- 36 RCW 28A.215.160

1 RCW 28A.215.170
2 RCW 28A.215.180
3 RCW 28A.215.190
4 RCW 28A.215.200
5 RCW 28A.215.900
6 RCW 28A.215.904
7 RCW 28A.215.906
8 RCW 28A.215.908

9 NEW SECTION. **Sec. 602.** PART HEADINGS NOT LAW. Part headings used
10 in this act are not any part of the law.

11 NEW SECTION. **Sec. 603.** Sections 101 through 108, 301 through 315,
12 and 501 of this act constitute a new chapter in Title 43 RCW.

13 NEW SECTION. **Sec. 604.** This act takes effect July 1, 2006.

14 NEW SECTION. **Sec. 605.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

--- END ---