

FINAL BILL REPORT

SSB 5151

PARTIAL VETO

C 304 L 21

Synopsis as Enacted

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).

Senate Committee on Early Learning & K-12 Education

Senate Committee on Ways & Means

House Committee on Children, Youth & Families

House Committee on Appropriations

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 conclude on June 30, 2021.

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. To qualify for a non-expiring full child care license, a licensee must submit certain information including background check applications.

Internal Review Process and Facility Licensing Compliance Agreements. DCYF must develop an internal review process to determine whether licensors have appropriately and

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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 ten days of the development of an agreement.

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

Relative Care. State law provides the secretary of DCYF 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. 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 of DCYF 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 DCYF for the licensure of the activity and may include costs of necessary inspection. 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: 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 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.

DCYF must adopt rules to implement and apply Early Achievers to this program. DCYF may waive or adapt licensing and Early Achievers requirements when necessary.

A federally recognized tribe may participate in an outdoor nature-based child care program through an interlocal agreement between the tribe and DCYF.

Subject to the availability of funds, DCYF may convene an advisory group of practitioners to inform and support implementation of the program.

Outdoor nature-based child care program adds to various provisions including:

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

Child Care Licensing Exemptions. 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.

Private schools that operate early learning programs and do not receive state subsidy payments are subject to the minimum health and safety requirements developed by 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.

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

Internal Review Process and Inspection Reports. The internal review process and appeals process is 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 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 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. 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 DCYF's care, custody, and control. Such individuals must meet all minimum licensing requirements and other criteria 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.

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. DCYF is prohibited from charging fees to the licensee for obtaining a child care license until June 30, 2023.

Votes on Final Passage:

Senate	29	18	
House	88	10	(House amended)
Senate	38	11	(Senate concurred)

Effective: July 25, 2021

December 31, 2021 (Section 4)

Partial Veto Summary:

- The null and void clause was removed.