

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2353

59th Legislature
2006 Regular Session

Passed by the House March 4, 2006
Yeas 86 Nays 11

Speaker of the House of Representatives

Passed by the Senate February 28, 2006
Yeas 40 Nays 8

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2353** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

1 The public employer shall be represented for bargaining purposes by the
2 governor or the governor's designee appointed under chapter 41.80 RCW.

3 (2) This chapter governs the collective bargaining relationship
4 between the governor and family child care providers, except as
5 follows:

6 (a) A statewide unit of all family child care providers is the only
7 unit appropriate for purposes of collective bargaining under RCW
8 41.56.060.

9 (b) The exclusive bargaining representative of family child care
10 providers in the unit specified in (a) of this subsection shall be the
11 representative chosen in an election conducted pursuant to RCW
12 41.56.070, except that in the initial election conducted under this
13 act, if more than one labor organization is on the ballot and none of
14 the choices receives a majority of the votes cast, a run-off election
15 shall be held.

16 (c) Notwithstanding the definition of "collective bargaining" in
17 RCW 41.56.030(4), the scope of collective bargaining for child care
18 providers under this section shall be limited solely to: (i) Economic
19 compensation, such as manner and rate of subsidy and reimbursement,
20 including tiered reimbursements; (ii) health and welfare benefits;
21 (iii) professional development and training; (iv) labor-management
22 committees; (v) grievance procedures; and (vi) other economic matters.
23 Retirement benefits shall not be subject to collective bargaining. By
24 such obligation neither party shall be compelled to agree to a proposal
25 or be required to make a concession unless otherwise provided in this
26 chapter.

27 (d) The mediation and interest arbitration provisions of RCW
28 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

29 (i) With respect to commencement of negotiations between the
30 governor and the exclusive bargaining representative of family child
31 care providers, negotiations shall be commenced initially upon
32 certification of an exclusive bargaining representative under (a) of
33 this subsection and, thereafter, by February 1st of any even-numbered
34 year;

35 (ii) In addition to the factors to be taken into consideration by
36 an interest arbitration panel under RCW 41.56.465, the panel shall
37 consider the financial ability of the state to pay for the compensation
38 and benefit provisions of a collective bargaining agreement; and

1 (iii) The decision of the arbitration panel is not binding on the
2 legislature and, if the legislature does not approve the request for
3 funds necessary to implement the compensation and benefit provisions of
4 the arbitrated collective bargaining agreement, is not binding on the
5 state.

6 (e) Family child care providers do not have the right to strike.

7 (3) Family child care providers who are public employees solely for
8 the purposes of collective bargaining under subsection (1) of this
9 section are not, for that reason, employees of the state for any
10 purpose. This section applies only to the governance of the collective
11 bargaining relationship between the employer and family child care
12 providers as provided in subsections (1) and (2) of this section.

13 (4) This section does not create or modify:

14 (a) The parents' or legal guardians' right to choose and terminate
15 the services of any family child care provider that provides care for
16 their child or children;

17 (b) The secretary of the department of social and health services'
18 right to adopt requirements under RCW 74.15.030, except for
19 requirements related to grievance procedures and collective
20 negotiations on personnel matters as specified in subsection (2)(c) of
21 this section;

22 (c) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130;
23 and

24 (d) The legislature's right to make programmatic modifications to
25 the delivery of state services through child care subsidy programs,
26 including standards of eligibility of parents, legal guardians, and
27 family child care providers participating in child care subsidy
28 programs, and the nature of services provided. The governor shall not
29 enter into, extend, or renew any agreement under this section that does
30 not expressly reserve the legislative rights described in this
31 subsection (4)(d).

32 (5) Upon meeting the requirements of subsection (6) of this
33 section, the governor must submit, as a part of the proposed biennial
34 or supplemental operating budget submitted to the legislature under RCW
35 43.88.030, a request for funds necessary to implement the compensation
36 and benefit provisions of a collective bargaining agreement entered
37 into under this section or for legislation necessary to implement such
38 agreement.

1 (6) A request for funds necessary to implement the compensation and
2 benefit provisions of a collective bargaining agreement entered into
3 under this section shall not be submitted by the governor to the
4 legislature unless such request has been:

5 (a) Submitted to the director of financial management by October
6 1st before the legislative session at which the request is to be
7 considered, except that, for initial negotiations under this section,
8 the request must be submitted by November 15, 2006; and

9 (b) Certified by the director of financial management as being
10 feasible financially for the state or reflects the binding decision of
11 an arbitration panel reached under this section.

12 (7) The legislature must approve or reject the submission of the
13 request for funds as a whole. If the legislature rejects or fails to
14 act on the submission, any such agreement will be reopened solely for
15 the purpose of renegotiating the funds necessary to implement the
16 agreement.

17 (8) The governor shall periodically consult with the joint
18 committee on employment relations established by RCW 41.80.010
19 regarding appropriations necessary to implement the compensation and
20 benefit provisions of any collective bargaining agreement and, upon
21 completion of negotiations, advise the committee on the elements of the
22 agreement and on any legislation necessary to implement such agreement.

23 (9) After the expiration date of any collective bargaining
24 agreement entered into under this section, all of the terms and
25 conditions specified in any such agreement remain in effect until the
26 effective date of a subsequent agreement, not to exceed one year from
27 the expiration date stated in the agreement, except as provided in
28 subsection (4)(d) of this section.

29 (10) If, after the compensation and benefit provisions of an
30 agreement are approved by the legislature, a significant revenue
31 shortfall occurs resulting in reduced appropriations, as declared by
32 proclamation of the governor or by resolution of the legislature, both
33 parties shall immediately enter into collective bargaining for a
34 mutually agreed upon modification of the agreement.

35 (11) In enacting this section, the legislature intends to provide
36 state action immunity under federal and state antitrust laws for the
37 joint activities of family child care providers and their exclusive

1 bargaining representative to the extent such activities are authorized
2 by this chapter.

3 **Sec. 2.** RCW 41.56.030 and 2004 c 3 s 6 are each amended to read as
4 follows:

5 As used in this chapter:

6 (1) "Public employer" means any officer, board, commission,
7 council, or other person or body acting on behalf of any public body
8 governed by this chapter, or any subdivision of such public body. For
9 the purposes of this section, the public employer of district court or
10 superior court employees for wage-related matters is the respective
11 county legislative authority, or person or body acting on behalf of the
12 legislative authority, and the public employer for nonwage-related
13 matters is the judge or judge's designee of the respective district
14 court or superior court.

15 (2) "Public employee" means any employee of a public employer
16 except any person (a) elected by popular vote, or (b) appointed to
17 office pursuant to statute, ordinance or resolution for a specified
18 term of office as a member of a multimember board, commission, or
19 committee, whether appointed by the executive head or body of the
20 public employer, or (c) whose duties as deputy, administrative
21 assistant or secretary necessarily imply a confidential relationship to
22 (i) the executive head or body of the applicable bargaining unit, or
23 (ii) any person elected by popular vote, or (iii) any person appointed
24 to office pursuant to statute, ordinance or resolution for a specified
25 term of office as a member of a multimember board, commission, or
26 committee, whether appointed by the executive head or body of the
27 public employer, or (d) who is a court commissioner or a court
28 magistrate of superior court, district court, or a department of a
29 district court organized under chapter 3.46 RCW, or (e) who is a
30 personal assistant to a district court judge, superior court judge, or
31 court commissioner(~~(, or (f) excluded from a bargaining unit under RCW~~
32 ~~41.56.201(2)(a))~~). For the purpose of (e) of this subsection, no more
33 than one assistant for each judge or commissioner may be excluded from
34 a bargaining unit.

35 (3) "Bargaining representative" means any lawful organization which
36 has as one of its primary purposes the representation of employees in
37 their employment relations with employers.

1 (4) "Collective bargaining" means the performance of the mutual
2 obligations of the public employer and the exclusive bargaining
3 representative to meet at reasonable times, to confer and negotiate in
4 good faith, and to execute a written agreement with respect to
5 grievance procedures and collective negotiations on personnel matters,
6 including wages, hours and working conditions, which may be peculiar to
7 an appropriate bargaining unit of such public employer, except that by
8 such obligation neither party shall be compelled to agree to a proposal
9 or be required to make a concession unless otherwise provided in this
10 chapter.

11 (5) "Commission" means the public employment relations commission.

12 (6) "Executive director" means the executive director of the
13 commission.

14 (7) "Uniformed personnel" means: (a) Law enforcement officers as
15 defined in RCW 41.26.030 employed by the governing body of any city or
16 town with a population of two thousand five hundred or more and law
17 enforcement officers employed by the governing body of any county with
18 a population of ten thousand or more; (b) correctional employees who
19 are uniformed and nonuniformed, commissioned and noncommissioned
20 security personnel employed in a jail as defined in RCW 70.48.020(5),
21 by a county with a population of seventy thousand or more, and who are
22 trained for and charged with the responsibility of controlling and
23 maintaining custody of inmates in the jail and safeguarding inmates
24 from other inmates; (c) general authority Washington peace officers as
25 defined in RCW 10.93.020 employed by a port district in a county with
26 a population of one million or more; (d) security forces established
27 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW
28 41.26.030; (f) employees of a port district in a county with a
29 population of one million or more whose duties include crash fire
30 rescue or other fire fighting duties; (g) employees of fire departments
31 of public employers who dispatch exclusively either fire or emergency
32 medical services, or both; or (h) employees in the several classes of
33 advanced life support technicians, as defined in RCW 18.71.200, who are
34 employed by a public employer.

35 (8) "Institution of higher education" means the University of
36 Washington, Washington State University, Central Washington University,
37 Eastern Washington University, Western Washington University, The
38 Evergreen State College, and the various state community colleges.

1 (9) "Home care quality authority" means the authority under chapter
2 74.39A RCW.

3 (10) "Individual provider" means an individual provider as defined
4 in RCW 74.39A.240(4) who, solely for the purposes of collective
5 bargaining, is a public employee as provided in RCW 74.39A.270.

6 (11) "Child care subsidy" means a payment from the state through a
7 child care subsidy program established pursuant to RCW 74.12.340 or
8 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
9 program.

10 (12) "Family child care provider" means a person who: (a) Provides
11 regularly scheduled care for a child or children in the home of the
12 provider or in the home of the child or children for periods of less
13 than twenty-four hours or, if necessary due to the nature of the
14 parent's work, for periods equal to or greater than twenty-four hours;
15 (b) receives child care subsidies; and (c) is either licensed by the
16 state under RCW 74.15.030 or is exempt from licensing under chapter
17 74.15 RCW.

18 **Sec. 3.** RCW 41.56.113 and 2004 c 3 s 7 are each amended to read as
19 follows:

20 (1) Upon the written authorization of an individual provider or a
21 family child care provider within the bargaining unit and after the
22 certification or recognition of the bargaining unit's exclusive
23 bargaining representative, the state as payor, but not as the employer,
24 shall, subject to subsection (3) of this section, deduct from the
25 payments to an individual provider or a family child care provider the
26 monthly amount of dues as certified by the secretary of the exclusive
27 bargaining representative and shall transmit the same to the treasurer
28 of the exclusive bargaining representative.

29 (2) If the governor and the exclusive bargaining representative of
30 a bargaining unit of individual providers or family child care
31 providers enter into a collective bargaining agreement that:

32 (a) Includes a union security provision authorized in RCW
33 41.56.122, the state as payor, but not as the employer, shall, subject
34 to subsection (3) of this section, enforce the agreement by deducting
35 from the payments to bargaining unit members the dues required for
36 membership in the exclusive bargaining representative, or, for
37 nonmembers thereof, a fee equivalent to the dues; or

1 (b) Includes requirements for deductions of payments other than the
2 deduction under (a) of this subsection, the state, as payor, but not as
3 the employer, shall, subject to subsection (3) of this section, make
4 such deductions upon written authorization of the individual provider
5 or the family child care provider.

6 (3)(a) The initial additional costs to the state in making
7 deductions from the payments to individual providers or family child
8 care providers under this section shall be negotiated, agreed upon in
9 advance, and reimbursed to the state by the exclusive bargaining
10 representative.

11 (b) The allocation of ongoing additional costs to the state in
12 making deductions from the payments to individual providers or family
13 child care providers under this section shall be an appropriate subject
14 of collective bargaining between the exclusive bargaining
15 representative and the governor unless prohibited by another statute.
16 If no collective bargaining agreement containing a provision allocating
17 the ongoing additional cost is entered into between the exclusive
18 bargaining representative and the governor, or if the legislature does
19 not approve funding for the collective bargaining agreement as provided
20 in RCW 74.39A.300 or section 1 of this act, as applicable, the ongoing
21 additional costs to the state in making deductions from the payments to
22 individual providers or family child care providers under this section
23 shall be negotiated, agreed upon in advance, and reimbursed to the
24 state by the exclusive bargaining representative.

25 (4) The governor and the exclusive bargaining representative of a
26 bargaining unit of family child care providers may not enter into a
27 collective bargaining agreement that contains a union security
28 provision unless the agreement contains a process, to be administered
29 by the exclusive bargaining representative of a bargaining unit of
30 family child care providers, for hardship dispensation for license-
31 exempt family child care providers who are also temporary assistance
32 for needy families recipients or WorkFirst participants.

33 **Sec. 4.** RCW 41.04.810 and 2004 c 3 s 3 are each amended to read as
34 follows:

35 Individual providers, as defined in RCW 74.39A.240, and family
36 child care providers, as defined in RCW 41.56.030, are not employees of

1 the state or any of its political subdivisions and are specifically and
2 entirely excluded from all provisions of this title, except as provided
3 in RCW 74.39A.270 and section 1 of this act.

4 **Sec. 5.** RCW 43.01.047 and 2004 c 3 s 4 are each amended to read as
5 follows:

6 RCW 43.01.040 through 43.01.044 do not apply to individual
7 providers under RCW 74.39A.220 through 74.39A.300 or to family child
8 care providers under section 1 of this act.

9 **PART II - FAMILY CHILD CARE LICENSEES**

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW
11 to read as follows:

12 (1) Solely for the purposes of negotiated rule making pursuant to
13 RCW 34.05.310(2)(a) and 74.15.030, a statewide unit of all family child
14 care licensees is appropriate. As of the effective date of this act,
15 the exclusive representative of family child care licensees in the
16 statewide unit shall be the representative selected as the majority
17 representative in the election held under the directive of the governor
18 to the secretary of the department of social and health services, dated
19 September 16, 2005. If family child care licensees seek to select a
20 different representative thereafter, the family child care licensees
21 may request that the American arbitration association conduct an
22 election and certify the results of the election.

23 (2) In enacting this section, the legislature intends to provide
24 state action immunity under federal and state antitrust laws for the
25 joint activities of family child care licensees and their exclusive
26 representative to the extent such activities are authorized by this
27 chapter.

28 **Sec. 7.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001
29 c 137 s 3 are each reenacted and amended to read as follows:

30 For the purpose of this chapter (~~(74.15-RCW)~~) and RCW 74.13.031,
31 and unless otherwise clearly indicated by the context thereof, the
32 following terms shall mean:

33 (1) "Agency" means any person, firm, partnership, association,
34 corporation, or facility which receives children, expectant mothers, or

1 persons with developmental disabilities for control, care, or
2 maintenance outside their own homes, or which places, arranges the
3 placement of, or assists in the placement of children, expectant
4 mothers, or persons with developmental disabilities for foster care or
5 placement of children for adoption, and shall include the following
6 irrespective of whether there is compensation to the agency or to the
7 children, expectant mothers or persons with developmental disabilities
8 for services rendered:

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

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

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

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

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

35 (f) "Family day-care provider" means a child day-care provider who
36 regularly provides child day care for not more than twelve children in
37 the provider's home in the family living quarters;

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

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

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

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

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

34 (l) "Service provider" means the entity that operates a community
35 facility.

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

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

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

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

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

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

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

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

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

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

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

34 (f) A person, partnership, corporation, or other entity that
35 provides placement or similar services to international children who
36 have entered the country by obtaining visas that meet the criteria for
37 medical care as established by the United States immigration and

1 naturalization service, or persons who have the care of such an
2 international child in their home;

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

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

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

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

16 (k) Licensed physicians or lawyers;

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

20 (m) Facilities approved and certified under chapter 71A.22 RCW;

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

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

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

33 (q) A maximum or medium security program for juvenile offenders
34 operated by or under contract with the department;

35 (r) An agency located on a federal military reservation, except
36 where the military authorities request that such agency be subject to
37 the licensing requirements of this chapter.

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

3 (4) "Family child care licensee" means a person who: (a) Provides
4 regularly scheduled care for a child or children in the home of the
5 provider for periods of less than twenty-four hours or, if necessary
6 due to the nature of the parent's work, for periods equal to or greater
7 than twenty-four hours; (b) does not receive child care subsidies; and
8 (c) is licensed by the state under RCW 74.15.030.

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

12 (~~(+5)~~) (6) "Probationary license" means a license issued as a
13 disciplinary measure to an agency that has previously been issued a
14 full license but is out of compliance with licensing standards.

15 (~~(+6)~~) (7) "Requirement" means any rule, regulation, or standard
16 of care to be maintained by an agency.

17 (~~(+7)~~) (8) "Secretary" means the secretary of social and health
18 services.

19 (~~(+8)~~) (9) "Street youth" means a person under the age of eighteen
20 who lives outdoors or in another unsafe location not intended for
21 occupancy by the minor and who is not residing with his or her parent
22 or at his or her legally authorized residence.

23 (~~(+9)~~) (10) "Transitional living services" means at a minimum, to
24 the extent funds are available, the following:

25 (a) Educational services, including basic literacy and
26 computational skills training, either in local alternative or public
27 high schools or in a high school equivalency program that leads to
28 obtaining a high school equivalency degree;

29 (b) Assistance and counseling related to obtaining vocational
30 training or higher education, job readiness, job search assistance, and
31 placement programs;

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

35 (d) Individual and group counseling; and

36 (e) Establishing networks with federal agencies and state and local
37 organizations such as the United States department of labor, employment

1 and training administration programs including the job training
2 partnership act which administers private industry councils and the job
3 corps; vocational rehabilitation; and volunteer programs.

4 **Sec. 8.** RCW 74.15.030 and 2005 c 490 s 11 are each amended to read
5 as follows:

6 The secretary shall have the power and it shall be the secretary's
7 duty:

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

17 (2) In consultation with the children's services advisory
18 committee, and with the advice and assistance of persons representative
19 of the various type agencies to be licensed, to adopt and publish
20 minimum requirements for licensing applicable to each of the various
21 categories of agencies to be licensed.

22 The minimum requirements shall be limited to:

23 (a) The size and suitability of a facility and the plan of
24 operation for carrying out the purpose for which an applicant seeks a
25 license;

26 (b) The character, suitability and competence of an agency and
27 other persons associated with an agency directly responsible for the
28 care and treatment of children, expectant mothers or developmentally
29 disabled persons. In consultation with law enforcement personnel, the
30 secretary shall investigate the conviction record or pending charges
31 and dependency record information under chapter 43.43 RCW of each
32 agency and its staff seeking licensure or relicensure. No unfounded
33 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
34 disclosed to a child-placing agency, private adoption agency, or any
35 other provider licensed under this chapter. In order to determine the
36 suitability of applicants for an agency license, licensees, their
37 employees, and other persons who have unsupervised access to children

1 in care, and who have not resided in the state of Washington during the
2 three-year period before being authorized to care for children shall be
3 fingerprinted. The fingerprints shall be forwarded to the Washington
4 state patrol and federal bureau of investigation for a criminal history
5 records check. The fingerprint criminal history records checks will be
6 at the expense of the licensee except that in the case of a foster
7 family home, if this expense would work a hardship on the licensee, the
8 department shall pay the expense. The licensee may not pass this cost
9 on to the employee or prospective employee, unless the employee is
10 determined to be unsuitable due to his or her criminal history record.
11 The secretary shall use the information solely for the purpose of
12 determining eligibility for a license and for determining the
13 character, suitability, and competence of those persons or agencies,
14 excluding parents, not required to be licensed who are authorized to
15 care for children, expectant mothers, and developmentally disabled
16 persons. Criminal justice agencies shall provide the secretary such
17 information as they may have and that the secretary may require for
18 such purpose;

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

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

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

27 (f) The financial ability of an agency to comply with minimum
28 requirements established pursuant to chapter 74.15 RCW and RCW
29 74.13.031; and

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

32 (3) To investigate any person, including relatives by blood or
33 marriage except for parents, for character, suitability, and competence
34 in the care and treatment of children, expectant mothers, and
35 developmentally disabled persons prior to authorizing that person to
36 care for children, expectant mothers, and developmentally disabled
37 persons. However, if a child is placed with a relative under RCW
38 13.34.065 or 13.34.130, and if such relative appears otherwise suitable

1 and competent to provide care and treatment the criminal history
2 background check required by this section need not be completed before
3 placement, but shall be completed as soon as possible after placement;

4 (4) On reports of alleged child abuse and neglect, to investigate
5 agencies in accordance with chapter 26.44 RCW, including child day-care
6 centers and family day-care homes, to determine whether the alleged
7 abuse or neglect has occurred, and whether child protective services or
8 referral to a law enforcement agency is appropriate;

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

13 (6) To prescribe the procedures and the form and contents of
14 reports necessary for the administration of chapter 74.15 RCW and RCW
15 74.13.031 and to require regular reports from each licensee;

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

19 (8) To review requirements adopted hereunder at least every two
20 years and to adopt appropriate changes after consultation with affected
21 groups for child day-care requirements and with the children's services
22 advisory committee for requirements for other agencies; ~~((and))~~

23 (9) To engage in negotiated rule making pursuant to RCW
24 34.05.310(2)(a) with the exclusive representative of the family child
25 care licensees selected in accordance with section 6 of this act and
26 with other affected interests before adopting requirements that affect
27 family child care licensees; and

28 (10) To consult with public and private agencies in order to help
29 them improve their methods and facilities for the care of children,
30 expectant mothers and developmentally disabled persons.

31 **PART III - GENERAL PROVISIONS**

32 NEW SECTION. **Sec. 9.** Part headings used in this act are not any
33 part of the law.

34 NEW SECTION. **Sec. 10.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

4 NEW SECTION. **Sec. 11.** If any part of this act is found to be in
5 conflict with federal requirements that are a prescribed condition to
6 the allocation of federal funds to the state, the conflicting part of
7 this act is inoperative solely to the extent of the conflict and with
8 respect to the agencies directly affected, and this finding does not
9 affect the operation of the remainder of this act in its application to
10 the agencies concerned. Rules adopted under this act must meet federal
11 requirements that are a necessary condition to the receipt of federal
12 funds by the state.

13 NEW SECTION. **Sec. 12.** This act may be known and cited as the
14 access to quality family child care act.

15 NEW SECTION. **Sec. 13.** Sections 1 through 5 of this act are
16 necessary for the immediate preservation of the public peace, health,
17 or safety, or support of the state government and its existing public
18 institutions, and take effect immediately.

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