

SENATE BILL REPORT

SB 5952

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 22, 2007

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

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

Sponsors: Senators McAuliffe, Kohl-Welles and Rasmussen; by request of Department of Early Learning.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/19/07, 2/22/07 [DPS].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5952 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Holmquist, Ranking Minority Member; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli.

Staff: Kimberly Cushing (786-7421)

Background: The Department of Early Learning (DEL) was established in 2006 as an executive branch agency, and chapter 43.215 for DEL was added to the Revised Code of Washington. The primary duties of DEL are to implement early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funds efficiently. Various powers, duties, and functions within the Department of Social and Health Services (DSHS) were transferred to DEL; however, some of the related authorities were not replicated in chapter 43.215 RCW.

Summary of Bill: DEL is authorized to charge agencies fees for licenses, but the Director may waive fees when they are not in the best interest of public health and safety or are a financial disadvantage to the state. The fees must be established by rule and based on the cost to DEL.

DEL is authorized to deny, suspend, revoke, modify, or not renew a license or assess a civil monetary penalty when an agency has failed or refused to comply with the licensing requirements. DEL must give written notice of a license denial, revocation, suspension, or modification. The action will take effect 28 days after notice is received, or longer if indicated by DEL. Action may occur sooner than 28 days if it is necessary to protect the public health,

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safety, or welfare. License suspension is effective immediately upon notice when the agency is not in compliance with a child support order. An agency has the right to request in writing an adjudicative proceeding within 28 days of receiving notice. If the appeal is filed before the effective date, DEL must not take action before a final order is entered. However, when DEL gives less than 28 days' notice, action may be taken on the effective date stated in the notice.

DEL also must give an agency written notice of a civil fine. The fine is due within 28 days of receiving notice, unless DEL indicates a later date. The agency has a right to request in writing an adjudicative proceeding within 28 days of receiving notice. If the appeal is timely and sufficient, DEL must not take action before a final order is entered.

The Washington State Patrol must provide DEL with conviction records upon written request. DEL is included in the list of state agencies that may authorized access to individually identifiable personal records for research purposes.

Two sections are recodified in chapter 43.215 RCW: (1) the powers and duties of the Secretary of DSHS to license and inspect agencies providing care and treatment of children, expectant mothers, or developmentally disabled persons are transferred to DEL; and (2) DEL's authority to create local child care resource and referral organizations. One of the two statutes requiring licensed day care centers to provide notice of pesticide use is repealed.

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

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Early Learning & K-12 Education): It no longer recodifies the entire statute, RCW 74.15.030, pertaining to the powers and duties of the Secretary of DSHS to license and inspect agencies providing care and treatment of children, expectant mothers, or developmentally disable persons. Instead, only the power to engage in negotiated rule making with the exclusive representative of the family child care licensees is transferred from the Secretary of DSHS to the Director of DEL. Additionally, the statute establishing the exclusive representative of family child care licensees was repealed and amended under chapter 43.215 RCW.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Senate bill 5952 simply provides technical fixes to the previous legislation that created DEL. Both DSHS and DEL need authority for licensing; however, specific licensing aspects for child care should have been transferred to DEL. In the interim, DEL has had to do emergency rules in order to continue licensing.

Persons Testifying: PRO: Jone Bosworth, DEL.