
**Early Learning & Human Services
Committee**

HB 2191

Brief Description: Concerning compliance with inspections of child care facilities.

Sponsors: Representatives Scott, Shea, Taylor, Short and Overstreet.

Brief Summary of Bill

- Outlines when the Department of Early Learning may require alterations of a child care facility due to inconsistencies with state building code requirements or minimum standards pertaining to fire hazards.
- Requires a city or county enforcement official or the chief of the Washington State Patrol through the director of fire protection to develop a timeline of compliance with a child care licensee if a regulation violation is identified.
- Requires the Department of Early Learning to pay all fees associated with building code inspections and fire hazards inspections.
- Limits the Department of Early Learning's requests for inspections to licensed child care space.
- Specifies that the Department of Early Learning may not modify, suspend, or revoke a child care license or business activities while the department is waiting for appropriate agency inspections, unless there is imminent danger for children and staff.
- States that if appropriate agencies do not find imminent danger for children or staff, the Department of Early Learning is responsible for business losses due to the modification, suspension, or revocation.

Hearing Date: 1/22/14

Staff: Lindsay Lanham (786-7120).

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.

Background:

The Department of Early Learning (DEL) licenses child care family homes and child care centers. Licensing activities include trainings, first aid and CPR training, criminal background checks, and health and safety checks. The stated purpose of licensing requirements is to promote the health and safety of children attending child care programs.

Family home child care providers offer care in the home where they live. Family home providers can care for up to 12 children through age 12. Prior to becoming licensed a family home provider must comply with locally established city ordinances and make a request to the local fire department to seek assistance in planning evaluations and emergency procedures. If the local fire department does not provide this service, the child care family home licensee must provide documentation that the request was made. Family home providers receive licensing monitoring visits every 18 months. Only areas of the home that are used for child care are licensed. Areas of the home that are not used for the purposes of child care are considered unlicensed and are not subject to licensing inspections. Family home providers, however, are asked to declare that they are in compliance with the DEL requirements for furnaces, guns and weapons, smoke detectors, and medication storage in all unlicensed spaces. The DEL stated purpose for the aforementioned declaration is to help ensure the safety of children receiving care in the home.

Child care centers offer care in commercial, privately owned, school-or faith based spaces. Child care center providers serve children ages one month through 12 years of age. Prior to becoming licensed, a child care center must obtain a Certificate of Occupancy through the city or county building department, register the business, and receive a Certificate of Compliance from the director of fire protection. Child care centers receive licensing monitoring visits annually.

Summary of Bill:

HB 2191 specifies that the DEL may not require alterations of a child care facility due to inconsistencies with state building code requirements or minimum standards pertaining to fire hazards unless the DEL receives notification from a city or county enforcement official or the chief of the Washington state patrol through the director of fire protection that an alteration is required.

In the event that a regulation violation is identified, HB 2191 requires a city or county enforcement official or the chief of the Washington state patrol through the director of fire protection to develop a timeline of compliance with child care licensee.

HB 2191 also specifies that the department is required to pay all fees associated with building code inspections and fire hazards inspections. Further, HB 2191 limits the DEL's request for inspections to licensed child care space.

Finally, HB 2191 specifies that the department may not modify, suspend, or revoke child care license or business activities while the department is waiting for appropriate agency inspections, unless there is imminent danger for children and staff. If the appropriate agencies do not find imminent danger for children or staff, the department is held responsible for business losses due to the modification, suspension, or revocation.

Appropriation: None.

Fiscal Note: Requested on January 15, 2014.

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