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**SUBSTITUTE HOUSE BILL 1852**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Kagi, Ryu, and Freeman)

READ FIRST TIME 02/22/13.

1       AN ACT Relating to building code council rules that impact before  
2 or after-school programs; amending RCW 43.215.210; and reenacting and  
3 amending RCW 43.215.200.

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

5       **Sec. 1.** RCW 43.215.200 and 2011 c 359 s 2 and 2011 c 253 s 3 are  
6 each reenacted and amended to read as follows:

7       It shall be the director's duty with regard to licensing:

8       (1) In consultation and with the advice and assistance of persons  
9 representative of the various type agencies to be licensed, to  
10 designate categories of child care facilities for which separate or  
11 different requirements shall be developed as may be appropriate whether  
12 because of variations in the ages and other characteristics of the  
13 children served, variations in the purposes and services offered or  
14 size or structure of the agencies to be licensed, or because of any  
15 other factor relevant thereto;

16       (2) In consultation with the state fire marshal's office, the  
17 director shall use an interagency process to address health and safety  
18 requirements for child care programs that serve school-age children and

1 are operated in buildings that contain public or private schools that  
2 safely serve children during times in which school is in session;

3 (3) In consultation with the state fire marshal's office, the  
4 director shall adopt licensing standards that allow children who attend  
5 classes in a school building during school hours to remain in the same  
6 building to participate in before-school or after-school programs;

7 (4) In consultation and with the advice and assistance of parents  
8 or guardians, and persons representative of the various type agencies  
9 to be licensed, to adopt and publish minimum requirements for licensing  
10 applicable to each of the various categories of agencies to be licensed  
11 under this chapter;

12 ~~((+4))~~ (5) In consultation with law enforcement personnel, the  
13 director shall investigate the conviction record or pending charges of  
14 each agency and its staff seeking licensure or relicensure, and other  
15 persons having unsupervised access to children in care;

16 ~~((+5))~~ (6) To satisfy the shared background check requirements  
17 provided for in RCW 43.215.215 and 43.20A.710, the department of early  
18 learning and the department of social and health services shall share  
19 federal fingerprint-based background check results as permitted under  
20 the law. The purpose of this provision is to allow both departments to  
21 fulfill their joint background check responsibility of checking any  
22 individual who may have unsupervised access to vulnerable adults,  
23 children, or juveniles. Neither department may share the federal  
24 background check results with any other state agency or person;

25 ~~((+6))~~ (7) To issue, revoke, or deny licenses to agencies pursuant  
26 to this chapter. Licenses shall specify the category of care that an  
27 agency is authorized to render and the ages and number of children to  
28 be served;

29 ~~((+7))~~ (8) To prescribe the procedures and the form and contents  
30 of reports necessary for the administration of this chapter and to  
31 require regular reports from each licensee;

32 ~~((+8))~~ (9) To inspect agencies periodically to determine whether  
33 or not there is compliance with this chapter and the requirements  
34 adopted under this chapter;

35 ~~((+9))~~ (10) To review requirements adopted under this chapter at  
36 least every two years and to adopt appropriate changes after  
37 consultation with affected groups for child day care requirements; and

1           (~~(+10)~~) (11) To consult with public and private agencies in order  
2 to help them improve their methods and facilities for the care and  
3 early learning of children.

4           **Sec. 2.** RCW 43.215.210 and 2006 c 265 s 302 are each amended to  
5 read as follows:

6           The chief of the Washington state patrol, through the director of  
7 fire protection, shall have the power and it shall be his or her duty:

8           (1) In consultation with the director and with the advice and  
9 assistance of persons representative of the various type agencies to be  
10 licensed, to adopt recognized minimum standard requirements pertaining  
11 to each category of agency established pursuant to this chapter  
12 necessary to protect all persons residing therein from fire hazards;

13           (2) To adopt minimum standard requirements to allow children who  
14 attend classes in a school building during school hours to remain in  
15 the same building to participate in before-school or after-school  
16 programs;

17           (3) To make or cause to be made such inspections and investigations  
18 of agencies as he or she deems necessary;

19           (~~(+3)~~) (4) To make a periodic review of requirements under RCW  
20 43.215.200(~~(+5)~~) (9) and to adopt necessary changes after consultation  
21 as required in subsection (1) of this section;

22           (~~(+4)~~) (5) To issue to applicants for licenses under this chapter  
23 who comply with the requirements, a certificate of compliance, a copy  
24 of which shall be presented to the department before a license shall be  
25 issued, except that an initial license may be issued as provided in RCW  
26 43.215.280.

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