

SHB 2511 - H AMD 606

By Representative Kagi

ADOPTED 02/10/2016

1 On page 2, after line 7, insert the following:

2 **"Sec. 3.** RCW 43.215.010 and 2015 3rd sp.s. c 7 s 19 are each  
3 amended to read as follows:

4 The definitions in this section apply throughout this chapter  
5 unless the context clearly requires otherwise.

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

10 (a) "Child day care center" means an agency that regularly  
11 provides early childhood education and early learning services for a  
12 group of children for periods of less than twenty-four hours;

13 (b) "Early learning" includes but is not limited to programs and  
14 services for child care; state, federal, private, and nonprofit  
15 preschool; child care subsidies; child care resource and referral;  
16 parental education and support; and training and professional  
17 development for early learning professionals;

18 (c) "Family day care provider" means a child care provider who  
19 regularly provides early childhood education and early learning  
20 services for not more than twelve children in the provider's home in  
21 the family living quarters;

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

27

1 (e) "Service provider" means the entity that operates a  
2 community facility.

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

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

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

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

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

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

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

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

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

24 (e) Nursery schools that are engaged primarily in early  
25 childhood education with preschool children and in which no child is  
26 enrolled on a regular basis for more than four hours per day;

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

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

33 (h) Facilities providing child care for periods of less than  
34 twenty-four hours when a parent or legal guardian of the child

1 remains on the premises of the facility for the purpose of  
2 participating in:

3 (i) Activities other than employment; or

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

8 (i) Any entity that provides recreational or educational  
9 programming for school-age children only and the entity meets all of  
10 the following requirements:

11 (i) The entity utilizes a drop-in model for programming, where  
12 children are able to attend during any or all program hours without  
13 a formal reservation;

14 (ii) The entity does not assume responsibility in lieu of the  
15 parent, unless for coordinated transportation;

16 (iii) The entity is a local affiliate of a national nonprofit;  
17 and

18 (iv) The entity is in compliance with all safety and quality  
19 standards set by the associated national agency;

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

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

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

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

32 (4) "Conviction information" means criminal history record  
33 information relating to an incident which has led to a conviction or  
34 other disposition adverse to the applicant.

1 (5) "Department" means the department of early learning.

2 (6) "Director" means the director of the department.

3 (7) "Early achievers" means a program that improves the quality  
4 of early learning programs and supports and rewards providers for  
5 their participation.

6 (8) "Early childhood education and assistance program  
7 contractor" means an organization that provides early childhood  
8 education and assistance program services under a signed contract  
9 with the department.

10 (9) "Early childhood education and assistance program provider"  
11 means an organization that provides site level, direct, and high  
12 quality early childhood education and assistance program services  
13 under the direction of an early childhood education and assistance  
14 program contractor.

15 (10) "Early start" means an integrated high quality continuum of  
16 early learning programs for children birth-to-five years of age.  
17 Components of early start include, but are not limited to, the  
18 following:

19 (a) Home visiting and parent education and support programs;

20 (b) The early achievers program described in RCW 43.215.100;

21 (c) Integrated full-day and part-day high quality early learning  
22 programs; and

23 (d) High quality preschool for children whose family income is  
24 at or below one hundred ten percent of the federal poverty level.

25 (11) "Education data center" means the education data center  
26 established in RCW 43.41.400, commonly referred to as the education  
27 research and data center.

28 (12) "Employer" means a person or business that engages the  
29 services of one or more people, especially for wages or salary to  
30 work in an agency.

31 (13) "Enforcement action" means denial, suspension, revocation,  
32 modification, or nonrenewal of a license pursuant to RCW  
33 43.215.300(1) or assessment of civil monetary penalties pursuant to  
34 RCW 43.215.300(3).

1 (14) "Extended day program" means an early childhood education  
2 and assistance program that offers early learning education for at  
3 least ten hours per day, a minimum of two thousand hours per year,  
4 at least four days per week, and operates year-round.

5 (15) "Full day program" means an early childhood education and  
6 assistance program that offers early learning education for a  
7 minimum of one thousand hours per year.

8 (16) "Low-income child care provider" means a person who  
9 administers a child care program that consists of at least eighty  
10 percent of children receiving working connections child care  
11 subsidy.

12 (17) "Low-income neighborhood" means a district or community  
13 where more than twenty percent of households are below the federal  
14 poverty level.

15 (18) "Negative action" means a court order, court judgment, or  
16 an adverse action taken by an agency, in any state, federal, tribal,  
17 or foreign jurisdiction, which results in a finding against the  
18 applicant reasonably related to the individual's character,  
19 suitability, and competence to care for or have unsupervised access  
20 to children in child care. This may include, but is not limited to:

21 (a) A decision issued by an administrative law judge;

22 (b) A final determination, decision, or finding made by an  
23 agency following an investigation;

24 (c) An adverse agency action, including termination, revocation,  
25 or denial of a license or certification, or if pending adverse  
26 agency action, the voluntary surrender of a license, certification,  
27 or contract in lieu of the adverse action;

28 (d) A revocation, denial, or restriction placed on any  
29 professional license; or

30 (e) A final decision of a disciplinary board.

31 (19) "Nonconviction information" means arrest, founded  
32 allegations of child abuse, or neglect pursuant to chapter 26.44  
33 RCW, or other negative action adverse to the applicant.

34

1 (20) "Nonschool-age child" means a child who is age six years or  
2 younger and who is not enrolled in a public or private school.

3 (21) "Part day program" means an early childhood education and  
4 assistance program that offers early learning education for at least  
5 two and one-half hours per class session, at least three hundred  
6 twenty hours per year, for a minimum of thirty weeks per year.

7 (22) "Private school" means a private school approved by the  
8 state under chapter 28A.195 RCW.

9 (23) "Probationary license" means a license issued as a  
10 disciplinary measure to an agency that has previously been issued a  
11 full license but is out of compliance with licensing standards.

12 (24) "Requirement" means any rule, regulation, or standard of  
13 care to be maintained by an agency.

14 (25) "School-age child" means a child who is (~~between the ages~~  
15 ~~of~~) five years (~~and~~) of age through twelve years of age and is  
16 attending a public or private school or is receiving home-based  
17 instruction under chapter 28A.200 RCW.

18 (26) "Washington state preschool program" means an education  
19 program for children three-to-five years of age who have not yet  
20 entered kindergarten, such as the early childhood education and  
21 assistance program."

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23 Correct the title.

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EFFECT: Modifies the definition of "school-age child" to  
include children through 12 years of age for the purposes of school-  
age child care.

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