



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Early Learning (DEL)

Subject of possible rule making:

Title 170 WAC, including but not limited to WAC chapters 170-03, 170-06, 170-290, 170-151, 170-295, and 170-296, and new 170-296A WAC (proposed as WSR 11-09-081).

Statutes authorizing the agency to adopt rules on this subject: Chapter 43.215 RCW; RCW 43.215.255; 43.215.060, 43.215.070, and 43.43.832(6); and bills as enacted by the 2011 Legislature including but not limited to: 2ESHB 1087 (the 2011-2013 Operating Appropriations Act); 2SHB 1903; E2SHB 1776; HB 1419; SB 5172; SB 5625, SSB 5504, or ESSB 5921.

Reasons why rules on this subject may be needed and what they might accomplish:

See Attachment A.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The state Department of Social and Health Services provides certain child care background check services to DEL, administers collection of DEL child care license fees, and with DEL jointly administers the Working Connections Child Care and Seasonal Child Care subsidy programs. The Washington State Patrol provides in-state criminal history information, and coordinates national fingerprint background check processing with the Federal Bureau of Investigation when a fingerprint criminal background check is required for individuals obtaining a DEL child care background check. DEL must follow U.S. Administration for Children and Families - Child Care and Development Fund (CCDF) regulations consistent with the state's CCDF Plan. House Bill (E2SHB) 1776 requires DEL to coordinate certain rule development with the state Fire Marshal's Office. To the extent appropriate, DEL plans to coordinate rule development with these state and federal agencies.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL Rules Coordinator at Rules@del.wa.gov, by phone at 360-725-4397, by fax to 360-725-4459, or writing to: DEL Rules Coordinator, Department of Early Learning, PO Box 40972, Olympia, WA 98504-0972.

DATE
May 31, 2011

NAME (TYPE OR PRINT)

Andy Fernando

SIGNATURE

TITLE
DEL Rules Coordinator

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 31, 2011

TIME: 1:10 PM

WSR 11-12-076

**Attachment A to CR-101
Chapters of Title 170 WAC
Department of Early Learning**

Reasons why rules on this subject may be needed and what they might accomplish:

DEL anticipates that rule making in chapters of title 170 WAC may be needed or required to implement certain bills as enacted by the 2011 Legislature and signed by the Governor, including but not limited to:

- Second Engrossed Substitute House Bill ([2ESHB 1087](#)) (not signed as of 5/27/11) or other 2011-2013 Operating Appropriations Acts
- [2SHB 1903](#) regarding child care background check processes, new and revised fees, who must pay fees, and creation of a portable background check registry
- [E2SHB 1776](#) regarding licensing requirements for school-age child care centers operated in public or private school buildings
- [HB 1419](#) regarding inter-agency sharing of background check information
- Senate Bill ([SB 5172](#)) regarding on-site child care for employees of a business
- [SB 5625](#) regarding non-expiring licenses for early learning providers
- [SSB 5504](#) regarding unlicensed child care
- [ESSB 5921](#) relating to social services, including child care subsidies (not signed as of 5/27/11)

Under chapter 43.215 RCW generally and RCW 43.215.200, the DEL Director has the duty and authority to adopt minimum requirements for licensing various child care agencies and facilities. RCW 43.215.060 and 43.215.070 provide authority for the Director to adopt rules to implement chapter 43.215 RCW or as necessary to qualify the state to receive federal funds. RCW 43.215.255 requires DEL to establish child care licensing fees by rule. RCW 43.43.832(6) provides that DEL must adopt rules regarding procedures for individuals seeking to obtain a background check clearance to be licensed to provide, work in, reside on the premises of, or have unsupervised access children in child care, as well as persons or agencies that receive state payment (subsidies) for providing child care.

The department may file more than one proposed rule (CR-102) under this notice, and may if appropriate adopt emergency rules on a temporary basis. To the extent practicable, DEL will circulate draft materials for informal public input during the rule development process. Draft materials, if available, and proposed rules will be posted for review and comment the DEL website "Rules Comment Page" at <https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>.

End of Attachment A