
SUBSTITUTE SENATE BILL 5452

State of Washington

64th Legislature

2015 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Litzow, Billig, Fain, Dammeier, Hargrove, Hill, Rivers, Brown, Mullet, Frockt, Jayapal, Angel, Cleveland, Kohl-Welles, Keiser, McAuliffe, and Habib)

READ FIRST TIME 02/18/15.

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, and 43.215.090; reenacting and
4 amending RCW 43.215.010; adding new sections to chapter 43.215 RCW;
5 creating new sections; and repealing 2013 2nd sp.s. c 16 s 2
6 (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) The department shall establish a process to accept national
31 accreditation as a qualification for the early achievers program
32 ratings. Each accreditation agency must be allowed to submit its most
33 current standards of accreditation to establish potential credit
34 earned in the early achievers program. The department shall grant
35 credit to accreditation bodies that can demonstrate that their
36 standards meet or exceed the current early achievers program
37 standards.

38 (12) A child care or early learning program that is operated by a
39 federally recognized tribe and receives state funds shall participate
40 in the early achievers program. The tribe may choose to participate

1 through an interlocal agreement between the tribe and the department.
2 The interlocal agreement must reflect the government-to-government
3 relationship between the state and the tribe, including recognition
4 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

16 (13) Nothing in this section changes the department's
17 responsibility to collectively bargain over mandatory subjects.

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

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

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

29 (a) The creation of a substitute pool;

30 (b) The development of needs-based grants for providers at level
31 2 in the early achievers program to assist with purchasing curriculum
32 development, instructional materials, supplies, and equipment to
33 improve program quality. Priority for the needs-based grants shall be
34 given to culturally diverse and low-income providers;

35 (c) The development of materials and assessments in a timely
36 manner, and to the extent feasible, in the provider and family home
37 languages; and

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

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

6 WORKING CONNECTIONS CHILD CARE. (1) The department shall
7 establish and implement policies in the working connections child
8 care program to promote stability and quality of care for children
9 from low-income households. These policies shall focus on supporting
10 school readiness for young learners. Policies for the expenditure of
11 funds constituting the working connections child care program must be
12 consistent with the outcome measures defined in RCW 74.08A.410 and
13 the standards established in this section intended to promote
14 ~~((continuity of care for children))~~ stability, quality, and
15 continuity of early care and education programming.

16 (2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public
17 Law 113-186, authorizations for the working connections child care
18 subsidy shall be effective for twelve months ~~((unless a change in~~
19 ~~circumstances necessitates reauthorization sooner than twelve months.~~
20 ~~The twelve-month certification applies only if the enrollments in the~~
21 ~~child care subsidy or working connections child care program are~~
22 ~~eapped.~~

23 ~~(3) Subject to the availability of amounts appropriated for this~~
24 ~~specific purpose, beginning September 1, 2013, working connections~~
25 ~~child care providers shall receive a five percent increase in the~~
26 ~~subsidy rate for enrolling in level 2 in the early achievers~~
27 ~~programs. Providers must complete level 2 and advance to level 3~~
28 ~~within thirty months in order to maintain this increase))~~ beginning
29 January 1, 2016.

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

33 (a) Enroll in the early achievers program;

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

36 (c) Rate at a level 3 or higher in the early achievers program by
37 December 31, 2018. If a child care provider rates below a level 3 by
38 December 31, 2018, the provider must complete remedial activities

1 with the department, and rate at a level 3 or higher no later than
2 June 30, 2019.

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

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

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

10 (c) Rate at a level 3 or higher in the early achievers program
11 within thirty months of enrollment. If a child care provider rates
12 below a level 3 within thirty months from enrollment into the early
13 achievers program, the provider must complete remedial activities
14 with the department, and rate at a level 3 or higher within six
15 months.

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

19 (6) If a child care provider serving nonschool age children and
20 receiving state subsidy payments has successfully completed all level
21 2 activities and is waiting to be rated by the deadline provided in
22 this section, the provider may continue to receive a state subsidy
23 pending the successful completion of the level 3 rating activity.

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

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

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

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

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

37 ~~(2) Notify the department of social and health services, within~~
38 ~~ten days, about any significant change related to the number of child~~

1 care hours the applicant or recipient needs, cost sharing, or
2 eligibility)).

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

5 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
6 department shall adopt rules under chapter 34.05 RCW for the
7 administration of the early childhood education and assistance
8 program. Approved early childhood education and assistance programs
9 shall conduct needs assessments of their service area(~~(7)~~) and
10 identify any targeted groups of children, to include but not be
11 limited to children of seasonal and migrant farmworkers and native
12 American populations living either on or off reservation(~~(7—and)~~).
13 Approved early childhood education and assistance programs shall
14 provide to the department a service delivery plan, to the extent
15 practicable, that addresses these targeted populations.

16 (2) The department, in developing rules for the early childhood
17 education and assistance program, shall consult with the early
18 learning advisory (~~(committee)~~) council, and shall consider such
19 factors as coordination with existing head start and other early
20 childhood programs, the preparation necessary for instructors,
21 qualifications of instructors, adequate space and equipment, and
22 special transportation needs. The rules shall specifically require
23 the early childhood programs to provide for parental involvement in
24 participation with their child's program, in local program policy
25 decisions, in development and revision of service delivery systems,
26 and in parent education and training.

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

33 (b) The implementation of rules pertaining to child absences and
34 de-enrollment procedures must align with the implementation of the
35 electronic time and attendance record system.

36 (c) Rules pertaining to child absences and de-enrollment
37 procedures shall be adopted no later than July 31, 2016.

38 (4) The department shall adopt rules requiring early childhood
39 education and assistance program employees who have access to

1 children to submit to a fingerprint background check. Fingerprint
2 background check procedures for the early childhood education and
3 assistance program shall be the same as the background check
4 procedures in RCW 43.215.215.

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

7 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
8 early childhood education and assistance programs shall receive
9 state-funded support through the department. Public or private
10 nonsectarian organizations, including, but not limited to school
11 districts, educational service districts, community and technical
12 colleges, local governments, or nonprofit organizations, are eligible
13 to participate as providers of the state early childhood education
14 and assistance program. ((Funds appropriated for the state program
15 shall be used to continue to operate existing programs or to
16 establish new or expanded early childhood programs, and shall not be
17 used to supplant federally supported head start programs.))

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

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

30 (4) Existing early childhood education and assistance program
31 providers must complete the following requirements to be eligible to
32 receive state-funded support under the early childhood education and
33 assistance program:

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

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

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

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

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

11 (6)(a) If an early childhood education and assistance program
12 provider has successfully completed all of the required early
13 achievers program activities and is waiting to be rated by the
14 deadline provided in this section, the provider may continue to
15 participate in the early achievers program as an approved early
16 childhood education and assistance program provider and receive state
17 subsidy pending the successful completion of a level 4 or 5 rating.

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

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

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

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

33 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
34 September 1, 2011, an early learning program to provide voluntary
35 preschool opportunities for children three and four years of age
36 shall be implemented according to the funding and implementation plan
37 in RCW ((43.215.142)) 43.215.456. The program must ((be)) offer a
38 comprehensive program ((providing)) of early childhood education and
39 family support, ((options for)) including parental involvement((,))

1 and health information, screening, and referral services, ~~((as))~~
2 based on family need ~~((is determined))~~. Participation in the program
3 is voluntary. On a space available basis, the program may allow
4 enrollment of children who are not otherwise eligible by assessing a
5 fee.

6 (2) The ~~((first phase of the))~~ program shall be implemented by
7 utilizing the program standards and eligibility criteria in the early
8 childhood education and assistance program in RCW 43.215.400 through
9 43.215.450.

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

14 (b) Following the priority in (a) of this subsection, preference
15 shall be given to programs meeting at least one of the following
16 characteristics:

17 (i) Programs offering extended day early care and education
18 programming;

19 (ii) Programs offering services to children diagnosed with a
20 special need; or

21 (iii) Programs offering services to children involved in the
22 child welfare system.

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

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

29 (b) Approval of program providers; and

30 (c) Accountability and adherence to performance standards.

31 ~~((4))~~ (5) The department has administrative responsibility for:

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

34 (b) In partnership with school districts, monitoring program
35 quality and assuring the program is responsive to the needs of
36 eligible children;

37 (c) Assuring that program providers work cooperatively with
38 school districts to coordinate the transition from preschool to
39 kindergarten so that children and their families are well-prepared
40 and supported; and

1 (d) Providing technical assistance to contracted providers.

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

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

10 (a) Daily program attendance;

11 (b) Identification of classroom and teacher;

12 (c) Early achievers program quality level rating;

13 (d) Program hours;

14 (e) Program duration;

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

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

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

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

29 (a) Recommendations for improving the early achievers program
30 standards;

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

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

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

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

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

9 (5)(a) The Washington state institute for public policy shall
10 conduct a longitudinal analysis examining relationships between the
11 early achievers program quality ratings levels and outcomes for
12 children participating in subsidized early care and education
13 programs.

14 (b) The institute shall submit the first report to the
15 appropriate committees of the legislature and the early learning
16 advisory council by December 31, 2018. The institute shall submit
17 subsequent reports annually to the appropriate committees of the
18 legislature and the early learning advisory council by December 31st,
19 with the final report due December 31, 2021. The final report shall
20 include a cost-benefit analysis.

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

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

28 (c) The early learning program implementation report must address
29 the following:

30 (i) Progress on early childhood education and assistance program
31 implementation as required pursuant to RCW 43.215.415, 43.215.425,
32 and 43.215.455;

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

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

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

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

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

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

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

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

10 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) The department
11 shall employ a combination of vouchers and contracted slots for the
12 subsidized child care programs in RCW 43.215.135 and 43.215.415.
13 Child care vouchers preserve parental choice. Child care contracted
14 slots promote access to continuous quality care for children, provide
15 parents and caregivers stable child care that supports employment,
16 and allow providers to have predictable funding.

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

20 (3) The department is required to use data to calculate a set
21 number of targeted contracted slots. In calculating the number, the
22 department must take into account a balance of family home and center
23 child care programs and the overall geographic distribution of child
24 care programs in the state and the distribution of slots between ages
25 zero and five. The targeted contracted slots are reserved for
26 programs meeting both of the following conditions:

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

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

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

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

34 (b) Programs partnering with elementary schools to offer
35 transitional planning and support to children as they advance to
36 kindergarten;

37 (c) Programs serving children involved in the child welfare
38 system; or

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

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

4 (i) Allowable periods of child absences;

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

7 (iii) A de-enrollment procedure when allowable child absences are
8 exceeded.

9 (b) The implementation of rules pertaining to child absences and
10 de-enrollment procedures must align with the implementation of the
11 electronic time and attendance record system.

12 (c) Rules pertaining to child absences and de-enrollment
13 procedures shall be adopted no later than July 31, 2016.

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

16 (7)(a) By December 31, 2015, the department shall provide a
17 report to the appropriate committees of the legislature on the number
18 of contracted slots that use both early childhood education
19 assistance program funding and working connections child care program
20 funding.

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

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

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

29 (1) Provide minimum health and safety standards for child care
30 and preschool programs;

31 (2) Rely on the standards established in the early achievers
32 program to address quality issues in participating early childhood
33 programs;

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

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

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

1 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
2 quality in the early care and education system in Washington is the
3 quality rating and improvement system entitled the early achievers
4 program. In an effort to build on the existing quality framework,
5 enhance access to quality care for children, and strengthen the
6 entire early care and education systems in the state, it is important
7 to integrate the efforts of state and local governments.

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

10 (3) Local governments may contribute funds to the department for
11 the following purposes:

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

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

15 (4) Funds contributed to the department by local governments must
16 be deposited in the early start account established in section 14 of
17 this act.

18 **Sec. 13.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to
19 read as follows:

20 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
21 council is established to advise the department on statewide early
22 learning issues that would build a comprehensive system of quality
23 early learning programs and services for Washington's children and
24 families by assessing needs and the availability of services,
25 aligning resources, developing plans for data collection and
26 professional development of early childhood educators, and
27 establishing key performance measures.

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

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

36 (4) Councilmembers shall serve two-year terms. However, to
37 stagger the terms of the council, the initial appointments for twelve
38 of the members shall be for one year. Once the initial one-year to
39 two-year terms expire, all subsequent terms shall be for two years,

1 with the terms expiring on June 30th of the applicable year. The
2 terms shall be staggered in such a way that, where possible, the
3 terms of members representing a specific group do not expire
4 simultaneously.

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

7 (a) The governor shall appoint at least one representative from
8 each of the following: The department, the office of financial
9 management, the department of social and health services, the
10 department of health, the student achievement council, and the state
11 board for community and technical colleges;

12 (b) One representative from the office of the superintendent of
13 public instruction, to be appointed by the superintendent of public
14 instruction;

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

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

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

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

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

28 (d) Two members of the house of representatives, one from each
29 caucus, and two members of the senate, one from each caucus, to be
30 appointed by the speaker of the house of representatives and the
31 president of the senate, respectively;

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

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

36 (g) One representative designated by sovereign tribal
37 governments; and

38 (h) One representative from the Washington federation of
39 independent schools.

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

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

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

11 (9)(a) The council shall convene an early achievers review
12 subcommittee to provide feedback and guidance on strategies to
13 improve the quality of instruction and environment for early learning
14 and provide input and recommendations on the implementation and
15 refinement of the early achievers program. At a minimum the review
16 shall address the following:

17 (i) Adequacy of data collection procedures;

18 (ii) Coaching and technical assistance standards;

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

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

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

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

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

29 (c) The subcommittee shall include representatives from child
30 care centers, family child care, the early childhood education and
31 assistance program, contractors for early achievers program technical
32 assistance and coaching, the organization responsible for conducting
33 early achiever program ratings, and parents of children participating
34 in early learning programs. The subcommittee shall include
35 representatives from diverse cultural and linguistic backgrounds.

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

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

1 EARLY START ACCOUNT. The early start account is created in the
2 state treasury. Revenues in the account shall consist of
3 appropriations by the legislature and all other sources deposited
4 into the account. Moneys in the account may only be used after
5 appropriation. Expenditures from the account may be used only to
6 improve the quality of early care and education programming. The
7 department oversees the account.

8 **Sec. 15.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1
9 are each reenacted and amended to read as follows:

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

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

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

19 (b) "Early learning" includes but is not limited to programs and
20 services for child care; state, federal, private, and nonprofit
21 preschool; child care subsidies; child care resource and referral;
22 parental education and support; and training and professional
23 development for early learning professionals;

24 (c) "Family day care provider" means a child care provider who
25 regularly provides early childhood education and early learning
26 services for not more than twelve children in the provider's home in
27 the family living quarters;

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

33 (e) "Service provider" means the entity that operates a community
34 facility.

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

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

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

1 (ii) Stepfather, stepmother, stepbrother, and stepsister;
2 (iii) A person who legally adopts a child or the child's parent
3 as well as the natural and other legally adopted children of such
4 persons, and other relatives of the adoptive parents in accordance
5 with state law; or
6 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
7 this subsection, even after the marriage is terminated;
8 (b) Persons who are legal guardians of the child;
9 (c) Persons who care for a neighbor's or friend's child or
10 children, with or without compensation, where the person providing
11 care for periods of less than twenty-four hours does not conduct such
12 activity on an ongoing, regularly scheduled basis for the purpose of
13 engaging in business, which includes, but is not limited to,
14 advertising such care;
15 (d) Parents on a mutually cooperative basis exchange care of one
16 another's children;
17 (e) Nursery schools that are engaged primarily in early childhood
18 education with preschool children and in which no child is enrolled
19 on a regular basis for more than four hours per day;
20 (f) Schools, including boarding schools, that are engaged
21 primarily in education, operate on a definite school year schedule,
22 follow a stated academic curriculum, accept only school((-))age
23 children, and do not accept custody of children;
24 (g) Seasonal camps of three months' or less duration engaged
25 primarily in recreational or educational activities;
26 (h) Facilities providing child care for periods of less than
27 twenty-four hours when a parent or legal guardian of the child
28 remains on the premises of the facility for the purpose of
29 participating in:
30 (i) Activities other than employment; or
31 (ii) Employment of up to two hours per day when the facility is
32 operated by a nonprofit entity that also operates a licensed child
33 care program at the same facility in another location or at another
34 facility;
35 (i) Any entity that provides recreational or educational
36 programming for school((-))age((&)) children only and the entity
37 meets all of the following requirements:
38 (i) The entity utilizes a drop-in model for programming, where
39 children are able to attend during any or all program hours without a
40 formal reservation;

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

3 (iii) The entity is a local affiliate of a national nonprofit;
4 and

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

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

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

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

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

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

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

22 (6) "Director" means the director of the department.

23 (7) "Early achievers" means a program that improves the quality
24 of early learning programs and supports and rewards providers for
25 their participation.

26 (8) "Early start" means an integrated high quality continuum of
27 early learning programs for children birth-to-five years of age.
28 Components of early start include, but are not limited to, the
29 following:

30 (a) Home visiting and parent education and support programs;

31 (b) The early achievers program described in RCW 43.215.100;

32 (c) Integrated full-day and part-day high quality early learning
33 programs; and

34 (d) High quality preschool for children whose family income is at
35 or below one hundred ten percent of the federal poverty level.

36 (9) "Education data center" means the education data center
37 established in RCW 43.41.400, commonly referred to as the education
38 research and data center.

1 (10) "Employer" means a person or business that engages the
2 services of one or more people, especially for wages or salary to
3 work in an agency.

4 ~~((10))~~ (11) "Enforcement action" means denial, suspension,
5 revocation, modification, or nonrenewal of a license pursuant to RCW
6 43.215.300(1) or assessment of civil monetary penalties pursuant to
7 RCW 43.215.300(3).

8 ~~((11))~~ (12) "Extended day program" means an early childhood
9 education and assistance program that offers child care for at least
10 ten hours per day, five days per week, year round.

11 (13) "Full day program" means an early childhood education and
12 assistance program that offers child care for at least six hours per
13 day, a minimum of one thousand hours per year, and at least four days
14 per week.

15 (14) "Low-income child care provider" means a person who
16 administers a child care program that consists of at least eighty
17 percent of children receiving working connections child care subsidy.

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

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

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

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

30 (c) An adverse agency action, including termination, revocation,
31 or denial of a license or certification, or if pending adverse agency
32 action, the voluntary surrender of a license, certification, or
33 contract in lieu of the adverse action;

34 (d) A revocation, denial, or restriction placed on any
35 professional license; or

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

37 ~~((12))~~ (17) "Nonconviction information" means arrest, founded
38 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
39 or other negative action adverse to the applicant.

1 ~~((13))~~ (18) "Nonschool age child" means a child birth through
2 six years of age who has yet to enter kindergarten or school.

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

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

10 ~~((14))~~ (21) "Requirement" means any rule, regulation, or
11 standard of care to be maintained by an agency.

12 ~~((15))~~ (22) "School age child" means a child not less than five
13 years of age through twelve years of age and who is attending
14 kindergarten or school.

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

19 NEW SECTION. **Sec. 16.** REPEALER. 2013 2nd sp.s. c 16 s 2
20 (uncodified) is repealed.

21 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.215
22 RCW to read as follows:

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

25 NEW SECTION. **Sec. 18.** NULL AND VOID. If specific funding for
26 the purposes of this act, referencing this act by bill or chapter
27 number, is not provided by June 30, 2015, in the omnibus
28 appropriations act, this act is null and void.

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