

HOUSE BILL REPORT

E2SHB 1776

As Amended by the Senate

Title: An act relating to licensing requirements for child care centers located in publicly owned buildings.

Brief Description: Regarding licensing requirements for child care centers located in publicly owned or operated buildings.

Sponsors: House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Frockt, Eddy, Dickerson, Carlyle, Maxwell, Fitzgibbon, Roberts, Pedersen, Hudgins, Ryu, Kenney and Stanford).

Brief History:

Committee Activity:

Early Learning & Human Services: 2/10/11, 2/17/11 [DPS];

Education Appropriations & Oversight: 2/18/11, 2/21/11 [DP2S(w/o sub ELHS)].

Floor Activity:

Passed House: 3/2/11, 62-35.

Senate Amended.

Passed Senate: 4/5/11, 49-0.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Department of Early Learning to use an interagency process that includes the State Fire Marshal to address requirements for child care centers operated in publicly owned or operated buildings with existing pre-kindergarten or school-age programs.
- Expresses the Legislature's finding and intent with regard to requirements for specific child care centers.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman and Orwall.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 2 members: Representatives Johnson and Overstreet.

Staff: Megan Palchak (786-7120) and Linda Merelle (786-7092).

HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS & OVERSIGHT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by 18 members: Representatives Haigh, Chair; Probst, Vice Chair; Anderson, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Dahlquist, Frockt, Hargrove, Hope, Maxwell, Nealey, Orwall, Reykdal, Rolfes, Santos, Seaquist, Sells, Short and Stanford.

Staff: Wendy Polzin (786-7137).

Background:

The Department of Early (DEL) regulates child care in Washington. The DEL licenses three categories of child care providers: family homes, child care centers, and school-age centers. Separate sets of licensing rules are used to regulate each type of provider. Some features related to each provider type are described below:

- *Family home child care providers* care for children up to 11 years of age in a home setting.
- *Child care centers* provide care for children up to 12 years of age. These centers operate in commercial, privately owned, school, or faith-based facilities.
- *School-age centers* care for children ages 5 through 12. These centers usually operate in a school setting, but can be located in commercial, privately owned, or faith-based facilities.

Note: school boards are authorized to establish and maintain preschools and to provide before- and after-school care and vacation care in connection with schools in its district. School boards may establish regulations governing preschools and before- and after-school care.

As mentioned above, both child care centers and school-age centers may operate in a variety of facilities. The DEL's licensing rules operate in accordance with accepted fire and building code standards that apply to any given facility type. These codes may vary by geographic location and are determined by various jurisdictions. The DEL has a process in place to waive some licensing requirements in some cases.

Summary of Engrossed Second Substitute Bill:

The DEL is required to address licensing requirements for child care centers operated in publicly owned or publicly operated buildings in which there are existing centers operating educational programs for prekindergarten or school-age children. The DEL is required to

consult the Washington State Fire Marshal's Office, and use an interagency process to address requirements for this category of child care centers.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment (1) removes the requirement for the Department of Early Learning (DEL) to create specific or separate licensing requirements for child care centers operated in publicly owned or operated buildings such as public schools or municipals centers in which there are existing prekindergarten or school age educational programs; and (2) changes the focus of the interagency process, which includes consultation with the State Fire Marshall, to address health and safety requirements related to child care programs serving school-age children in buildings that contain public or private schools.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Early Learning & Human Services):

(In support) Current licensing rules cause some children to leave their schools for before- and after-school child care, even though the same children are safe in the same building all day. Seamless before- and after-school child care is urgently needed. Unified rules will help serve children better. Fewer transitions are better for kids, and offer opportunities for educational alignment. Currently there is an exemption, a certification process, within the Office of the Superintendent of Public Instruction (OSPI), but it is inactive and not funded, to allow child care providers to operate in schools. There are systems in place to deal with health and safety issues. There were costs around retrofitting to meet licensing requirements, and either the OSPI did not pursue the licensing process or the programs did not open at all due to costs associated with retrofitting. The city did not provide occupancy guidelines for older buildings. No one is promoting the removal of critical safeguards. This bill is not prescribing an answer; it requires the DEL to find a unified solution. Fire code has been one of the principle issues preventing seamless licensing. There is also a need to increase the availability of licensed care within schools, specifically in the City of Seattle. This bill will increase access of child care to low-income families. Child care providers in schools are not technically required to be licensed, but licensing allows providers to access subsidies. Subsidies help create programs, and programs help communities. This bill could be instrumental in providing community.

(In support with concerns) The after school network has some amendments to offer; the DEL has been working hard to get rid of the "3 o'clock rule."

(With concerns) From the Fire Marshal's perspective, who conducts inspections for licensed child care centers, the issue is: buildings are constructed under certain fire code requirements. When they apply for a new day care license, the law is written to ensure those day care centers meet current building code requirements. The primary problem regarding

child care licensing and building requirements involves sprinkler systems. Any potential blanket exception to requiring updated sprinkler systems would be concerning. The Fire Marshal is working with the State Building Code Council, and their WAC revision process, to get a very specific exemption for sprinkler retrofits in some buildings so children can remain in the same building for school and day care.

(Opposed) The Fire Chiefs are not against early learning, but are concerned about any potential exemption to fire code that might reduce standards and ultimately harm children, especially non-ambulatory children.

(Information only) There are three distinct sets of regulations; before and after school deals with school-age programs. The DEL is entering a rules revision process. The principle issue that has come up regarding older buildings involves fire code issues. Part of the process involves the Fire Marshal.

Staff Summary of Public Testimony (Education Appropriations & Oversight):

(In support) This bill had bipartisan support as it came out of the policy committee. There are schools that want to have on-site child care before and after school. This would provide stability for both families and kids. Districts want to make school buildings compliant for day care regulations. This bill would allow great access to day care and preschool programs. It should be recognized that schools are heavily regulated. During the daytime schools are safe for kids, but are found to be unsafe once school lets out for the day. This legislation will allow more opportunity for after school care for kids and help families.

(Neutral) The DEL has an interest in having an adequate supply of good quality childcare. As the bill is written, the bill requires new rules to be created, rather than working the legislative intent into current review of school age rules.

(Opposed) None.

Persons Testifying (Early Learning & Human Services): (In support) Representative Frockt, prime sponsor; Mary Seaton, Seattle School District; and Holly Ferguson, Seattle Public Schools.

(In support with concerns) Donna Christensen, YMCAs of Washington and Catholic Charities.

(With concerns) Anjela St. John, Washington State Patrol and Washington State Fire Marshal.

(Opposed) Mike Brown, Washington Fire Chiefs.

(Information only) Bob McClellan, Department of Early Learning.

Persons Testifying (Education Appropriations & Oversight): (In support) Representative Frockt, prime sponsor; Clifford Traisman, Seattle Public Schools; and Amy Bell, YMCA of Washington.

(Neutral) Bob McLellan, Department of Early Learning.

Persons Signed In To Testify But Not Testifying (Early Learning & Human Services):
None.

Persons Signed In To Testify But Not Testifying (Education Appropriations & Oversight):
None.