

YOUR DUE PROCESS RIGHTS

Hearing Request: You may file a hearing request within 28 days of the notice that your facility license has been summarily suspended or revoked. Requests go to the state Office of Administrative Hearings. Your case will be assigned an Administrative Law Judge (ALJ).

Hearing: You will have a chance to give the ALJ information about your case at a hearing. The ALJ will review evidence, laws and rules related to the case and then issue an initial decision. There is no specific time frame or deadline to complete the hearing process—hearings can take several months to a couple of years.

Review: You can appeal an initial decision within 21 days after the ALJ's decision is mailed. Do this by filing a petition for review with the DEL review judge. If you file a good cause extension request by the 21st day, this deadline may be extended for 30 days. The DEL review judge looks at the entire ALJ hearing record, gives you another chance to present your case and issues a final decision. There is not a specific time frame or deadline to complete the review process—it can take a few weeks to several months.

Reconsideration: Within 10 days after the final order is mailed, either you or DEL may file a request for reconsideration. The DEL review judge will take a second look at his/her final decision. If a good cause extension request is filed by the 10th day, this deadline may be extended to a date set by the DEL review judge. There is no specific time frame for the reconsideration process to be completed.

Judicial Review: Within 30 days after a final decision or reconsideration decision, you may file a petition for judicial review. This means that you are asking the superior court to overturn the DEL review judge's decision. There is no specified time frame to complete this process. Potentially, the court's decision may be appealed up through the court system.

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 Washington State Department of
Early Learning
Kids' Potential, Our Purpose!



Summary Suspensions and Revocations



**A GUIDE FOR LICENSED
CHILD CARE PROVIDERS**

 Washington State Department of
Early Learning

What is a summary suspension?

A summary suspension is a legal action that temporarily closes your child care facility. If the Department of Early Learning (DEL) issues you a summary suspension, it means you must close your facility immediately and stop providing care for children.

Why would I receive a summary suspension?

DEL will summarily suspend a child care facility's license if there are serious health and safety concerns that cannot be immediately fixed.

What allows DEL to issue a summary suspension?

State law authorizes DEL to issue a summary suspension if the agency determines there are immediate health and safety risks in the facility. The law is in Revised Code of Washington (RCW) 43.215.300, 43.215.305 and 34.50.422

Do I need to close my facility right away?

Yes. A summary suspension means that your facility must close right away. You may go before an Administrative Law Judge (ALJ) and request a "stay," which might allow your facility to stay open until all the facts of your case are heard by a judge.



What is a revocation?

A revocation is a legal action that permanently takes away a child care license.

Do I have to close my facility right away?

The revocation letter will tell you by when you need to close your facility. You will have two choices when you receive your letter: You may file paperwork with the state Office of Administrative Hearings (OAH) within 28 days to argue your case with a judge; or you may accept DEL's decision and close your facility.

What allows DEL to revoke my license?

State law authorizes DEL to revoke a child care license. The law is in RCW 43.215.300 and 43.215.305.

What is the difference between a summary suspension and a revocation?

A summary suspension involves immediate health and safety risks. A revocation generally involves repeated violations to state child care licensing rules (Washington Administrative Code or WAC). In some cases, a facility may receive a summary suspension and then a revocation at a later time. This would mean that the violations were serious enough that DEL needed to take the license permanently.

What are my due process rights?

SEE SIDE FLAP for your due process rights.

Where can I find out more information about summary suspensions, revocations and my due process rights?

Visit DEL's Web site at www.del.wa.gov/laws/Default.aspx. On this section of the Web site, you will find more information about laws and rules related to child care licensing.