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HOUSE BILL 2389

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State of Washington                      64th Legislature                      2016 Regular Session

By Representatives Kagi, Walsh, Jenkins, Kilduff, and Moscoso

Read first time 01/13/16. Referred to Committee on Early Learning & Human Services.

1            AN ACT Relating to the definition of school-age child for  
2 purposes of school-age child care; and amending RCW 43.215.010.

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

4            **Sec. 1.** RCW 43.215.010 and 2015 3rd sp.s. c 7 s 19 are each  
5 amended to read as follows:

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

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

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

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

20            (c) "Family day care provider" means a child care provider who  
21 regularly provides early childhood education and early learning

1 services for not more than twelve children in the provider's home in  
2 the family living quarters;

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

8 (e) "Service provider" means the entity that operates a community  
9 facility.

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

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

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

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

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

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

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

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

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

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

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

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

1 (h) Facilities providing child care for periods of less than  
2 twenty-four hours when a parent or legal guardian of the child  
3 remains on the premises of the facility for the purpose of  
4 participating in:

5 (i) Activities other than employment; or

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

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

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

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

18 (iii) The entity is a local affiliate of a national nonprofit;  
19 and

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

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

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

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

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

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

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

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

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

1 (8) "Early childhood education and assistance program contractor"  
2 means an organization that provides early childhood education and  
3 assistance program services under a signed contract with the  
4 department.

5 (9) "Early childhood education and assistance program provider"  
6 means an organization that provides site level, direct, and high  
7 quality early childhood education and assistance program services  
8 under the direction of an early childhood education and assistance  
9 program contractor.

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

14 (a) Home visiting and parent education and support programs;  
15 (b) The early achievers program described in RCW 43.215.100;  
16 (c) Integrated full-day and part-day high quality early learning  
17 programs; and

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

20 (11) "Education data center" means the education data center  
21 established in RCW 43.41.400, commonly referred to as the education  
22 research and data center.

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

26 (13) "Enforcement action" means denial, suspension, revocation,  
27 modification, or nonrenewal of a license pursuant to RCW  
28 43.215.300(1) or assessment of civil monetary penalties pursuant to  
29 RCW 43.215.300(3).

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

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

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

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

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

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

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

13 (c) An adverse agency action, including termination, revocation,  
14 or denial of a license or certification, or if pending adverse agency  
15 action, the voluntary surrender of a license, certification, or  
16 contract in lieu of the adverse action;

17 (d) A revocation, denial, or restriction placed on any  
18 professional license; or

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

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

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

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

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

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

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

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

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

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