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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5452

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State of Washington

64th Legislature

2015 Regular Session

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

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

13 MINIMUM STATE CONTROLS FOR PRIVATE SCHOOLS. The legislature  
14 hereby recognizes that private schools with early learning programs  
15 should be subject only to those minimum state controls necessary to  
16 assure the health and safety of all students in the state and to  
17 assure a sufficient early childhood education to meet usual  
18 requirements needed for transition into elementary school. The state,  
19 and any agency or official thereof, shall not restrict or dictate any  
20 specific educational or other programs for private school early  
21 learning programs except for programs that receive state subsidy  
22 payments.

23 **Sec. 3.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to  
24 read as follows:

25 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)  
26 (~~Subject to the availability of amounts appropriated for this~~  
27 ~~specific purpose,~~) The department, in collaboration with tribal  
28 governments and community and statewide partners, shall implement a  
29 ((voluntary)) quality rating and improvement system, called the early  
30 achievers program((, that)). The early achievers program provides a  
31 foundation of quality for the early care and education system. The  
32 early achievers program is applicable to licensed or certified child  
33 care centers and homes and early ((education)) learning programs such  
34 as working connections child care and early childhood education and  
35 assistance programs.

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

1 (a) ~~((Tø))~~ Improve short-term and long-term educational outcomes  
2 for children as measured by assessments including, but not limited  
3 to, the Washington kindergarten inventory of developing skills in RCW  
4 28A.655.080;

5 (b) Give parents clear and easily accessible information about  
6 the quality of child care and early education programs~~((τ))~~;

7 (c) Support improvement in early learning and child care programs  
8 throughout the state~~((τ))~~;

9 (d) Increase the readiness of children for school~~((τ—and))~~;

10 (e) Close the ~~((disparity))~~ disparities in access to quality  
11 care;

12 (f) Subject to the availability of amounts appropriated for this  
13 specific purpose, provide professional development and coaching  
14 opportunities to early child care and education providers; and ~~((b-  
15 tø))~~

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

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

23 (b) Approved early childhood education and assistance program  
24 providers receiving state-funded support must participate in the  
25 early achievers program by the required deadlines established in RCW  
26 43.215.415.

27 (c) Participation in the early achievers program is voluntary for  
28 licensed or certified child care centers and homes not receiving  
29 state subsidy payments. Participation in the early achievers program  
30 is voluntary for private schools with early learning programs not  
31 receiving state subsidy payments.

32 (d) School age child care providers are exempt from participating  
33 in the early achievers program. By July 1, 2017, the department may  
34 design a plan to incorporate school age child care providers into the  
35 early achievers program. Subject to the availability of amounts  
36 appropriated for this specific purpose, to test implementation of the  
37 early achievers system for school age child care providers the  
38 department may implement a pilot program.

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

4           ~~(5) Before final implementation of the early achievers program,~~  
5 ~~the department shall report on program progress, as defined within~~  
6 ~~the race to the top federal grant award, and expenditures to the~~  
7 ~~appropriate policy and fiscal committees of the legislature.)) There~~  
8 ~~are five levels in the early achievers program. Participants are~~  
9 ~~expected to actively engage in the program.~~

10           (5) The department has the authority to determine the rating  
11 cycle for the early achievers program. The department shall  
12 streamline and eliminate duplication between early achievers  
13 standards and state child care rules in order to reduce costs  
14 associated with the early achievers rating cycle and child care  
15 licensing.

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

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

22           (c) The first rating is free for early achievers program  
23 participants.

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

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

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

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

34           (7)(a) Subject to the availability of amounts appropriated for  
35 this specific purpose, the department must create a single source of  
36 information for parents and caregivers to access details on a  
37 provider's early achievers program rating level, licensing history,  
38 and other indicators of quality and safety that will help parents and  
39 caregivers make informed choices.

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

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

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

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

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

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

20 (8)(a) Subject to the availability of amounts appropriated for  
21 this specific purpose, the department may create a professional  
22 development pathway for early achievers program participants to  
23 obtain a high school diploma or equivalency or higher education  
24 credential in early childhood education, early childhood studies,  
25 child development, or an academic field related to early care and  
26 education.

27 (b) The professional development pathway may include  
28 opportunities for scholarships and grants to assist early achievers  
29 program participants with the costs associated with obtaining an  
30 educational degree.

31 (c) The department may address cultural and linguistic diversity  
32 when developing the professional development pathway.

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

37 (10) In collaboration with tribal governments, community and  
38 statewide partners, and the early achievers review subcommittee  
39 created in RCW 43.215.090, the department shall develop a protocol  
40 for granting early achievers program participants an extension in

1 meeting rating level requirement timelines outlined for the working  
2 connections child care program and the early childhood education and  
3 assistance program.

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

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

10 (c) Extensions may only be granted to early achievers program  
11 participants who have demonstrated engagement in the early achievers  
12 program.

13 (d) A report outlining the early achievers program extension  
14 protocol shall be delivered to the appropriate committees of  
15 legislature by December 31, 2015. The department shall produce this  
16 report within the department's available appropriations.

17 (11) The department shall establish a process to accept national  
18 accreditation as a qualification for the early achievers program  
19 ratings. Each accreditation agency must be allowed to submit its most  
20 current standards of accreditation to establish potential credit  
21 earned in the early achievers program. The department shall grant  
22 credit to accreditation bodies that can demonstrate that their  
23 standards meet or exceed the current early achievers program  
24 standards.

25 (12) A child care or early learning program that is operated by a  
26 federally recognized tribe and receives state funds shall participate  
27 in the early achievers program. The tribe may choose to participate  
28 through an interlocal agreement between the tribe and the department.  
29 The interlocal agreement must reflect the government-to-government  
30 relationship between the state and the tribe, including recognition  
31 of tribal sovereignty. The interlocal agreement must provide that:

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

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

38 (c) Tribal child care facilities and early learning programs must  
39 provide notification to parents or guardians who apply for or have  
40 been admitted into their program that early achievers program rating

1 level information is available and provide the parents or guardians  
2 with the program's early achievers program rating level upon request.

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

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.215  
6 RCW to read as follows:

7 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY  
8 ACHIEVERS. (1) The department shall, in collaboration with tribal  
9 governments and community and statewide partners, implement a  
10 protocol to maximize and encourage participation in the early  
11 achievers program for culturally diverse and low-income center and  
12 family home child care providers.

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

15 (a) Subject to the availability of amounts appropriated for this  
16 specific purpose, the creation of a substitute pool;

17 (b) Subject to the availability of amounts appropriated for this  
18 specific purpose, the development of needs-based grants for providers  
19 at level 2 in the early achievers program to assist with purchasing  
20 curriculum development, instructional materials, supplies, and  
21 equipment to improve program quality. Priority for the needs-based  
22 grants shall be given to culturally diverse and low-income providers;

23 (c) Subject to the availability of amounts appropriated for this  
24 specific purpose, the development of materials and assessments in a  
25 timely manner, and to the extent feasible, in the provider and family  
26 home languages; and

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

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

32 WORKING CONNECTIONS CHILD CARE. (1) The department shall  
33 establish and implement policies in the working connections child  
34 care program to promote stability and quality of care for children  
35 from low-income households. These policies shall focus on supporting  
36 school readiness for young learners. Policies for the expenditure of  
37 funds constituting the working connections child care program must be  
38 consistent with the outcome measures defined in RCW 74.08A.410 and

1 the standards established in this section intended to promote  
2 ~~((continuity of care for children))~~ stability, quality, and  
3 continuity of early care and education programming.

4 (2) ~~((Beginning in fiscal year 2013))~~ As recommended in Public  
5 Law No. 113-186, authorizations for the working connections child  
6 care subsidy shall be effective for twelve months unless a change in  
7 circumstances necessitates reauthorization sooner than twelve months.  
8 The twelve-month certification applies only if the enrollments in the  
9 child care subsidy or working connections child care program are  
10 capped.

11 (3) ~~((Subject to the availability of amounts appropriated for~~  
12 ~~this specific purpose, beginning September 1, 2013, working~~  
13 ~~connections child care providers shall receive a five percent~~  
14 ~~increase in the subsidy rate for enrolling in level 2 in the early~~  
15 ~~achievers programs. Providers must complete level 2 and advance to~~  
16 ~~level 3 within thirty months in order to maintain this increase.))~~  
17 The department shall adopt rules that provide working connections  
18 child care authorizations for up to ninety days, which do not need to  
19 be consecutive, when a recipient experiences a gap in his or her  
20 employment or approved activity during a twelve-month period. In  
21 order for the recipient to continue to be authorized for child care  
22 during the ninety days, the recipient must be looking for another job  
23 or have verbal or written assurance from the recipient's employer or  
24 approved activity that the employment or approved activity will  
25 resume within the ninety days. The rules shall not apply to  
26 recipients of temporary assistance for needy families or WorkFirst  
27 under chapter 74.08A RCW.

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

31 (a) Enroll in the early achievers program;  
32 (b) Complete level 2 activities in the early achievers program by  
33 August 1, 2016; and

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

39 (5) Effective July 1, 2016, a new child care provider serving  
40 nonschool age children and receiving state subsidy payments must

1 complete the following activities to be eligible to receive a state  
2 subsidy under this section:

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

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

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

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

15 (7) If a child care provider serving nonschool age children and  
16 receiving state subsidy payments has successfully completed all level  
17 2 activities and is waiting to be rated by the deadline provided in  
18 this section, the provider may continue to receive a state subsidy  
19 pending the successful completion of the level 3 rating activity.

20 (8) Subject to the availability of amounts appropriated for this  
21 specific purpose, the department may implement tiered reimbursement  
22 for early achievers program participants in the working connections  
23 child care program rating at level 3, 4, or 5.

24 (9) The department shall account for a child care copayment  
25 collected by the provider from the family for each contracted slot  
26 and establish the copayment fee by rule.

27 **Sec. 6.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to  
28 read as follows:

29 WORKING CONNECTIONS CHILD CARE. When an applicant or recipient  
30 applies for or receives working connections child care benefits, ((he  
31 or she)) the applicant or recipient is required to:

32 (1) Notify the department of social and health services, within  
33 five days, of any change in providers; and

34 (2) Notify, in writing or verbally, the department of social and  
35 health services, within ten days, about any significant change  
36 related to the number of child care hours the applicant or recipient  
37 needs, cost sharing, or eligibility.

1       **Sec. 7.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to  
2 read as follows:

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

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

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

32       (b) Rules pertaining to child absences and de-enrollment  
33 procedures shall be adopted no later than July 31, 2016. The  
34 department shall adopt rules on child absences and attendance within  
35 the department's appropriations.

36       (4) The department shall adopt rules requiring early childhood  
37 education and assistance program employees who have access to  
38 children to submit to a fingerprint background check. Fingerprint  
39 background check procedures for the early childhood education and

1 assistance program shall be the same as the background check  
2 procedures in RCW 43.215.215.

3 **Sec. 8.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to  
4 read as follows:

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

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

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

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

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

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

38 (5) Effective August 1, 2015, a new early childhood education and  
39 assistance program provider must complete the requirements in this

1 subsection (5) to be eligible to receive state-funded support under  
2 the early childhood education and assistance program:

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

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

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

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

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

28 **Sec. 9.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to  
29 read as follows:

30 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning  
31 September 1, 2011, an early learning program to provide voluntary  
32 preschool opportunities for children three and four years of age  
33 shall be implemented according to the funding and implementation plan  
34 in RCW ((43.215.142)) 43.215.456. The program must ((be)) offer a  
35 comprehensive program ((providing)) of early childhood education and  
36 family support, ((options for)) including parental involvement((r))  
37 and health information, screening, and referral services, ((as))  
38 based on family need ((is determined)). Participation in the program  
39 is voluntary. On a space available basis, the program may allow

1 enrollment of children who are not otherwise eligible by assessing a  
2 fee.

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

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

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

14 (i) Programs offering extended day early care and education  
15 programming;

16 (ii) Programs offering services to children diagnosed with a  
17 special need; or

18 (iii) Programs offering services to children involved in the  
19 child welfare system.

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

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

26 (b) Approval of program providers; and

27 (c) Accountability and adherence to performance standards.

28 (~~(4)~~) (5) The department has administrative responsibility for:

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

31 (b) In partnership with school districts, monitoring program  
32 quality and assuring the program is responsive to the needs of  
33 eligible children;

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

38 (d) Providing technical assistance to contracted providers.

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

3        PROGRAM DATA COLLECTION AND EVALUATION.    (1) Subject to the  
4    availability of amounts appropriated for this specific purpose, the  
5    education data center established in RCW 43.41.400 must collect  
6    longitudinal, student-level data on all children attending a working  
7    connections child care program or an early childhood education and  
8    assistance program. Data collected should capture at a minimum the  
9    following 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. 11.** A new section is added to chapter 43.215  
9 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

5 (i) Allowable periods of child absences;

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

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

10 (b) Rules pertaining to child absences and de-enrollment  
11 procedures shall be adopted no later than July 31, 2016. The  
12 department shall adopt rules on child absences and attendance within  
13 the department's appropriations.

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. The department shall produce this report within the  
21 department's available appropriations.

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

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

26 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2016,  
27 the department shall implement a single set of licensing standards  
28 for child care and the early childhood education and assistance  
29 program. The department shall produce the single set of licensing  
30 standards within the department's available appropriations. The new  
31 licensing standards must:

32 (1) Provide minimum health and safety standards for child care  
33 and preschool programs;

34 (2) Rely on the standards established in the early achievers  
35 program to address quality issues in participating early childhood  
36 programs;

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

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

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

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

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

12        (3) Local governments may contribute funds to the department for  
13    the following purposes:

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

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

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

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

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

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

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

38        (4) Councilmembers shall serve two-year terms. However, to  
39    stagger the terms of the council, the initial appointments for twelve

1 of the members shall be for one year. Once the initial one-year to  
2 two-year terms expire, all subsequent terms shall be for two years,  
3 with the terms expiring on June 30th of the applicable year. The  
4 terms shall be staggered in such a way that, where possible, the  
5 terms of members representing a specific group do not expire  
6 simultaneously.

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

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

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

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

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

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

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

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

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

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

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

38 (g) One representative designated by sovereign tribal  
39 governments; and

1 (h) One representative from the Washington federation of  
2 independent schools.

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

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

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

13 (9)(a) Subject to the availability of amounts appropriated for  
14 this specific purpose, the council may convene an early achievers  
15 review subcommittee to provide feedback and guidance on strategies to  
16 improve the quality of instruction and environment for early learning  
17 and provide input and recommendations on the implementation and  
18 refinement of the early achievers program. At a minimum the review  
19 shall address the following:

20 (i) Adequacy of data collection procedures;

21 (ii) Coaching and technical assistance standards;

22 (iii) Progress in reducing barriers to participation for low-  
23 income providers and providers from diverse cultural backgrounds,  
24 including a review of the early achievers program's rating tools,  
25 quality standard areas, and components and how they are applied;

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

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

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

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

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

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

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

4       ANNUAL PROGRESS REPORT. Beginning December 1, 2015, and each  
5 December 1st thereafter, the department, in collaboration with the  
6 early achievers review subcommittee of the early learning advisory  
7 council, shall submit, in compliance with RCW 43.01.036, a progress  
8 report to the governor and the legislature regarding providers'  
9 progress in the early achievers program. Each progress report must  
10 include the following elements:

11       (1) The number, and relative percentage, of providers by region  
12 who have enrolled in early achievers and who have:

13       (a) Completed the level 2 activities;

14       (b) Achieved the required rating level to remain eligible for  
15 state-funded support under the early childhood education and  
16 assistance program or a subsidy under the working connections child  
17 care program;

18       (c) Failed to achieve the required rating level and engaged in  
19 remedial activities before successfully achieving the required rating  
20 level;

21       (d) Failed to achieve the required rating level after completing  
22 remedial activities; or

23       (e) Received an extension from the department based on  
24 exceptional circumstances pursuant to RCW 43.215.100;

25       (2) An examination of the effectiveness of efforts to increase  
26 successful participation by providers serving children and families  
27 from diverse cultural and linguistic backgrounds and providers who  
28 serve children from low-income households;

29       (3) A description of the primary obstacles and challenges faced  
30 by providers who have not achieved the required rating level to  
31 remain eligible to receive:

32       (a) A subsidy under the working connections child care program;  
33 or

34       (b) State-funded support under the early childhood education and  
35 assistance program; and

36       (4) A summary of the types of exceptional circumstances for which  
37 the department has granted an extension pursuant to RCW 43.215.100.

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

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

10        **Sec. 17.**    RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1  
11    are each reenacted and amended to read as follows:

12        **DEFINITIONS.**    The definitions in this section apply throughout  
13    this chapter unless the context clearly requires otherwise.

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

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

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

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

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

35        (e) "Service provider" means the entity that operates a community  
36    facility.

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

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

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

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

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

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

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

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

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

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

23 (f) Schools, including boarding schools, that are engaged  
24 primarily in education, operate on a definite school year schedule,  
25 follow a stated academic curriculum, accept only school((-))age  
26 children, and do not accept custody of children;

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

29 (h) Facilities providing child care for periods of less than  
30 twenty-four hours when a parent or legal guardian of the child  
31 remains on the premises of the facility for the purpose of  
32 participating in:

33 (i) Activities other than employment; or

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

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

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

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

6 (iii) The entity is a local affiliate of a national nonprofit;  
7 and

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

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

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

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

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

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

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

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

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

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

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

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

35 (c) Integrated full-day and part-day high quality early learning  
36 programs; and

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

1       (9) "Education data center" means the education data center  
2 established in RCW 43.41.400, commonly referred to as the education  
3 research and data center.

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

7       (~~(10)~~) (11) "Enforcement action" means denial, suspension,  
8 revocation, modification, or nonrenewal of a license pursuant to RCW  
9 43.215.300(1) or assessment of civil monetary penalties pursuant to  
10 RCW 43.215.300(3).

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

14       (13) "Full day program" means an early childhood education and  
15 assistance program that offers early learning activities a minimum of  
16 one thousand hours per year.

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

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

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

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

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

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

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

36       (~~(12)~~) (16) "Nonconviction information" means arrest, founded  
37 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
38 or other negative action adverse to the applicant.

39       (~~(13)~~) (17) "Nonschool age child" means a child birth through  
40 six years of age who has yet to enter kindergarten or school.

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

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

8       ~~((14))~~ (20) "Requirement" means any rule, regulation, or  
9 standard of care to be maintained by an agency.

10       ~~((15))~~ (21) "School age child" means a child not less than five  
11 years of age through twelve years of age and who is attending  
12 kindergarten or school.

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

17       NEW SECTION. Sec. 18. REPEALER. 2013 2nd sp.s. c 16 s 2  
18 (uncodified) is repealed.

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

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

23       NEW SECTION. Sec. 20. NULL AND VOID. If specific funding for  
24 the purposes of this act, referencing this act by bill or chapter  
25 number, is not provided by June 30, 2015, in the omnibus  
26 appropriations act, this act is null and void.

--- END ---