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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5828

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State of Washington

60th Legislature

2007 Regular Session

**By** Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, McAuliffe, Tom, Rasmussen, Eide, Oemig, Clements, Hobbs, Weinstein, Rockefeller, Kline and Kohl-Welles)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to early child development and learning; amending  
2 RCW 43.215.010 and 43.215.020; adding new sections to chapter 43.215  
3 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that education is the  
6 single most effective investment that can be made in children, the  
7 state, the economy, and the future. A well-educated citizenry is  
8 essential both for the preservation of democracy and for enhancing the  
9 state's ability to compete in the knowledge-based global economy.

10 As recommended by Washington learns, the legislature declares that  
11 the overarching goal for education in the state is to have a world-  
12 class, learner-focused, seamless education system that educates more  
13 Washingtonians to the highest levels of educational attainment.

14 **Sec. 2.** RCW 43.215.010 and 2006 c 265 s 102 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

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

5 (a) "Child day care center" means an agency that regularly provides  
6 child day care and early learning services for a group of children for  
7 periods of less than twenty-four hours;

8 (b) "Early learning" includes but is not limited to programs and  
9 services for child care; state, federal, private, and nonprofit  
10 preschool; child care subsidies; child care resource and referral;  
11 parental education and support; and training and professional  
12 development for early learning professionals;

13 (c) "Family day care provider" means a child day care provider who  
14 regularly provides child day care and early learning services for not  
15 more than twelve children in the provider's home in the family living  
16 quarters;

17 (d) "Nongovernmental private-public partnership" means an entity  
18 registered as a nonprofit corporation in Washington state with a  
19 primary focus on early learning and an ability to raise a minimum of  
20 five million dollars in contributions;

21 (e) "Service provider" means the entity that operates a community  
22 facility.

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

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

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

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

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

33 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
34 subsection (2)(a), even after the marriage is terminated;

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

36 (c) Persons who care for a neighbor's or friend's child or  
37 children, with or without compensation, where the person providing care  
38 for periods of less than twenty-four hours does not conduct such

1 activity on an ongoing, regularly scheduled basis for the purpose of  
2 engaging in business, which includes, but is not limited to,  
3 advertising such care;

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

6 (e) Nursery schools or kindergartens that are engaged primarily in  
7 educational work with preschool children and in which no child is  
8 enrolled on a regular basis for more than four hours per day;

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

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

15 (h) Facilities providing care to children for periods of less than  
16 twenty-four hours whose parents remain on the premises to participate  
17 in activities other than employment;

18 (i) Any agency having been in operation in this state ten years  
19 before June 8, 1967, and not seeking or accepting moneys or assistance  
20 from any state or federal agency, and is supported in part by an  
21 endowment or trust fund;

22 (j) An agency operated by any unit of local, state, or federal  
23 government or an agency, located within the boundaries of a federally  
24 recognized Indian reservation, licensed by the Indian tribe;

25 (k) An agency located on a federal military reservation, except  
26 where the military authorities request that such agency be subject to  
27 the licensing requirements of this chapter;

28 (l) An agency that offers early learning and support services, such  
29 as parent education, and does not provide child care services on a  
30 regular basis.

31 (3) "Department" means the department of early learning.

32 (4) "Director" means the director of the department.

33 (5) "Enforcement action" means denial, suspension, revocation,  
34 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)  
35 or assessment of civil monetary penalties pursuant to RCW  
36 43.215.300(3).

37 (6) "Probationary license" means a license issued as a disciplinary

1 measure to an agency that has previously been issued a full license but  
2 is out of compliance with licensing standards.

3 (7) "Requirement" means any rule, regulation, or standard of care  
4 to be maintained by an agency.

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

7 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory  
8 council is established to advise the department on statewide early  
9 learning community needs and progress.

10 (2) The council shall work in conjunction with the department to  
11 develop a statewide early learning plan that crosses systems and  
12 sectors to promote alignment of private and public sector actions,  
13 objectives, and resources, and to ensure school readiness.

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

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

25 (5) The council shall consist of not more than twenty-five members,  
26 as follows:

27 (a) The governor shall appoint at least one representative from  
28 each of the following: The department, the office of financial  
29 management, the department of social and health services, the  
30 department of health, the higher education coordinating board, and the  
31 state board for community and technical colleges;

32 (b) One representative from the office of the superintendent of  
33 public instruction, to be appointed by the superintendent of public  
34 instruction;

35 (c) The governor shall appoint at least seven leaders in early  
36 childhood education, with at least one representative with experience

1 or expertise in each of the following areas: Children with  
2 disabilities, the K-12 system, family day care providers, and child  
3 care centers;

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

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

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

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

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

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

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

23 (8) The department shall provide staff support to the council.

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

26 FIVE-STAR VOLUNTARY RATING AND IMPROVEMENT SYSTEM. Subject to the  
27 availability of amounts appropriated for this specific purpose, the  
28 department, in collaboration with community and statewide partners,  
29 shall implement a five-star voluntary rating and improvement system  
30 applicable to licensed or certified child care centers and homes and  
31 early education programs. The purpose of the rating and improvement  
32 system is to give parents better information about the quality of child  
33 care and early education programs, improve the quality of early  
34 learning programs throughout the state, increase the readiness of  
35 children for school, and close the disparity in access to quality care.  
36 Before final implementation of the five-star voluntary rating and  
37 improvement system, the department shall report to the education and

1 fiscal committees of the legislature. Nothing in this section changes  
2 the department's responsibility to collectively bargain over mandatory  
3 subjects.

4 **Sec. 5.** RCW 43.215.020 and 2006 c 265 s 103 are each amended to  
5 read as follows:

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

10 (2) The primary duties of the department are to implement state  
11 early learning policy and to coordinate, consolidate, and integrate  
12 child care and early learning programs in order to administer programs  
13 and funding as efficiently as possible. The department's duties  
14 include, but are not limited to, the following:

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

19 (b) To improve parent (~~education~~) information resources and  
20 support;

21 (c) To carry out activities, including providing information about  
22 quality, to improve the quality of early learning opportunities for  
23 young children including activities in cooperation with the private-  
24 public partnership;

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

26 (e) To standardize internal financial audits, oversight visits,  
27 performance benchmarks, and licensing criteria, so that programs can  
28 function in an integrated fashion;

29 (f) To assist in the implementation of the private-public  
30 partnership and cooperate with that partnership in pursuing its goals  
31 including providing data and support necessary for the successful work  
32 of the partnership;

33 (g) To work cooperatively and in coordination with the early  
34 learning council; (~~and~~)

35 (h) To collaborate with the K-12 school system at the state and  
36 local levels to ensure appropriate connections and smooth transitions  
37 between early learning and K-12 programs; and

1        (i) Upon the development of an early learning information system,  
2 to make available to parents timely inspection and licensing action  
3 information through the internet and other means.

4        (3) The department's programs shall be designed in a way that  
5 respects and preserves the ability of parents and legal guardians to  
6 direct the education, development, and upbringing of their children.  
7 The department shall include parents and legal guardians in the  
8 development of policies and program decisions affecting their children.

9        NEW SECTION. Sec. 6. A new section is added to chapter 43.215 RCW  
10 to read as follows:

11        DEPARTMENT'S PARTNERSHIP RESPONSIBILITIES. (1) In order to meet  
12 its partnership responsibilities, the department shall:

13        (a) Work collaboratively with the nongovernmental private-public  
14 partnership; and

15        (b) Actively seek public and private money for distribution as  
16 grants to the private-public partnership.

17        (2) In order to meet its partnership responsibilities, the  
18 nongovernmental private-public partnership shall:

19        (a) Work with and complement existing statewide efforts by  
20 enhancing parent resources and support, child care, preschool, and  
21 other early learning environments;

22        (b) Accept and expend funds to be used for quality improvement  
23 initiatives, including but not limited to parent resources and support,  
24 and support the alignment of existing funding streams and coordination  
25 of efforts across sectors;

26        (c) In conjunction with the department, provide leadership to early  
27 learning private-public partnerships forming in communities across the  
28 state. These local partnerships shall be encouraged to seek local  
29 funding and develop strategies to improve coordination and exchange  
30 information between the community, early care and education programs,  
31 and the K-12 system; and

32        (d) Assist the statewide movement to high quality early learning  
33 and the support of parents as a child's first and best teacher.

34        NEW SECTION. Sec. 7. A new section is added to chapter 43.215 RCW  
35 to read as follows:

36        RULES REVIEW. In conjunction with child care providers and other

1 early learning leaders, the department shall review and revise child  
2 care provider rules in order to emphasize the need for mutual respect  
3 among parents, providers, and state staff who enforce rules. Revised  
4 rules shall clearly focus on keeping children safe and improving early  
5 learning outcomes for children. The department shall develop a plan by  
6 July 2007 that outlines the process and timelines to complete the rules  
7 review. Nothing in this section changes the department's  
8 responsibility to collectively bargain over mandatory subjects.

9 NEW SECTION. **Sec. 8.** Captions used in this act are not any part  
10 of the law.

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