

# SENATE BILL REPORT

## SB 5578

---

---

As Passed Senate, March 4, 2013

**Title:** An act relating to education requirements for family day care providers.

**Brief Description:** Exempting certain family day care providers who have been operating for at least five years from any requirement to have a high school diploma or equivalent education.

**Sponsors:** Senators Fraser, Carrell, Padden, Darneille, Harper, Pearson, Hargrove and Kline.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/14/13, 2/20/13 [DP].

Passed Senate: 3/04/13, 47-2.

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

**Staff:** Joan Miller (786-7784)

**Background:** A family day care provider regularly provides child day care and early learning services to 12 or fewer children in the provider's home. Unless exempt, a family day care provider must meet minimum licensing requirements in order to operate. Certain family members, relatives, and friends are exempt from the licensing requirement.

Beginning March 31, 2012, initial applicants for a child care license must have a high school diploma or written evidence of an equivalent education. Written evidence of an equivalent education includes successful completion of General Educational Development (GED) tests; completion of 12 years of elementary and secondary education; possession of a current Child Development Associate credential; or completion of 45 credits of post-secondary education.

Family day care providers who were licensed before March 31, 2012, have until March 31, 2017, to meet the education requirements for licensing.

**Summary of Bill:** Family day care providers who have been licensed and in operation for five years or longer and against whom there has been no complaint resulting in an

---

*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.*

enforcement action against the provider are exempt from meeting the educational requirement of a high school diploma or its equivalent.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: These new educational requirements are affecting child care providers all around the state. We need to encourage child care providers, but the problem is less about money and more about the time it would take to fulfill the education requirements. There is no research supporting that if you are already a good child care provider that a GED or the equivalent will improve the quality of care that you provide. We have lost about one-third of our family day care providers. The Service Employees International Union (SEIU) appreciates this bill but would like an amendment allowing providers who enroll in the Early Achievers program to be exempt from the high school diploma and GED requirement. Early Achievers is a rigorous program, but it focuses on topics that we know improve the quality of care. The reason for this recommendation is due primarily to the fact that many of our family day care providers know English as a second language, which would make the American educational system difficult. Early Achievers would be a way to include these providers in a quality process that we know improves outcomes. In Priscilla Turcott's culture, it was not necessary for girls to go to high school. Instead, she took care of her siblings, nieces and nephews. In 1988, she started her own business in the United States and has been a licensed family day care provider for 22 years. She has never received a complaint. English is her third language, and although she has been studying for her GED at night, she won't be ready for the test without closing her business.

CON: This rule went into effect last March after a four-year negotiated rulemaking process with the family home union. This decision was given to the director of the Department of Early Learning (DEL) to make, as the team did not come to a consensus. Licensed family home providers are professionals; they are not babysitters. Children sometimes spend the majority of their waking hours in child care, and a provider's job is to prepare them for school. DEL thinks this rule is a fair rule. It is true that there is no correlation between a high school diploma and improved outcomes for children; the actual improved outcomes come from people with bachelor's degrees. We think that child care providers can reach a high school diploma or a child development associate credential. We have provided funds to help providers meet these educational requirements. We do not want to minimize the fact that there are very good providers who have been doing this for 30 years, but we think there is some value in providers having experience in the educational system. We would also support an exemption for providers who enroll in the Early Achievers program and earn a level three rating or higher.

OTHER: We know that early learning is important, and in many cases, a high school diploma demonstrates increased quality. We also know that quality comes from a lot of

intangible things, such as identity development and cultural and language preservation. This is particularly relevant for communities of color and marginalized communities. There is an overwhelming sense among providers that they are being put out of the business of caring for their children. Many of them do not have their educational documentation from their home country, and some of their documentation does not translate. We need to be aware of the unintended consequences of our policies.

**Persons Testifying:** PRO: Senator Fraser, prime sponsor; Lonnie Johns-Brown, SEIU 925; Priscilla Turcott, citizen.

CON: Amy Blondin, DEL.

OTHER: Lauren Hipp, Thrive by Five WA.