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**Early Learning & Human Services  
Committee**

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**HB 2013**

**Brief Description:** Providing for the use of independent mediators to address adverse child care licensing decisions.

**Sponsors:** Representatives Dent, McDonald, Senn, Klippert, Kagi, Griffey, Jinkins and Johnson.

**Brief Summary of Bill**

- Requires the Department of Early Learning to provide mediation for license applicants or licensees who have received an adverse licensing decision by the DEL.

**Hearing Date:** 2/15/17

**Staff:** Dawn Eychaner (786-7135).

**Background:**

Department of Early Learning Licensing.

The Department of Early Learning (DEL) adopts licensing standards for child care and early education programs. The licensing standards must provide minimum requirements for health and safety, address quality, consider the different needs of family care providers and child care centers, and promote the continued safety of child care settings.

If a party does not meet the minimum licensing requirements or violates licensing rules, the DEL may assess a fine, deny a license application, or suspend, modify, or revoke an existing license. The DEL must give written notice of the agency's action and reasons for the action to the applicant or licensee. In general, the fine is due or the license revocation, suspension, or modification is effective 28 days after the licensee receives the notice. The DEL may make the effective date of license suspensions or revocations earlier than 28 days from the date of the notice in certain circumstances.

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*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.*

A license applicant or licensee who disagrees with the DEL's adverse licensing action has the right to an adjudicative proceeding governed by the provisions of the Administrative Procedure Act (APA). The aggrieved party must serve the DEL and the Office of Administrative Hearings (OAH) with written notice contesting the agency's action within 28 days of the party receiving the adverse notice.

Administrative Procedure Act.

The APA establishes the procedures for state agency rulemaking and other administrative proceedings. Under the APA, individuals may appeal an agency action and must exhaust all available administrative remedies prior to filing a petition for judicial review. Administrative review allows the parties the opportunity to create a record of relevant facts and issues in dispute.

The OAH is an independent agency under the direction of a chief administrative law judge. Hearings before the OAH are presided over by an administrative law judge and are conducted in accordance with procedures outlined in the APA.

**Summary of Bill:**

The DEL must contract with independent mediators for use upon request by applicants or licensees who receive a denial, modification, suspension, or revocation of a license from the DEL. Mediators must have knowledge of or expertise in providing licensed child care and may not have an interest in the resolution of the case or be related to a party.

The applicant or licensee must notify the DEL of his or her request for mediation and the mediation must be completed within 28 days of the applicant or licensee's request. Applicants and licensees who participate in mediation retain their rights to contest the adverse licensing action under the provisions of the APA.

If mediation does not resolve the issue, the licensee or applicant must follow established procedures for providing notice to the DEL of an intent to appeal.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2017

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.