

SENATE BILL REPORT

SB 6234

As Reported by Senate Committee On:
Human Services & Corrections, February 5, 2014

Title: An act relating to compliance with inspections of child care facilities.

Brief Description: Concerning compliance with inspections of child care facilities.

Sponsors: Senators Padden and Hargrove.

Brief History:

Committee Activity: Human Services & Corrections: 1/28/14, 2/05/14 [DPS-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Staff: Joan Miller (786-7784)

Background: The Department of Early Learning (DEL) licenses child care family homes and child care centers. Licensing activities include trainings, first aid and CPR training, criminal background checks, and health and safety checks. The stated purpose of licensing requirements is to promote the health and safety of children attending child care programs.

Family home child care providers offer care in the home where they live. Family home providers can care for up to 12 children through age 12. Prior to becoming licensed, a family home provider must comply with locally established city ordinances and make a request to the local fire department to seek assistance in planning evaluations and emergency procedures. If the local fire department does not provide this service, the child care family home licensee must provide documentation that the request was made. Family home providers receive licensing monitoring visits every 18 months. Only areas of the home that are used for child care are licensed. Areas of the home that are not used for the purposes of child care are considered unlicensed and are not subject to licensing inspections. Family home providers, however, are asked to declare that they are in compliance with DEL requirements for furnaces, guns and weapons, smoke detectors, and medication storage in all

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unlicensed spaces. DEL's stated purpose for this declaration is to help ensure the safety of children receiving care in the home.

Child care centers offer care in commercial, privately owned, school or faith-based spaces. Child care center providers serve children ages one month through 12 years of age. Prior to becoming licensed, a child care center must obtain a Certificate of Occupancy through the city or county building department, register the business, and receive a Certificate of Compliance from the director of fire protection. Child care centers receive licensing monitoring visits annually.

Summary of Bill (Recommended Substitute): Prior to requiring any alterations to a child care facility due to inconsistencies with the state building code, DEL must consult with a city or county official and receive written verification that the alteration is required. The consultation is limited to licensed child care space. While waiting for the consultation and written verification, DEL may not modify, suspend, or revoke a license unless there is imminent danger to children or staff.

Child care facility means a family daycare home, school-age care, and child daycare center.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Prior to requiring any alterations to a child care facility due to inconsistencies with the state building code, DEL must consult with a city or county official and receive written verification that the alteration is required. The consultation is limited to licensed child care space. While waiting for the consultation and written verification, DEL may not modify, suspend, or revoke a license unless there is imminent danger to children or staff. The requirement that DEL be held responsible for business losses is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: I have a number of constituents in the Spokane area concerned with inspections by DEL. In a significant number of cases, both in the family homes and the centers, DEL has been taking what is, in my view, the job of local officials. This bill would allow local officials who have the expertise in this area to handle the inspections. If there is imminent danger or an emergency, then DEL should be involved as well. I speak in support of this bill in the interests of parents and children. Despite DEL's constant claims to the contrary, it has failed to address the issues in this bill because of a wrong-headed approach in regulating child care. This bill represents a small stop-gap in DEL's relentless expansion toward universal oversight and apparently custodial care of children. My wife's daycare is exhibit A. DEL licensors have imposed their unfounded, irrational, and bureaucratic-minded interpretation of the regulations at the unnecessary cost of thousands of dollars that did not contribute to safety.

My wife and I were forced to drain our water feature in our front yard even though children never had unsupervised access to it. My wife is a provider who is highly rated and yet has had trouble with licensing issues. Many providers have been forced out of business trying to comply with building and fire codes ineptly interpreted by social workers. Fire departments have experts trained in these types of inspections, and DEL needs to focus on health and safety. Many family businesses have also been forced to close due to increasingly absurd regulations often applied in improper zoning areas. The fence enclosing our playground was installed by the city per its requirements, but DEL mandates a taller height. Washington has 92 pages of regulations providers must follow; Idaho has 12, and Minnesota has 27. According to the Washington Child Care Survey from 2010-12, the state has 1500 fewer providers and 50,000 fewer children in licensed child care. Families are being forced into unlicensed child care with no standards at all due to unprecedented growth in DEL regulations. DEL's intent was to increase access to licensed child care for working families, and the opposite has happened.

OTHER: DEL is very supportive of the proposed substitute. Our issues with the original bill were around opening the state up to more tort liability, but also the second section was fairly reflective of our current practice. We already pay for the fire marshal to do the inspections. We do not require family homes to have a fire marshal inspection. We simply require them to contact their local fire department and communicate with them so that the fire department is aware that there would be a large amount of children in the licensed space. We also do not go into unlicensed spaces, but we do have a declaration form for family home providers to complete to declare such things as guns, weapons, and furnace areas. Our regulations defer to local codes if they are more stringent.

Persons Testifying: PRO: Senator Padden, prime sponsor; Tim Benn, Gib Kocherhans, Isaac Coning; citizens.

OTHER: Amy Blondin, DEL.