
Children, Youth & Families Committee

SSB 5151

Brief Description: Concerning foster care and child care licensing by the department of children, youth, and families.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Das, Kuderer, Nobles and Saldaña; by request of Department of Children, Youth, and Families).

Brief Summary of Substitute Bill

- Makes the outdoor nature-based child care pilot program permanent.
- Amends provisions related to child care licensing.
- Makes changes to foster care licensing, including creating a child-specific license and amending the definition of a qualified residential treatment program.
- Prohibits the Secretary of the Department of Children, Youth, and Families from charging fees for obtaining a child care license until June 30, 2023.

Hearing Date: 3/11/21

Staff: Lena Brodsky (786-7192).

Background:

Outdoor Nature-Based Child Care Pilot Project.

In 2017 the Department of Children, Youth, and Families (DCYF) was directed to establish a pilot project to license outdoor nature-based early learning and child care programs. The pilot project is set to expire on June 30, 2021.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Child Care Licensing Exemptions.

It is unlawful for any agency to care for children unless the agency is licensed. The term agency does not include a number of entities including:

- seasonal camps of three months or less duration engaged primarily in recreational or educational activities; and
- schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school- age children.

Background Checks.

Any person seeking a child care license or employment in any licensed or regulated child care facility must submit certain information including background check applications.

Internal Review Process and Facility Licensing Compliance Agreements.

The DCYF must develop an internal review process to determine whether licensors have appropriately and consistently applied agency rules in child care facility license compliance agreements that do not involve a violation of health and safety standards. A licensee must request a review under the internal review process within 10 days of the development of an agreement.

Child care facility licensing compliance agreement means an agreement issued by the DCYF in lieu of enforcement action against a child care provider that contains:

- a description of the violation and the rule or law that was violated;
- a statement from the licensee regarding the proposed plan to comply with the rule or law;
- the date the violation must be corrected;
- information regarding other licensing action that may be imposed if compliance does not occur by the required date; and
- the signature of the licensor and licensee.

Relative Care.

State law provides the Secretary of the DCYF (Secretary) with the power and duty to adopt and publish minimum requirements for licensing foster family homes. Kinship care is the full-time care of children by relatives. The DCYF is responsible for planning, designing and implementing strategies to prioritize placing children with willing and able kin when out-of-home placement is required.

Qualified Residential Treatment Programs.

The Family First Prevention Services Act (FFPSA) modified the way that Title IV-E funds may be spent. The FFPSA places restrictions on the use of congregate or group care for a child by generally not reimbursing the state for a child placed in a group care setting for more than two weeks that is not a foster home or a qualified residential treatment program (QRTP). A QRTP must:

- use a trauma-informed treatment model that is designed to address the needs of children

- with serious emotional or behavioral disorders or disturbances, and
- be able to implement treatment that meets certain requirements.

Child Care Licensing Fees.

Current law requires the Secretary to charge fees to the licensee for obtaining a child care license. The Secretary has the discretion to waive fees if the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state. Fees charged must be based on, but must not exceed, the cost to the DCYF for the licensure of the activity and may include costs of necessary inspection. The DCYF must establish the fees in rule. The annual fee for family home providers is \$30, and the annual fee for child care centers is \$125 for the first 12 children plus \$12 for each additional child.

Summary of Substitute Bill:

Outdoor Nature-Based Child Care.

The outdoor nature-based child care program is made permanent. It is defined as an agency or any agency-offered program that:

- enrolls preschool or school-age children;
- provides early learning services in an outdoor natural space approved by the DCYF for not less than four hours per day or 50 percent of the daily program hours, whichever is less; and
- teaches a nature-based curriculum.

The Early Achievers (EA) program is applied to outdoor nature-based child care, and the DCYF must adopt rules to implement and apply the EA program. The DCYF may waive or adapt licensing and the EA requirements when necessary to allow for the operation of outdoor classrooms.

A federally recognized tribe may participate in an outdoor nature-based child care program through an interlocal agreement between the tribe and the DCYF. Subject to the availability of funds, the DCYF may convene an advisory group of practitioners to inform and support implementation of the outdoor nature-based child care program. Outdoor nature-based child care program is added to various provisions including:

- the EA program requirements;
- certain reports;
- various licensing and insurance requirements;
- ability to provide Early Childhood Education and Assistance Program services; and
- pesticide use and immunization requirements.

Child Care Licensing Exemptions.

Private schools that operate early learning programs and do not receive state subsidy are subject to the minimum health and safety developed by the DCYF to protect the health and safety of children against substantial risk of bodily injury, illness, or death and any other health and safety requirements on private schools.

The definition of "seasonal camps" is amended to mean a program that:

- operates for three months or less within a period of 12 consecutive months;
- is engaged primarily in recreational or educational activities conducted on a closely supervised basis; and
- is owned by any person, organization, association, or corporation, or is operated by a federal, state, county, or municipal government.

Background Checks.

All current employees of the child care agency must submit background check applications into the DCYF's electronic workforce registry.

Internal Review Process and Inspection Reports.

The internal review process and appeals process is amended so that it used to determine whether licensors have appropriately and consistently applied agency rules in inspection reports, instead of child care facility licensing compliance agreements. Inspection report means a written or digital record or report by the DCYF that identifies or describes licensing violations or conditions within an agency.

The internal review process must be completed within 60, instead of 30, days after the request from the licensee.

The prohibition that the DCYF not develop a child care facility licensing compliance agreement for first-time violations of rules that do not relate to health and safety standards is removed.

Child-Specific Foster Care Licenses.

The DCYF may issue a child-specific license to a relative or a suitable person who opts to become licensed for placement of a specific child and that child's siblings or relatives in the DCYF's care, custody, and control. Such individuals must meet all minimum licensing requirements and other criteria the DCYF establishes by rule.

For purposes of federal funding, a child-specific license is considered a full license with all of the rights and responsibilities of a foster family home license except that the licensee may only receive placement of specific children. Placement with a person who holds a child-specific license is subject to the DCYF's sole discretion.

The DCYF must seek input from certain stakeholders during the development and adoption of rules necessary to implement this license.

Qualified Residential Treatment Program.

The definition of QRTP is amended to mean a program that meets certain state requirements, qualifies for funding under the FFPSA, and, if located within the state, is licensed as a group care facility.

Prohibition on Licensing Fees.

The DCYF is prohibited from charging fees to obtain a child care license until June 30, 2023.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates.