
Early Learning & Human Services Committee

SSB 5504

Brief Description: Addressing unlicensed child care.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Eide, Kohl-Welles and Keiser).

Brief Summary of Substitute Bill

- Requires the Department of Early Learning (DEL) to notify agencies it suspects are operating without licensure about licensing requirements and consequences for failing to initiate the licensing process.
- Requires the DEL to post on its website agencies that have not initiated the licensing process within designated timelines.
- Changes the maximum civil monetary penalty from \$75 to \$150 per violation for family home day care centers.

Hearing Date: 3/15/11

Staff: Megan Palchak (786-7120).

Background:

Agencies subject to child care licensure through the Department of Early Learning (DEL) are defined as: any person, firm, partnership, association, corporation, or facility that provides child care outside of a child's home.

The following are exempt from licensing requirements:

- a blood relative, step-parent, step-sibling, or spouse of any of the persons listed;
- an adoptive parent or that parent's relatives or spouse of any of the persons listed;
- the child's legal guardian;

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- persons who care for a neighbor's or friend's child, for less than 24 hours so long as the person does not provide the care on an on-going, regularly scheduled basis;
- parents on a mutually cooperative basis exchange care of one another's children;
- nursery schools or kindergartens engaged primarily in educational work with preschool children and in which no child is enrolled for more than four hours a day;
- schools, including boarding schools, engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
- seasonal camps of three months or less engaged primarily in recreational or educational activities;
- facilities providing child care for less than 24 hours so long as the child's parent remains on the premises to participate in activities other than employment;
- agencies that have been in business since 1957 and are supported in part by an endowment or trust fund and which does not seek or accept assistance from any state or federal agency;
- agencies operated by local, state, or federal government or an agency located within the boundaries of a federally recognized Indian reservation;
- agencies located on a military base, unless the military authorities have requested that the agency be licensed by the DEL; and
- agencies that offer early learning and support services and do not provide child care services on a regular basis.

The DEL is authorized to assess civil monetary penalties to agencies operating without a license. However, if the unlicensed agency submits a child care license application within 30 days of being notified that they need to be licensed, and subsequently become licensed, then monetary penalties levied are forgiven. The maximum penalty for a family home day care may not exceed \$75, and the maximum penalty for child care centers may not exceed \$250. Each day upon which the same or substantially similar action occurs is considered a separate violation that is subject to a separate penalty. The DEL is required to provide a notification period before a monetary penalty is effective.

The DEL is required to report the following actions taken against an agency on its public website:

- suspension;
- surrender;
- revocation;
- denial;
- stayed suspension; or
- reinstatement of a license.

Summary of Bill:

When the DEL suspects an agency subject to licensure is providing unlicensed child care, it is required to send notice to that agency within 10 days. The notice shall include, but is not limited to the following information:

- that a license is required and the reasons why;
- that the agency is suspected of providing child care without a license;

- that the agency must immediately stop providing child care services until the agency becomes licensed;
- that the DEL can issue a penalty of \$150 per day for each day the agency provided child care without being licensed; and
- that if the agency does not initiate the licensing process within 30 days of the date of the notice, the DEL will post on its website that the agency is providing child care without a license.

The maximum civil monetary penalty the DEL may impose per violation for family home day care is increased to \$150.

The DEL must post agencies subject to licensure that have not initiated the licensing process within the 30-day period following notification by the DEL.

This act is referred to as the Colby Thompson Act.

Appropriation: None.

Fiscal Note: Not requested.

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