

HOUSE BILL REPORT

HB 1959

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to correcting provisions for the department of early learning.

Brief Description: Correcting provisions for the department of early learning.

Sponsors: Representatives Kagi, Haler, Pettigrew, Walsh, Kenney and Wood; by request of Department of Early Learning.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/13/07, 2/16/07 [DP].

Brief Summary of Bill

- Revises provisions for the Department of Early Learning (DEL) related to charging license fees; notification authority related to license denial, revocation, suspension or modification and monetary penalties; background checks; and safe passenger loading areas.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass. Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

Staff: Chris Alejano (786-7115).

Background:

The Department of Early Learning (DEL) was established in 2006 as an executive branch agency whose primary duties are to implement early learning policy and to coordinate, consolidate, and integrate child care and early learning programs to promote an efficient use of funds. One-hundred-sixty-five full-time equivalent employees (FTE) transferred from the Department of Social and Health Services (DSHS), 13.5 FTEs from the Department for Community, Trade, and Economic Development (DCTED), and six new FTEs were pulled

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together to create the new DEL. When this merge occurred, some of the authorities that were granted under the originating agencies were not transferred over to the new Department of Early Learning statute.

Summary of Bill:

Charging License Fees

The DEL is authorized to charge license fees to agencies requesting a license. The DEL will regulate these fees and base them on the cost to the department for the license or licenses requested.

Notification Authority Related to License Denial, Revocation, Suspension, or Modification

The DEL is authorized to give written notification of a license denial, revocation, suspension, or modification and an adjudicative proceeding.

The action will take effect 28 days after notification has been received or longer if specifically indicated by the DEL. Action can happen sooner than 28 days if specifically indicated by the DEL and if it is necessary to protect the public health, safety, or welfare.

License applicants or licensees given notice of the denial, revocation, suspension, or modification of a license are allowed an adjudicative proceeding and must request it in writing within 28 days of receiving notification. If the appeal is received before its effective date, action will not be taken until the final order has been determined. This does not apply for license applicants or licensees that have been given less than 28 days notice. In these instances, action can be taken on the stated effective date in the notification.

Notification Authority Related to Monetary Penalties

The DEL is authorized to give written notification of a civil monetary penalty and an adjudicative proceeding when an agency has failed or refused to comply with licensing requirements.

The fine is due 28 days after receiving notification or later if specifically indicated by the DEL.

License applicants or licensees given notice of a civil monetary penalty are allowed an adjudicative proceeding and must request it in writing within 28 days of receiving notification. If the appeal is received before its effective date, action will not be taken until the final order has been determined.

Background Checks

The DEL is authorized to make written requests for background check transcripts from the state patrol.

Definitions

The DEL is included in the definition of *state agency* in the Release of Records for Research statute which provides access to or provides copies of an individually identifiable personal record for research purposes.

Recodified Sections

Powers and duties related to health protection of the Secretary of Health and duties related to child care services of the DEL are recodified in the Department of Early Learning statute.

Repealed Section

The Licensed Day Care Centers—Notice of Pesticide Use section in the Department of Early Learning statute is repealed.

Safe Passenger Loading Areas at Family Day Care Provider Facilities

The responsibility to certify a safe passenger loading area at a family day care provider facility is transferred from the Office of Child Care Policy to the DEL.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In Support) This is a "technical fix" or "housekeeping" bill which transfers authorities originally granted to the Department of Social and Health Services to the Department of Early Learning.

(Opposed) None.

Persons Testifying: Representative Kagi, prime sponsor; Jone Bosworth, Department of Early Learning.

Persons Signed In To Testify But Not Testifying: None.