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**HOUSE BILL 2264**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Caldier, Schmidt, and Abbarno

Read first time 01/10/24. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to excluding certain family home-based child care  
2 providers from the list of agencies subject to licensure and  
3 regulation by the department of children, youth, and families; and  
4 reenacting and amending RCW 43.216.010.

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

6 **Sec. 1.** RCW 43.216.010 and 2021 c 304 s 2 and 2021 c 199 s 501  
7 are each reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

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

14 (a) "Child day care center" and "child care center" mean an  
15 agency that regularly provides early childhood education and early  
16 learning services for a group of children for periods of less than 24  
17 hours;

18 (b) "Early learning" includes but is not limited to programs and  
19 services for child care; state, federal, private, and nonprofit  
20 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional  
2 development for early learning professionals;

3 (c) "Family day care provider" and "family home provider" mean a  
4 child care provider who regularly provides early childhood education  
5 and early learning services for at least four and not more than 12  
6 children at any given time in the provider's home in the family  
7 living quarters except as provided in RCW 43.216.692;

8 (d) "Nongovernmental private-public partnership" means an entity  
9 registered as a nonprofit corporation in Washington state with a  
10 primary focus on early learning, school readiness, and parental  
11 support, and an ability to raise a minimum of \$5,000,000 in  
12 contributions;

13 (e) "Outdoor nature-based child care" means an agency or an  
14 agency-offered program that:

15 (i) Enrolls preschool or school-age children;

16 (ii) Provides early learning services to the enrolled children in  
17 an outdoor natural space approved by the department for not less than  
18 four hours per day or fifty percent of the daily program hours,  
19 whichever is less; and

20 (iii) Teaches a nature-based curriculum to enrolled children;

21 (f) "Service provider" means the entity that operates a community  
22 facility.

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

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

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

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

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

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

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

36 (c) Persons who care for a neighbor's or friend's child or  
37 children, with or without compensation, where the person providing  
38 care for periods of less than 24 hours does not conduct such activity  
39 on an ongoing, regularly scheduled basis for the purpose of engaging

1 in business, which includes, but is not limited to, advertising such  
2 care;

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

5 (e) A provider who regularly provides child care services in the  
6 provider's home in family living quarters for not more than three  
7 children at any given time;

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

11 ~~((f))~~ (g) Schools, including boarding schools, that are engaged  
12 primarily in education, operate on a definite school year schedule,  
13 follow a stated academic curriculum, and accept only school age  
14 children;

15 ~~((g))~~ (h) Seasonal camps. For purposes of this chapter,  
16 "seasonal camp" means a program that:

17 (i) Operates for three months or less within a period of twelve  
18 consecutive months;

19 (ii) Is engaged primarily in recreational or educational  
20 activities conducted on a closely supervised basis; and

21 (iii) Is owned by any person, organization, association, or  
22 corporation, or is operated by a federal, state, county, or municipal  
23 government;

24 ~~((h))~~ (i) Facilities providing child care for periods of less  
25 than 24 hours when a parent or legal guardian of the child remains on  
26 the premises of the facility for the purpose of participating in:

27 (i) Activities other than employment; or

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

32 ~~((i))~~ (j) Any entity that provides recreational or educational  
33 programming for school age children only and the entity meets all of  
34 the following requirements:

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

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

1 (iii) The entity is a local affiliate of a national nonprofit;  
2 and  
3 (iv) The entity is in compliance with all safety and quality  
4 standards set by the associated national agency;  
5 (~~(j)~~) (k) A program operated by any unit of local, state, or  
6 federal government;  
7 (~~(k)~~) (l) A program located within the boundaries of a  
8 federally recognized Indian reservation, licensed by the Indian  
9 tribe;  
10 (~~(l)~~) (m) A program located on a federal military reservation,  
11 except where the military authorities request that such agency be  
12 subject to the licensing requirements of this chapter; or  
13 (~~(m)~~) (n) A program that offers early learning and support  
14 services, such as parent education, and does not provide child care  
15 services on a regular basis.  
16 (3) "Applicant" means a person who requests or seeks employment  
17 in an agency.  
18 (4) "Certificate of parental improvement" means a certificate  
19 issued under RCW 74.13.720 to an individual who has a founded finding  
20 of physical abuse or negligent treatment or maltreatment, or a court  
21 finding that the individual's child was dependent as a result of a  
22 finding that the individual abused or neglected their child pursuant  
23 to RCW 13.34.030(6)(b).  
24 (5) "Conviction information" means criminal history record  
25 information relating to an incident which has led to a conviction or  
26 other disposition adverse to the applicant.  
27 (6) "Department" means the department of children, youth, and  
28 families.  
29 (7) "Early achievers" means a program that improves the quality  
30 of early learning programs and supports and rewards providers for  
31 their participation.  
32 (8) "Early childhood education and assistance program contractor"  
33 means an organization that provides early childhood education and  
34 assistance program services under a signed contract with the  
35 department.  
36 (9) "Early childhood education and assistance program provider"  
37 means an organization that provides site level, direct, and high  
38 quality early childhood education and assistance program services  
39 under the direction of an early childhood education and assistance  
40 program contractor.

1 (10) "Education data center" means the education data center  
2 established in RCW 43.41.400, commonly referred to as the education  
3 research and data center.

4 (11) "Employer" means a person or business that engages the  
5 services of one or more people, especially for wages or salary to  
6 work in an agency.

7 (12) "Enforcement action" means denial, suspension, revocation,  
8 modification, or nonrenewal of a license pursuant to RCW  
9 43.216.325(1) or assessment of civil monetary penalties pursuant to  
10 RCW 43.216.325(3).

11 (13) "Extended day program" means an early childhood education  
12 and assistance program that offers early learning education for at  
13 least 10 hours per day, a minimum of 2,000 hours per year, at least  
14 four days per week, and operates year-round.

15 (14) "Family resource and referral linkage system" means a system  
16 that connects families to resources, services, and programs for which  
17 families are eligible and uses a database that is developed and  
18 maintained in partnership with communities, health care providers,  
19 and early learning providers.

20 (15) "Family resource center" means a unified single point of  
21 entry where families, individuals, children, and youth in communities  
22 can obtain information, an assessment of needs, referral to, or  
23 direct delivery of family services in a manner that is welcoming and  
24 strength-based.

25 (a) A family resource center is designed to meet the needs,  
26 cultures, and interests of the communities that the family resource  
27 center serves.

28 (b) Family services may be delivered directly to a family at the  
29 family resource center by family resource center staff or by  
30 providers who contract with or have provider agreements with the  
31 family resource center. Any family resource center that provides  
32 family services shall comply with applicable state and federal laws  
33 and regulations regarding the delivery of such family services,  
34 unless required waivers or exemptions have been granted by the  
35 appropriate governing body.

36 (c) Each family resource center shall have one or more family  
37 advocates who screen and assess a family's needs and strengths. If  
38 requested by the family, the family advocate shall assist the family  
39 with setting its own goals and, together with the family, develop a

1 written plan to pursue the family's goals in working towards a  
2 greater level of self-reliance or in attaining self-sufficiency.

3 (16) "Full day program" means an early childhood education and  
4 assistance program that offers early learning education for a minimum  
5 of 1,000 hours per year.

6 (17) "Inspection report" means a written or digital record or  
7 report created by the department that identifies or describes  
8 licensing violations or conditions within an agency. An inspection  
9 report does not include a child care facility licensing compliance  
10 agreement as defined in RCW 43.216.395.

11 (18) "Low-income child care provider" means a person who  
12 administers a child care program that consists of at least 80 percent  
13 of children receiving working connections child care subsidy.

14 (19) "Low-income neighborhood" means a district or community  
15 where more than 20 percent of households are below the federal  
16 poverty level.

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

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

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

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

30 (d) A revocation, denial, or restriction placed on any  
31 professional license; or

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

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

36 (22) "Nonschool age child" means a child who is age six years or  
37 younger and who is not enrolled in a public or private school.

38 (23) "Part day program" means an early childhood education and  
39 assistance program that offers early learning education for at least

1 two and one-half hours per class session, at least 320 hours per  
2 year, for a minimum of 30 weeks per year.

3 (24) "Private school" means a private school approved by the  
4 state under chapter 28A.195 RCW.

5 (25) "Probationary license" means a license issued as a  
6 disciplinary measure to an agency that has previously been issued a  
7 full license but is out of compliance with licensing standards.

8 (26) "Requirement" means any rule, regulation, or standard of  
9 care to be maintained by an agency.

10 (27) "School age child" means a child who is five years of age  
11 through 12 years of age and is attending a public or private school  
12 or is receiving home-based instruction under chapter 28A.200 RCW.

13 (28) "Secretary" means the secretary of the department.

14 (29) "Washington state preschool program" means an education  
15 program for children three-to-five years of age who have not yet  
16 entered kindergarten, such as the early childhood education and  
17 assistance program.

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