
SENATE BILL 5172

State of Washington

62nd Legislature

2011 Regular Session

By Senators Brown, Harper, Baumgartner, Kohl-Welles, Keiser, McAuliffe, and Kline

Read first time 01/17/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to authorizing the use of short-term, on-site child
2 care for the children of facility employees; and reenacting and
3 amending RCW 43.215.010.

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

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

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

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

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

16 (b) "Early learning" includes but is not limited to programs and
17 services for child care; state, federal, private, and nonprofit
18 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional
2 development for early learning professionals;

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

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

12 (e) "Service provider" means the entity that operates a community
13 facility.

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

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

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

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

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

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

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

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

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

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

1 (f) Schools, including boarding schools, that are engaged primarily
2 in education, operate on a definite school year schedule, follow a
3 stated academic curriculum, accept only school-age children, and do not
4 accept custody of children;

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

7 (h) Facilities providing child care (~~((to children))~~) for periods of
8 less than twenty-four hours (~~((whose))~~) when a parent(~~((s))~~) or legal
9 guardian of the child remains on the premises (~~((to participate))~~) of the
10 facility for the purpose of participating in:

11 (i) Activities other than employment; or

12 (ii) Employment of up to two hours per day when the facility is
13 operated by a nonprofit entity that also operates a licensed child care
14 program at the same facility in another location or at another
15 facility;

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

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

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

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

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

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

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

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

36 (7) "Enforcement action" means denial, suspension, revocation,
37 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)

1 or assessment of civil monetary penalties pursuant to RCW
2 43.215.300(3).

3 (8) "Probationary license" means a license issued as a disciplinary
4 measure to an agency that has previously been issued a full license but
5 is out of compliance with licensing standards.

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

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