
SECOND SUBSTITUTE HOUSE BILL 1491

State of Washington

64th Legislature

2015 Regular Session

By House Appropriations (originally sponsored by Representatives Kagi, Walsh, Hunter, Johnson, Ormsby, MacEwen, Senn, Magendanz, Farrell, Hayes, Ortiz-Self, Hudgins, Appleton, Fitzgibbon, S. Hunt, Ryu, Jinkins, Bergquist, Goodman, Tharinger, and Riccelli)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to improving quality in the early care and
2 education system; amending RCW 43.215.100, 43.215.135, 43.215.1352,
3 43.215.425, 43.215.415, 43.215.455, 43.215.020, and 43.215.090;
4 reenacting and amending RCW 43.215.010; adding new sections to
5 chapter 43.215 RCW; creating new sections; and repealing 2013 2nd
6 sp.s. c 16 s 2 (uncodified).

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

8 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that
9 quality early care and education builds the foundation for a child's
10 success in school and in life. The legislature acknowledges that a
11 quality framework is necessary for the early care and education
12 system in Washington. The legislature recognizes that empirical
13 evidence supports the conclusion that high quality programs
14 consistently yield more positive outcomes for children, with the
15 strongest positive impacts on the most vulnerable children. The
16 legislature acknowledges that critical developmental windows exist in
17 early childhood, and low quality child care has damaging effects for
18 children. The legislature further understands that the proper dosage,
19 duration of programming, and stability of care are critical to
20 enhancing program quality and improving child outcomes. The
21 legislature acknowledges that the early care and education system

1 should strive to address the needs of Washington's culturally and
2 linguistically diverse populations. The legislature understands that
3 parental choice and provider diversity are guiding principles for
4 early learning programs.

5 (2) The legislature intends to prioritize the integration of
6 child care and preschool in an effort to promote full day
7 programming. The legislature further intends to reward quality and
8 create incentives for providers to participate in a quality rating
9 and improvement system that will also provide valuable information to
10 parents regarding the quality of care available in their communities.

11 **Sec. 2.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to
12 read as follows:

13 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)
14 (~~Subject to the availability of amounts appropriated for this~~
15 ~~specific purpose,~~) The department, in collaboration with tribal
16 governments and community and statewide partners, shall implement a
17 ~~(voluntary)~~ quality rating and improvement system, called the early
18 achievers program(, that)). The early achievers program provides a
19 foundation of quality for the early care and education system. The
20 early achievers program is applicable to licensed or certified child
21 care centers and homes and early (education) learning programs such
22 as working connections child care and early childhood education and
23 assistance programs.

24 (2) The (~~purpose~~) objectives of the early achievers program
25 (~~is~~) are to:

26 (a) (~~To~~) Improve short-term and long-term educational outcomes
27 for children as measured by assessments including, but not limited
28 to, the Washington kindergarten inventory of developing skills in RCW
29 28A.655.080;

30 (b) Give parents clear and easily accessible information about
31 the quality of child care and early education programs(,);

32 (c) Support improvement in early learning and child care programs
33 throughout the state(,);

34 (d) Increase the readiness of children for school(, and);

35 (e) Close the (disparity) disparities in access to quality
36 care;

37 (f) Provide professional development and coaching opportunities
38 to early child care and education providers; and ((b) to)

1 (g) Establish a common set of expectations and standards that
2 define, measure, and improve the quality of early learning and child
3 care settings.

4 (3)(a) Licensed or certified child care centers and homes serving
5 nonschool age children and receiving state subsidy payments must
6 participate in the early achievers program by the required deadlines
7 established in RCW 43.215.135.

8 (b) Approved early childhood education and assistance program
9 providers receiving state-funded support must participate in the
10 early achievers program by the required deadlines established in RCW
11 43.215.415.

12 (c) Participation in the early achievers program is voluntary for
13 licensed or certified child care centers and homes not receiving
14 state subsidy payments.

15 (d) School age child care providers are exempt from participating
16 in the early achievers program. By July 1, 2017, the department shall
17 design a plan to incorporate school age child care providers into the
18 early achievers program. To test implementation of the early
19 achievers system for school age child care providers the department
20 shall implement a pilot program.

21 ~~(4) ((By fiscal year 2015, Washington state preschool programs~~
22 ~~receiving state funds must enroll in the early achievers program and~~
23 ~~maintain a minimum score level.~~

24 ~~(5) Before final implementation of the early achievers program,~~
25 ~~the department shall report on program progress, as defined within~~
26 ~~the race to the top federal grant award, and expenditures to the~~
27 ~~appropriate policy and fiscal committees of the legislature.)) There~~
28 ~~are five levels in the early achievers program. Participants are~~
29 ~~expected to actively engage in the program and continually advance~~
30 ~~from level 1, the basic licensing requirement, to level 5.~~

31 (5) The department has the authority to determine the rating
32 cycle for the early achievers program.

33 (a) Early achievers program participants may request to be rated
34 at any time after the completion of all level 2 activities.

35 (b) The department shall provide an early achievers program
36 participant an update on the participant's progress toward completing
37 level 2 activities after the participant has been enrolled in the
38 early achievers program for fifteen months.

39 (c) The first rating is free for early achievers program
40 participants.

1 (d) Each subsequent rating within the established rating cycle is
2 free for early achievers program participants.

3 (6)(a) Early achievers program participants may request to be
4 rerated outside the established rating cycle.

5 (b) The department must charge a fee for optional rerating
6 requests made by program participants that are outside the
7 established rating cycle.

8 (c) Fees charged are based on, but may not exceed, the cost to
9 the department for activities associated with the early achievers
10 program.

11 (7)(a) The department must create a single source of information
12 for parents and caregivers to access details on a provider's early
13 achievers program rating level, licensing history, and other
14 indicators of quality and safety that will help parents and
15 caregivers make informed choices.

16 (b) The department shall publish to the department's web site, or
17 offer a link on its web site to, the following information:

18 (i) By August 1, 2015, early achievers program rating levels 1
19 through 5 for all child care programs that receive state subsidy,
20 early childhood education and assistance programs, and federal head
21 start programs in Washington; and

22 (ii) New early achievers program ratings within thirty days after
23 a program becomes licensed or certified, or receives a rating.

24 (c) The early achievers program rating levels shall be published
25 in a manner that is easily accessible to parents and caregivers and
26 takes into account the linguistic needs of parents and caregivers.

27 (d) The department must publish early achievers program rating
28 levels for child care programs that do not receive state subsidy but
29 have voluntarily joined the early achievers program.

30 (e) Early achievers program participants who have published
31 rating levels on the department's web site or on a link on the
32 department's web site may include a brief description of their
33 program, contingent upon the review and approval by the department,
34 as determined by established marketing standards.

35 (8)(a) The department shall create a professional development
36 pathway for early achievers program participants to obtain a high
37 school diploma or equivalency or higher education credential in early
38 childhood education, early childhood studies, child development, or
39 an academic field related to early care and education.

1 (b) The professional development pathway must include
2 opportunities for scholarships and grants to assist early achievers
3 program participants with the costs associated with obtaining an
4 educational degree.

5 (c) The department shall address cultural and linguistic
6 diversity when developing the professional development pathway.

7 (9) The early achievers quality improvement awards shall be
8 reserved for participants offering programs to an enrollment
9 population consisting of at least five percent of children receiving
10 a state subsidy.

11 (10) In collaboration with tribal governments, community and
12 statewide partners, and the early achievers review subcommittee
13 created in RCW 43.215.090, the department shall develop a protocol
14 for granting early achievers program participants an extension in
15 meeting rating level requirement timelines outlined for the working
16 connections child care program and the early childhood education and
17 assistance program.

18 (a) The department may grant extensions only under exceptional
19 circumstances, such as when early achievers program participants
20 experience an unexpected life circumstance.

21 (b) Extensions shall not exceed six months, and early achievers
22 program participants are only eligible for one extension in meeting
23 rating level requirement timelines.

24 (c) Extensions may only be granted to early achievers program
25 participants who have demonstrated engagement in the early achievers
26 program.

27 (d) A report outlining the early achievers program extension
28 protocol shall be delivered to the appropriate committees of
29 legislature by December 31, 2015.

30 (11)(a) The department shall accept national accreditation that
31 meets the requirements of this subsection (11) as a qualification for
32 the early achievers program ratings.

33 (b) Each national accreditation agency will be allowed to submit
34 its most current standards of accreditation to establish potential
35 credit earned in the early achievers program. The department shall
36 grant credit to accreditation bodies that can demonstrate that their
37 standards meet or exceed the current early achievers program
38 standards.

39 (c) Licensed child care centers and child care home providers
40 must meet national accreditation standards approved by the department

1 for the early achievers program in order to be granted credit for the
2 early achievers program standards. Eligibility for the early
3 achievers program is not subject to bargaining, mediation, or
4 interest arbitration under RCW 41.56.028, consistent with the
5 legislative reservation of rights under RCW 41.56.028(4)(d).

6 (12) A child care or early learning program that is operated by a
7 federally recognized tribe and receives state funds shall participate
8 in the early achievers program. The tribe may choose to participate
9 through an interlocal agreement between the tribe and the department.
10 The interlocal agreement must reflect the government-to-government
11 relationship between the state and the tribe, including recognition
12 of tribal sovereignty. The interlocal agreement must provide that:

13 (a) Tribal child care facilities and early learning programs may
14 volunteer, but are not required, to be licensed by the department;

15 (b) Tribal child care facilities and early learning programs are
16 not required to have their early achievers program rating level
17 published to the department's web site or through a link on the
18 department's web site; and

19 (c) Tribal child care facilities and early learning programs must
20 provide notification to parents or guardians who apply for or have
21 been admitted into their program that early achievers program rating
22 level information is available and provide the parents or guardians
23 with the program's early achievers program rating level upon request.

24 (13) Nothing in this section changes the department's
25 responsibility to collectively bargain over mandatory subjects or
26 limits the legislature's authority to make programmatic modifications
27 to licensed child care and early learning programs under RCW
28 41.56.028(4)(d).

29 NEW SECTION. Sec. 3. A new section is added to chapter 43.215
30 RCW to read as follows:

31 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
32 ACHIEVERS. (1)(a) Subject to the amounts appropriated for this
33 specific purpose, the department shall, in collaboration with tribal
34 governments and community and statewide partners, implement a
35 protocol to maximize and encourage participation in the early
36 achievers program for culturally diverse and low-income center and
37 family home child care providers.

38 (b) During the first thirty months of implementation of the early
39 achievers program the department shall prioritize the resources

1 authorized in this section to assist providers rating at a level 2 in
2 the early achievers program to help them reach a level 3 rating
3 wherever access to subsidized care is at risk.

4 (2) The protocol should address barriers to early achievers
5 program participation and include at a minimum the following:

6 (a) The creation of a substitute pool;

7 (b) The development of needs-based grants for providers at level
8 2 in the early achievers program to assist with purchasing curriculum
9 development, instructional materials, supplies, and equipment to
10 improve program quality. Priority for the needs-based grants shall be
11 given to culturally diverse and low-income providers;

12 (c) The development of materials and assessments in a timely
13 manner, and to the extent feasible, in the provider and family home
14 languages; and

15 (d) The development of flexibility in technical assistance and
16 coaching structures to provide differentiated types and amounts of
17 support to providers based on individual need and cultural context.

18 **Sec. 4.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to
19 read as follows:

20 WORKING CONNECTIONS CHILD CARE. (1) The department shall
21 establish and implement policies in the working connections child
22 care program to promote stability and quality of care for children
23 from low-income households. These policies shall focus on supporting
24 school readiness for young learners. Policies for the expenditure of
25 funds constituting the working connections child care program must be
26 consistent with the outcome measures defined in RCW 74.08A.410 and
27 the standards established in this section intended to promote
28 ~~((continuity of care for children))~~ stability, quality, and
29 continuity of early care and education programming.

30 (2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public
31 Law 113-186, authorizations for the working connections child care
32 subsidy shall be effective for twelve months ~~((unless a change in~~
33 ~~circumstances necessitates reauthorization sooner than twelve months.~~
34 ~~The twelve-month certification applies only if the enrollments in the~~
35 ~~child care subsidy or working connections child care program are~~
36 ~~eapped.~~

37 ~~(3) Subject to the availability of amounts appropriated for this~~
38 ~~specific purpose, beginning September 1, 2013, working connections~~
39 ~~child care providers shall receive a five percent increase in the~~

1 ~~subsidy rate for enrolling in level 2 in the early achievers~~
2 ~~programs. Providers must complete level 2 and advance to level 3~~
3 ~~within thirty months in order to maintain this increase)) beginning~~
4 January 1, 2016.

5 (3) Existing child care providers serving nonschool age children
6 and receiving state subsidy payments must complete the following
7 requirements to be eligible for a state subsidy under this section:

8 (a) Enroll in the early achievers program;

9 (b) Complete level 2 activities in the early achievers program by
10 August 1, 2016; and

11 (c) Rate at a level 3 or higher in the early achievers program by
12 December 31, 2018. If a child care provider rates below a level 3 by
13 December 31, 2018, the provider must complete remedial activities
14 with the department, and rate at a level 3 or higher no later than
15 June 30, 2019.

16 (4) Effective July 1, 2016, a new child care provider serving
17 nonschool age children and receiving state subsidy payments must
18 complete the following activities to be eligible to receive a state
19 subsidy under this section:

20 (a) Enroll in the early achievers program within thirty days;

21 (b) Complete level 2 activities in the early achievers program
22 within twelve months of enrollment; and

23 (c) Rate at a level 3 or higher in the early achievers program
24 within thirty months of enrollment. If a child care provider rates
25 below a level 3 within thirty months from enrollment into the early
26 achievers program, the provider must complete remedial activities
27 with the department, and rate at a level 3 or higher within six
28 months.

29 (5) If a child care provider does not rate at a level 3 or higher
30 following the remedial period, the provider is no longer eligible to
31 receive state subsidy under this section.

32 (6) If a child care provider serving nonschool age children and
33 receiving state subsidy payments has successfully completed all level
34 2 activities and is waiting to be rated by the deadline provided in
35 this section, the provider may continue to receive a state subsidy
36 pending the successful completion of the level 3 rating activity.

37 (7) The department shall implement tiered reimbursement for early
38 achievers program participants in the working connections child care
39 program rating at level 3, 4, or 5.

1 (8) The department shall account for a child care copayment
2 collected by the provider from the family for each contracted slot
3 and establish the copayment fee by rule.

4 **Sec. 5.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
5 read as follows:

6 WORKING CONNECTIONS CHILD CARE. When an applicant or recipient
7 applies for or receives working connections child care benefits, (~~he~~
8 ~~or she~~) the applicant or recipient is required to(~~+~~

9 ~~(1)~~) notify the department of social and health services, within
10 five days, of any change in providers(~~+~~and

11 ~~(2)~~ ~~Notify the department of social and health services, within~~
12 ~~ten days, about any significant change related to the number of child~~
13 ~~care hours the applicant or recipient needs, cost sharing, or~~
14 ~~eligibility~~)).

15 **Sec. 6.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
16 read as follows:

17 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
18 department shall adopt rules under chapter 34.05 RCW for the
19 administration of the early childhood education and assistance
20 program. Approved early childhood education and assistance programs
21 shall conduct needs assessments of their service area(~~+~~) and
22 identify any targeted groups of children, to include but not be
23 limited to children of seasonal and migrant farmworkers and native
24 American populations living either on or off reservation(~~+~~and)).
25 Approved early childhood education and assistance programs shall
26 provide to the department a service delivery plan, to the extent
27 practicable, that addresses these targeted populations.

28 (2) The department, in developing rules for the early childhood
29 education and assistance program, shall consult with the early
30 learning advisory (~~committee~~) council, and shall consider such
31 factors as coordination with existing head start and other early
32 childhood programs, the preparation necessary for instructors,
33 qualifications of instructors, adequate space and equipment, and
34 special transportation needs. The rules shall specifically require
35 the early childhood programs to provide for parental involvement in
36 participation with their child's program, in local program policy
37 decisions, in development and revision of service delivery systems,
38 and in parent education and training.

1 (3)(a) The department shall adopt rules pertaining to the early
2 childhood education and assistance program that outline allowable
3 periods of child absences, required contact with parents or
4 caregivers to discuss child absences and encourage regular
5 attendance, and a de-enrollment procedure when allowable child
6 absences are exceeded.

7 (b) Rules pertaining to child absences and de-enrollment
8 procedures shall be adopted no later than July 31, 2016.

9 (4) The department shall adopt rules requiring early childhood
10 education and assistance program employees who have access to
11 children to submit to a fingerprint background check. Fingerprint
12 background check procedures for the early childhood education and
13 assistance program shall be the same as the background check
14 procedures in RCW 43.215.215.

15 **Sec. 7.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
16 read as follows:

17 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
18 early childhood education and assistance programs shall receive
19 state-funded support through the department. Public or private
20 ((nonsectarian)) organizations, including, but not limited to school
21 districts, educational service districts, community and technical
22 colleges, local governments, or nonprofit organizations, are eligible
23 to participate as providers of the state early childhood education
24 and assistance program. ((Funds appropriated for the state program
25 shall be used to continue to operate existing programs or to
26 establish new or expanded early childhood programs, and shall not be
27 used to supplant federally supported head start programs.))

28 (2) Funds obtained by providers through voluntary grants or
29 contributions from individuals, agencies, corporations, or
30 organizations may be used to expand or enhance preschool programs so
31 long as program standards established by the department are
32 maintained((, but shall not be used to supplant federally supported
33 head start programs or state-supported early childhood programs)).

34 (3) Persons applying to conduct the early childhood education and
35 assistance program shall identify targeted groups and the number of
36 children to be served, program components, the qualifications of
37 instructional and special staff, the source and amount of grants or
38 contributions from sources other than state funds, facilities and
39 equipment support, and transportation and personal care arrangements.

1 (4) Existing early childhood education and assistance program
2 providers must complete the following requirements to be eligible to
3 receive state-funded support under the early childhood education and
4 assistance program:

5 (a) Enroll in the early achievers program by August 1, 2015;

6 (b) Rate at a level 4 or 5 in the early achievers program by
7 January 1, 2016. If an early childhood education and assistance
8 program provider rates below a level 4 by January 1, 2016, the
9 provider must complete remedial activities with the department, and
10 rate at a level 4 or 5 within six months.

11 (5) Effective August 1, 2015, a new early childhood education and
12 assistance program provider must complete the requirements in this
13 subsection (5) to be eligible to receive state-funded support under
14 the early childhood education and assistance program:

15 (a) Enroll in the early achievers program within thirty days;

16 (b) Rate at a level 4 or 5 in the early achievers program within
17 twelve months of enrollment. If an early childhood education and
18 assistance program provider rates below a level 4 within twelve
19 months of enrollment, the provider must complete remedial activities
20 with the department, and rate at a level 4 or 5 within six months.

21 (6)(a) If an early childhood education and assistance program
22 provider has successfully completed all of the required early
23 achievers program activities and is waiting to be rated by the
24 deadline provided in this section, the provider may continue to
25 participate in the early achievers program as an approved early
26 childhood education and assistance program provider and receive state
27 subsidy pending the successful completion of a level 4 or 5 rating.

28 (b) To avoid disruption, the department may allow for early
29 childhood education and assistance program providers who have rated
30 below a level 4 after completion of the six-month remedial period to
31 continue to provide services until the current school year is
32 finished.

33 (7) The department shall collect data to determine the demand for
34 full-day programming for early childhood education and assistance
35 program providers. The department shall analyze this demand by
36 geographic region and report the findings to the appropriate
37 committees of the legislature by January 1, 2016.

38 (8) By December 1, 2015, the department shall develop a pathway
39 for family home providers to administer an early childhood education
40 and assistance program.

1 **Sec. 8.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to
2 read as follows:

3 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
4 September 1, 2011, an early learning program to provide voluntary
5 preschool opportunities for children three and four years of age
6 shall be implemented according to the funding and implementation plan
7 in RCW (~~(43.215.142)~~) 43.215.456. The program must (~~(be)~~) offer a
8 comprehensive program (~~(providing)~~) of early childhood education and
9 family support, (~~(options for)~~) including parental involvement(~~(,)~~)
10 and health information, screening, and referral services, (~~(as)~~)
11 based on family need (~~(is determined)~~). Participation in the program
12 is voluntary. On a space available basis, the program may allow
13 enrollment of children who are not otherwise eligible by assessing a
14 fee.

15 (2) The (~~(first phase of the)~~) program shall be implemented by
16 utilizing the program standards and eligibility criteria in the early
17 childhood education and assistance program in RCW 43.215.400 through
18 43.215.450.

19 (3)(a) Beginning in the 2015-16 school year, the program
20 implementation in this section shall prioritize early childhood
21 education and assistance programs located in low-income neighborhoods
22 within high-need geographical areas.

23 **(b)** Following the priority in (a) of this subsection, preference
24 shall be given to programs meeting at least one of the following
25 characteristics:

26 (i) Programs offering extended day early care and education
27 programming;

28 (ii) Programs offering services to children diagnosed with a
29 special need; or

30 (iii) Programs offering services to children involved in the
31 child welfare system.

32 (4) The director shall adopt rules for the following program
33 components, as appropriate and necessary during the phased
34 implementation of the program, consistent with early achievers
35 program standards established in RCW 43.215.100:

36 (a) Minimum program standards(~~(, including lead teacher,~~
37 ~~assistant teacher, and staff qualifications));~~

38 (b) Approval of program providers; and

39 (c) Accountability and adherence to performance standards.

40 (~~(4)~~) (5) The department has administrative responsibility for:

1 (a) Approving and contracting with providers according to rules
2 developed by the director under this section;

3 (b) In partnership with school districts, monitoring program
4 quality and assuring the program is responsive to the needs of
5 eligible children;

6 (c) Assuring that program providers work cooperatively with
7 school districts to coordinate the transition from preschool to
8 kindergarten so that children and their families are well-prepared
9 and supported; and

10 (d) Providing technical assistance to contracted providers.

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.215
12 RCW to read as follows:

13 PROGRAM DATA COLLECTION AND EVALUATION. (1) The education data
14 center established in RCW 43.41.400 must collect longitudinal,
15 student-level data on all children attending a working connections
16 child care program or an early childhood education and assistance
17 program. Data collected should capture at a minimum the following
18 characteristics:

19 (a) Daily program attendance;

20 (b) Identification of classroom and teacher;

21 (c) Early achievers program quality level rating;

22 (d) Program hours;

23 (e) Program duration;

24 (f) Developmental results from the Washington kindergarten
25 inventory of developing skills in RCW 28A.655.080; and

26 (g) To the extent data is available, the distinct ethnic
27 categories within racial subgroups of children and providers that
28 align with categories recognized by the education data center.

29 (2) The department shall provide child care and early learning
30 providers student-level data collected pursuant to this section that
31 are specific to the child care provider's or the early learning
32 provider's program.

33 (3) Every four years, the department in collaboration with the
34 early achievers review subcommittee shall review the data collected
35 on the achievement of the early achievers program standards and
36 provide a report to the appropriate committees of the legislature.
37 The report shall include, but not be limited to, the following:

38 (a) Recommendations for improving the early achievers program
39 standards;

1 (b) A review of the services available to providers and children
2 from diverse cultural backgrounds;

3 (c) Recommendations for improving access to providers rated at a
4 level 3 or higher in the early achievers program by children from
5 diverse cultural backgrounds; and

6 (d) To the extent data is available, an analysis of the
7 distribution of early achievers program rated facilities in relation
8 to child and provider demographics, including but not limited to race
9 and ethnicity, home language, and geographical location.

10 (4)(a) The department shall review the K-12 components for
11 cultural competency developed by the professional educator standards
12 board and identify components appropriate for early learning
13 professional development.

14 (b) By July 31, 2016, the department shall provide
15 recommendations to the appropriate committees of the legislature and
16 the early learning advisory council on research-based cultural
17 competency standards for early learning professional training.

18 (5)(a) The Washington state institute for public policy shall
19 conduct a longitudinal analysis examining relationships between the
20 early achievers program quality ratings levels and outcomes for
21 children participating in subsidized early care and education
22 programs.

23 (b) The institute shall submit the first report to the
24 appropriate committees of the legislature and the early learning
25 advisory council by December 31, 2018. The institute shall submit
26 subsequent reports annually to the appropriate committees of the
27 legislature and the early learning advisory council by December 31st,
28 with the final report due December 31, 2021. The final report shall
29 include a cost-benefit analysis.

30 (6)(a) The department shall complete an annual early learning
31 program implementation report on the early childhood education and
32 assistance program and the working connections child care program.

33 (b) The early learning program implementation report must be
34 posted annually on the department's web site and delivered to the
35 appropriate committees of the legislature. The first report is due by
36 December 31, 2015, and the final report is due by December 31, 2019.

37 (c) The early learning program implementation report must address
38 the following:

1 (i) Progress on early childhood education and assistance program
2 implementation as required pursuant to RCW 43.215.415, 43.215.425,
3 and 43.215.455;

4 (ii) An examination of the regional distribution of new preschool
5 programming by zip code;

6 (iii) An analysis of the impact of preschool expansion on low-
7 income neighborhoods and communities;

8 (iv) Recommendations to address any identified barriers to access
9 to quality preschool for children living in low-income neighborhoods;

10 (v) An analysis of any impact from quality strengthening efforts
11 on the availability and quality of infant and toddler care;

12 (vi) An analysis of any impact of extended day early care and
13 education opportunities directives;

14 (vii) An examination of any identified barriers for providers to
15 offer extended day early care and education opportunities; and

16 (viii) To the extent data is available, an analysis of the
17 cultural diversity of early childhood education and assistance
18 program providers and participants.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.215
20 RCW to read as follows:

21 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) The department
22 shall employ a combination of vouchers and contracted slots for the
23 subsidized child care programs in RCW 43.215.135 and 43.215.415.
24 Child care vouchers preserve parental choice. Child care contracted
25 slots promote access to continuous quality care for children, provide
26 parents and caregivers stable child care that supports employment,
27 and allow providers to have predictable funding.

28 (2) Only child care providers who participate in the early
29 achievers program and rate at a level 3, 4, or 5 are eligible to be
30 awarded a contracted slot.

31 (3) The department is required to use data to calculate a set
32 number of targeted contracted slots. In calculating the number, the
33 department must take into account a balance of family home and center
34 child care programs and the overall geographic distribution of child
35 care programs in the state and the distribution of slots between ages
36 zero and five. The targeted contracted slots are reserved for
37 programs meeting both of the following conditions:

38 (a) Programs in low-income neighborhoods; and

1 (b) Programs that consist of at least fifty percent of children
2 receiving subsidy pursuant to RCW 43.215.135.

3 (4) The department shall award the remaining contracted slots via
4 a competitive process and prioritize child care programs with at
5 least one of the following characteristics:

6 (a) Programs located in a high-need geographic area;

7 (b) Programs partnering with elementary schools to offer
8 transitional planning and support to children as they advance to
9 kindergarten;

10 (c) Programs serving children involved in the child welfare
11 system; or

12 (d) Programs serving children diagnosed with a special need.

13 (5)(a) The department shall adopt rules pertaining to the working
14 connections child care program for both contracted slots and child
15 care vouchers that outline the following:

16 (i) Allowable periods of child absences;

17 (ii) Required contact with parents or caregivers to discuss child
18 absences and encourage regular program attendance; and

19 (iii) A de-enrollment procedure when allowable child absences are
20 exceeded.

21 (b) Rules pertaining to child absences and de-enrollment
22 procedures shall be adopted no later than July 31, 2016.

23 (6) The department shall pay a provider for each contracted slot,
24 unless a contracted slot is not used for thirty days.

25 (7)(a) By December 31, 2015, the department shall provide a
26 report to the appropriate committees of the legislature on the number
27 of contracted slots that use both early childhood education
28 assistance program funding and working connections child care program
29 funding.

30 (b) The report must be provided annually, with the last report
31 due December 31, 2018.

32 **Sec. 11.** RCW 43.215.020 and 2013 c 323 s 5 are each amended to
33 read as follows:

34 (1) The department of early learning is created as an executive
35 branch agency. The department is vested with all powers and duties
36 transferred to it under this chapter and such other powers and duties
37 as may be authorized by law.

38 (2) The primary duties of the department are to implement state
39 early learning policy and to coordinate, consolidate, and integrate

1 child care and early learning programs in order to administer
2 programs and funding as efficiently as possible. The department's
3 duties include, but are not limited to, the following:

4 (a) To support both public and private sectors toward a
5 comprehensive and collaborative system of early learning that serves
6 parents, children, and providers and to encourage best practices in
7 child care and early learning programs;

8 (b) To make early learning resources available to parents and
9 caregivers;

10 (c) To carry out activities, including providing clear and easily
11 accessible information about quality and improving the quality of
12 early learning opportunities for young children, in cooperation with
13 the nongovernmental private-public partnership;

14 (d) To administer child care and early learning programs;

15 (e) To apply data already collected comparing the following
16 factors and make biennial recommendations to the legislature
17 regarding working connections subsidy and state-funded preschool
18 rates and compensation models that would attract and retain high
19 quality early learning professionals:

20 (i) State-funded early learning subsidy rates and market rates of
21 licensed early learning homes and centers;

22 (ii) State-funded early learning subsidy rates and market rates
23 of licensed child care homes and centers that serve children ages
24 birth to three;

25 (iii) Compensation of early learning educators in licensed
26 centers and homes and early learning teachers at state higher
27 education institutions;

28 ~~((+iii))~~ (iv) State-funded preschool program compensation rates
29 and Washington state head start program compensation rates; and

30 ~~((+iv))~~ (v) State-funded preschool program compensation to
31 compensation in similar comprehensive programs in other states;

32 (f) To serve as the state lead agency for Part C of the federal
33 individuals with disabilities education act (IDEA);

34 (g) To standardize internal financial audits, oversight visits,
35 performance benchmarks, and licensing criteria, so that programs can
36 function in an integrated fashion;

37 (h) To support the implementation of the nongovernmental private-
38 public partnership and cooperate with that partnership in pursuing
39 its goals including providing data and support necessary for the
40 successful work of the partnership;

1 (i) To work cooperatively and in coordination with the early
2 learning council;

3 (j) To collaborate with the K-12 school system at the state and
4 local levels to ensure appropriate connections and smooth transitions
5 between early learning and K-12 programs;

6 (k) To develop and adopt rules for administration of the program
7 of early learning established in RCW (~~(43.215.141)~~) 43.215.455;

8 (l) To develop a comprehensive birth-to-three plan to provide
9 education and support through a continuum of options including, but
10 not limited to, services such as: Home visiting; quality incentives
11 for infant and toddler child care subsidies; quality improvements for
12 family home and center-based child care programs serving infants and
13 toddlers; professional development; early literacy programs; and
14 informal supports for family, friend, and neighbor caregivers; and

15 (m) Upon the development of an early learning information system,
16 to make available to parents timely inspection and licensing action
17 information and provider comments through the internet and other
18 means.

19 (3) When additional funds are appropriated for the specific
20 purpose of home visiting and parent and caregiver support, the
21 department must reserve at least eighty percent for home visiting
22 services to be deposited into the home visiting services account and
23 up to twenty percent of the new funds for other parent or caregiver
24 support.

25 (4) Home visiting services must include programs that serve
26 families involved in the child welfare system.

27 (5) Subject to the availability of amounts appropriated for this
28 specific purpose, the legislature shall fund the expansion in the
29 Washington state preschool program pursuant to RCW (~~(43.215.142)~~)
30 43.215.456 in fiscal year 2014.

31 (6) The department's programs shall be designed in a way that
32 respects and preserves the ability of parents and legal guardians to
33 direct the education, development, and upbringing of their children,
34 and that recognizes and honors cultural and linguistic diversity. The
35 department shall include parents and legal guardians in the
36 development of policies and program decisions affecting their
37 children.

38 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.215
39 RCW to read as follows:

1 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2016,
2 the department shall implement a single set of licensing standards
3 for child care and the early childhood education and assistance
4 program. The new licensing standards must:

5 (1) Provide minimum health and safety standards for child care
6 and preschool programs;

7 (2) Rely on the standards established in the early achievers
8 program to address quality issues in participating early childhood
9 programs;

10 (3) Take into account the separate needs of family care providers
11 and child care centers; and

12 (4) Promote the continued safety of child care settings.

13 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.215
14 RCW to read as follows:

15 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
16 quality in the early care and education system in Washington is the
17 quality rating and improvement system entitled the early achievers
18 program. In an effort to build on the existing quality framework,
19 enhance access to quality care for children, and strengthen the
20 entire early care and education systems in the state, it is important
21 to integrate the efforts of state and local governments.

22 (2) Local governments are encouraged to collaborate with the
23 department when establishing early learning programs for residents.

24 (3) Local governments may contribute funds to the department for
25 the following purposes:

26 (a) Initial investments to build capacity and quality in local
27 early care and education programming; and

28 (b) Reductions in copayments charged to parents or caregivers.

29 (4) Funds contributed to the department by local governments must
30 be deposited in the early start account established in section 15 of
31 this act.

32 **Sec. 14.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to
33 read as follows:

34 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
35 council is established to advise the department on statewide early
36 learning issues that would build a comprehensive system of quality
37 early learning programs and services for Washington's children and
38 families by assessing needs and the availability of services,

1 aligning resources, developing plans for data collection and
2 professional development of early childhood educators, and
3 establishing key performance measures.

4 (2) The council shall work in conjunction with the department to
5 develop a statewide early learning plan that guides the department in
6 promoting alignment of private and public sector actions, objectives,
7 and resources, and ensuring school readiness.

8 (3) The council shall include diverse, statewide representation
9 from public, nonprofit, and for-profit entities. Its membership shall
10 reflect regional, racial, and cultural diversity to adequately
11 represent the needs of all children and families in the state.

12 (4) Councilmembers shall serve two-year terms. However, to
13 stagger the terms of the council, the initial appointments for twelve
14 of the members shall be for one year. Once the initial one-year to
15 two-year terms expire, all subsequent terms shall be for two years,
16 with the terms expiring on June 30th of the applicable year. The
17 terms shall be staggered in such a way that, where possible, the
18 terms of members representing a specific group do not expire
19 simultaneously.

20 (5) The council shall consist of not more than twenty-three
21 members, as follows:

22 (a) The governor shall appoint at least one representative from
23 each of the following: The department, the office of financial
24 management, the department of social and health services, the
25 department of health, the student achievement council, and the state
26 board for community and technical colleges;

27 (b) One representative from the office of the superintendent of
28 public instruction, to be appointed by the superintendent of public
29 instruction;

30 (c) The governor shall appoint seven leaders in early childhood
31 education, with at least one representative with experience or
32 expertise in one or more of the areas such as the following: The K-12
33 system, family day care providers, and child care centers with four
34 of the seven governor's appointees made as follows:

35 (i) The head start state collaboration office director or the
36 director's designee;

37 (ii) A representative of a head start, early head start, migrant/
38 seasonal head start, or tribal head start program;

39 (iii) A representative of a local education agency; and

1 (iv) A representative of the state agency responsible for
2 programs under section 619 or part C of the federal individuals with
3 disabilities education act;

4 (d) Two members of the house of representatives, one from each
5 caucus, and two members of the senate, one from each caucus, to be
6 appointed by the speaker of the house of representatives and the
7 president of the senate, respectively;

8 (e) Two parents, one of whom serves on the department's parent
9 advisory group, to be appointed by the governor;

10 (f) One representative of the private-public partnership created
11 in RCW 43.215.070, to be appointed by the partnership board;

12 (g) One representative designated by sovereign tribal
13 governments; and

14 (h) One representative from the Washington federation of
15 independent schools.

16 (6) The council shall be cochaired by one representative of a
17 state agency and one nongovernmental member, to be elected by the
18 council for two-year terms.

19 (7) The council shall appoint two members and stakeholders with
20 expertise in early learning to sit on the technical working group
21 created in section 2, chapter 234, Laws of 2010.

22 (8) Each member of the board shall be compensated in accordance
23 with RCW 43.03.240 and reimbursed for travel expenses incurred in
24 carrying out the duties of the board in accordance with RCW 43.03.050
25 and 43.03.060.

26 (9)(a) The council shall convene an early achievers review
27 subcommittee to provide feedback and guidance on strategies to
28 improve the quality of instruction and environment for early learning
29 and provide input and recommendations on the implementation and
30 refinement of the early achievers program. At a minimum the review
31 shall address the following:

32 (i) Adequacy of data collection procedures;

33 (ii) Coaching and technical assistance standards;

34 (iii) Progress in reducing barriers to participation for low-
35 income providers and providers from diverse cultural backgrounds;

36 (iv) Strategies in response to data on the effectiveness of early
37 achievers program standards in relation to providers and children
38 from diverse cultural backgrounds;

39 (v) Status of the life circumstance exemption protocols; and

40 (vi) Analysis of early achievers program data trends.

1 (b) The subcommittee must include consideration of cultural
2 linguistic responsiveness when analyzing the areas for review
3 required by (a) of this subsection.

4 (c) Beginning January 1, 2016, the subcommittee shall provide an
5 annual report of the review findings and recommendations to the
6 department and the appropriate committees of the legislature.

7 (d) The subcommittee shall include representatives from child
8 care centers, family child care, the early childhood education and
9 assistance program, contractors for early achievers program technical
10 assistance and coaching, the organization responsible for conducting
11 early achiever program ratings, and parents of children participating
12 in early learning programs. The subcommittee shall include
13 representatives from diverse cultural and linguistic backgrounds.

14 (10) The department shall provide staff support to the council.

15 NEW SECTION. Sec. 15. A new section is added to chapter 43.215
16 RCW to read as follows:

17 EARLY START ACCOUNT. The early start account is created in the
18 state treasury. Revenues in the account shall consist of
19 appropriations by the legislature and all other sources deposited
20 into the account. Moneys in the account may only be used after
21 appropriation. Expenditures from the account may be used only to
22 improve the quality of early care and education programming. The
23 department oversees the account.

24 **Sec. 16.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1
25 are each reenacted and amended to read as follows:

26 DEFINITIONS. The definitions in this section apply throughout
27 this chapter unless the context clearly requires otherwise.

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

32 (a) "Child day care center" means an agency that regularly
33 provides early childhood education and early learning services for a
34 group of children for periods of less than twenty-four hours;

35 (b) "Early learning" includes but is not limited to programs and
36 services for child care; state, federal, private, and nonprofit
37 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" means a child care provider who
4 regularly provides early childhood education and early learning
5 services for not more than twelve children in the provider's home in
6 the family living quarters;

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

12 (e) "Service provider" means the entity that operates a community
13 facility.

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

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

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

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

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

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

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

27 (c) Persons who care for a neighbor's or friend's child or
28 children, with or without compensation, where the person providing
29 care for periods of less than twenty-four hours does not conduct such
30 activity on an ongoing, regularly scheduled basis for the purpose of
31 engaging in business, which includes, but is not limited to,
32 advertising such care;

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

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

38 (f) Schools, including boarding schools, that are engaged
39 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, accept only school((-))age
2 children, and do not accept custody of children;

3 (g) Seasonal camps of three months' or less duration engaged
4 primarily in recreational or educational activities;

5 (h) Facilities providing child care for periods of less than
6 twenty-four hours when a parent or legal guardian of the child
7 remains on the premises of the facility for the purpose of
8 participating in:

9 (i) Activities other than employment; or

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

14 (i) Any entity that provides recreational or educational
15 programming for school((-))age((d)) children only and the entity
16 meets all of the following requirements:

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

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

22 (iii) The entity is a local affiliate of a national nonprofit;
23 and

24 (iv) The entity is in compliance with all safety and quality
25 standards set by the associated national agency;

26 (j) A program operated by any unit of local, state, or federal
27 government or an agency, located within the boundaries of a federally
28 recognized Indian reservation, licensed by the Indian tribe;

29 (k) A program located on a federal military reservation, except
30 where the military authorities request that such agency be subject to
31 the licensing requirements of this chapter;

32 (l) A program that offers early learning and support services,
33 such as parent education, and does not provide child care services on
34 a regular basis.

35 (3) "Applicant" means a person who requests or seeks employment
36 in an agency.

37 (4) "Conviction information" means criminal history record
38 information relating to an incident which has led to a conviction or
39 other disposition adverse to the applicant.

40 (5) "Department" means the department of early learning.

- 1 (6) "Director" means the director of the department.
- 2 (7) "Early achievers" means a program that improves the quality
3 of early learning programs and supports and rewards providers for
4 their participation.
- 5 (8) "Early start" means an integrated high quality continuum of
6 early learning programs for children birth-to-five years of age.
7 Components of early start include, but are not limited to, the
8 following:
- 9 (a) Home visiting and parent education and support programs;
10 (b) The early achievers program described in RCW 43.215.100;
11 (c) Integrated full-day and part-day high quality early learning
12 programs; and
- 13 (d) High quality preschool for children whose family income is at
14 or below one hundred ten percent of the federal poverty level.
- 15 (9) "Education data center" means the education data center
16 established in RCW 43.41.400, commonly referred to as the education
17 research and data center.
- 18 (10) "Employer" means a person or business that engages the
19 services of one or more people, especially for wages or salary to
20 work in an agency.
- 21 (~~(10)~~) (11) "Enforcement action" means denial, suspension,
22 revocation, modification, or nonrenewal of a license pursuant to RCW
23 43.215.300(1) or assessment of civil monetary penalties pursuant to
24 RCW 43.215.300(3).
- 25 (~~(11)~~) (12) "Extended day program" means an early childhood
26 education and assistance program that offers child care for at least
27 ten hours per day, five days per week, year round.
- 28 (13) "Full day program" means an early childhood education and
29 assistance program that offers child care for at least six hours per
30 day, a minimum of one thousand hours per year, and at least four days
31 per week.
- 32 (14) "Low-income child care provider" means a person who
33 administers a child care program that consists of at least eighty
34 percent of children receiving working connections child care subsidy.
- 35 (15) "Low-income neighborhood" means a district or community
36 where more than twenty percent of households are below the federal
37 poverty level.
- 38 (16) "Negative action" means a court order, court judgment, or an
39 adverse action taken by an agency, in any state, federal, tribal, or
40 foreign jurisdiction, which results in a finding against the

1 applicant reasonably related to the individual's character,
2 suitability, and competence to care for or have unsupervised access
3 to children in child care. This may include, but is not limited to:

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

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

7 (c) An adverse agency action, including termination, revocation,
8 or denial of a license or certification, or if pending adverse agency
9 action, the voluntary surrender of a license, certification, or
10 contract in lieu of the adverse action;

11 (d) A revocation, denial, or restriction placed on any
12 professional license; or

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

14 ~~((+12+))~~ (17) "Nonconviction information" means arrest, founded
15 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
16 or other negative action adverse to the applicant.

17 ~~((+13+))~~ (18) "Nonschool age child" means a child birth through
18 six years of age who has yet to enter kindergarten or school.

19 (19) "Part day program" means an early childhood education and
20 assistance program that offers child care for at least two and one-
21 half hours per class session, at least three hundred twenty hours per
22 year, for a minimum of thirty weeks per year.

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

26 ~~((+14+))~~ (21) "Requirement" means any rule, regulation, or
27 standard of care to be maintained by an agency.

28 ~~((+15+))~~ (22) "School age child" means a child not less than five
29 years of age through twelve years of age and who is attending
30 kindergarten or school.

31 (23) "Washington state preschool program" means an education
32 program for children three-to-five years of age who have not yet
33 entered kindergarten, such as the early childhood education and
34 assistance program.

35 NEW SECTION. Sec. 17. REPEALER. 2013 2nd sp.s. c 16 s 2
36 (uncodified) is repealed.

37 NEW SECTION. Sec. 18. A new section is added to chapter 43.215
38 RCW to read as follows:

1 SHORT TITLE. Chapter . . ., Laws of 2015 (this act) may be known
2 and cited as the early start act.

3 NEW SECTION. **Sec. 19.** NULL AND VOID. If specific funding for
4 the purposes of this act, referencing this act by bill or chapter
5 number, is not provided by June 30, 2015, in the omnibus
6 appropriations act, this act is null and void.

--- END ---