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SENATE BILL 6888

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State of Washington                      61st Legislature                      2010 1st Special Session

By Senators Brown and Marr

Read first time 03/18/10. Referred to Committee on Ways & Means.

1            AN ACT Relating to the use of child care offered to employees of  
2 nonprofit entities; and reenacting and amending RCW 43.215.010.

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

4            **Sec. 1.** RCW 43.215.010 and 2007 c 415 s 2 and 2007 c 394 s 2 are  
5 each reenacted and amended to read as follows:

6            The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

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

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

15            (b) "Early learning" includes but is not limited to programs and  
16 services for child care; state, federal, private, and nonprofit  
17 preschool; child care subsidies; child care resource and referral;  
18 parental education and support; and training and professional  
19 development for early learning professionals;

1 (c) "Family day care provider" means a child day care provider who  
2 regularly provides child day care and early learning services for not  
3 more than twelve children in the provider's home in the family living  
4 quarters;

5 (d) "Nongovernmental private-public partnership" means an entity  
6 registered as a nonprofit corporation in Washington state with a  
7 primary focus on early learning, school readiness, and parental  
8 support, and an ability to raise a minimum of five million dollars in  
9 contributions;

10 (e) "Service provider" means the entity that operates a community  
11 facility.

12 (2) "Agency" does not include the following:

13 (a) Persons related to the child in the following ways:

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

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

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

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

24 (b) Persons who are legal guardians of the child;

25 (c) Persons who care for a neighbor's or friend's child or  
26 children, with or without compensation, where the person providing care  
27 for periods of less than twenty-four hours does not conduct such  
28 activity on an ongoing, regularly scheduled basis for the purpose of  
29 engaging in business, which includes, but is not limited to,  
30 advertising such care;

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

33 (e) Nursery schools or kindergartens that are engaged primarily in  
34 educational work with preschool children and in which no child is  
35 enrolled on a regular basis for more than four hours per day;

36 (f) Schools, including boarding schools, that are engaged primarily  
37 in education, operate on a definite school year schedule, follow a

1 stated academic curriculum, accept only school-age children, and do not  
2 accept custody of children;

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

5 (h) Facilities providing care to children for periods of less than  
6 twenty-four hours (~~whose~~) where:

7 (i) Parents remain on the premises to participate in activities  
8 other than employment; or

9 (ii) Employees who remain on the premises also make use of the  
10 child care center for their own children, the facility is owned or  
11 operated by a nonprofit entity, and the employees do not utilize the  
12 child care services for more than two hours per day;

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

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

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

23 (l) An agency that offers early learning and support services, such  
24 as parent education, and does not provide child care services on a  
25 regular basis.

26 (3) "Applicant" means a person who requests or seeks employment in  
27 an agency.

28 (4) "Department" means the department of early learning.

29 (5) "Director" means the director of the department.

30 (6) "Employer" means a person or business that engages the services  
31 of one or more people, especially for wages or salary to work in an  
32 agency.

33 (7) "Enforcement action" means denial, suspension, revocation,  
34 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)  
35 or assessment of civil monetary penalties pursuant to RCW  
36 43.215.300(3).

37 (8) "Probationary license" means a license issued as a disciplinary

1 measure to an agency that has previously been issued a full license but  
2 is out of compliance with licensing standards.

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

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