
SENATE BILL 5805

State of Washington

59th Legislature

2005 Regular Session

By Senators Kohl-Welles, Hargrove, Brown, McAuliffe, Rasmussen and Jacobsen

Read first time 02/07/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to regulating preschools and kindergartens;
2 reenacting and amending RCW 74.15.020; and adding a new section to
3 chapter 74.15 RCW.

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

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

7 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
8 otherwise clearly indicated by the context thereof, the following terms
9 shall mean:

10 (1) "Agency" means any person, firm, partnership, association,
11 corporation, or facility which receives children, expectant mothers, or
12 persons with developmental disabilities for control, care, or
13 maintenance outside their own homes, or which places, arranges the
14 placement of, or assists in the placement of children, expectant
15 mothers, or persons with developmental disabilities for foster care or
16 placement of children for adoption, and shall include the following
17 irrespective of whether there is compensation to the agency or to the
18 children, expectant mothers or persons with developmental disabilities
19 for services rendered:

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

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

6 (c) "Community facility" means a group care facility operated for
7 the care of juveniles committed to the department under RCW 13.40.185.
8 A county detention facility that houses juveniles committed to the
9 department under RCW 13.40.185 pursuant to a contract with the
10 department is not a community facility;

11 (d) "Crisis residential center" means an agency which is a
12 temporary protective residential facility operated to perform the
13 duties specified in chapter 13.32A RCW, in the manner provided in RCW
14 74.13.032 through 74.13.036;

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

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

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

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

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

12 (j) "Kindergarten" means a school that is engaged primarily in
13 education work with children five or six years old or both, has no
14 kindergarten child enrolled on a regular basis for more than seven
15 hours per day, and is not associated with a first grade program.

16 (k) "Maternity service" means an agency which provides or arranges
17 for care or services to expectant mothers, before or during
18 confinement, or which provides care as needed to mothers and their
19 infants after confinement;

20 ((+k)) (l) "Preschool" means a school that is engaged primarily in
21 education work with children three or four years old or both and has no
22 preschool child enrolled on a regular basis for more than four hours
23 per day;

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

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

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

36 (a) Persons related to the child, expectant mother, or person with
37 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
4 in 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))~~ (h) Seasonal camps of three months' or less duration
11 engaged primarily in recreational or educational activities;

12 ~~((j))~~ (i) 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))~~ (j) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (d) Individual and group counseling; and

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

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15 RCW
35 to read as follows:

36 (1) The secretary shall develop an implementation plan for the
37 licensing and regulation of preschools and kindergartens. The

1 department shall report to the appropriate committees of the
2 legislature on its plan for licensing and regulation of preschools and
3 kindergartens no later than December 1, 2005.

4 (2) The licensing and regulation of preschools and kindergartens
5 shall be implemented in the following stages in the order provided in
6 this subsection:

7 (a) The first stage shall include, but is not limited to,
8 implementation planning, public health and safety awareness and
9 education, and the voluntary registration of preschools and
10 kindergartens. During this stage, the department shall share
11 information about its implementation plan with the public, including
12 but not limited to conducting statewide public meetings and conducting
13 a consumer awareness campaign. The department shall also develop a
14 data base of voluntary registrants. This stage shall commence July 1,
15 2005, and end June 30, 2007.

16 (b) The second stage shall include, but is not limited to,
17 mandatory registration of preschools and kindergartens. During this
18 stage, the department shall conduct statewide public meetings on the
19 mandatory registration requirements, continue public outreach efforts
20 regarding mandatory registration such as those described in (a) of this
21 subsection, conduct recruitment efforts for preschools not already
22 registered under the voluntary stage, and support registered preschools
23 and kindergartens with technical assistance. This stage shall commence
24 July 1, 2007, and end June 30, 2010.

25 (c) The third stage shall be the commencement of full regulation,
26 including compliance with any statutory provisions or department rules
27 related to the formal regulation of preschools and kindergartens. This
28 stage shall commence July 1, 2010.

29 (3) The secretary has the same authority to regulate and license
30 preschools and kindergartens as the secretary has to regulate and
31 license an agency under this chapter.

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