
HOUSE BILL 1723

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Kagi, Walsh, Farrell, Maxwell, Roberts, Freeman, Goodman, Sawyer, Sullivan, Jinkins, Seaquist, Lytton, Haigh, Hunter, Morrell, Sells, Ryu, Morris, McCoy, Reykdal, Tarleton, Tharinger, Pollet, Fey, Moscoso, Bergquist, Ormsby, and Santos

Read first time 02/06/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to expanding and streamlining early learning
2 services and programs; amending RCW 43.215.100, 43.215.430, and
3 43.215.545; reenacting and amending RCW 43.215.020 and 43.215.405;
4 adding new sections to chapter 43.215 RCW; creating a new section; and
5 providing an expiration date.

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

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

9 The legislature finds that the first five years of a child's life
10 establish the foundation for educational success. The legislature also
11 finds that children who have high quality early learning opportunities
12 from birth through age five are more likely to succeed throughout their
13 K-12 education and beyond. The legislature further finds that the
14 benefits of high quality early learning experiences are particularly
15 significant for low-income parents and children, and provide an
16 opportunity to narrow the opportunity gap in Washington's K-12
17 educational system. The legislature understands that early supports
18 for high-risk parents of young children through home visiting services
19 show a high return on investment due to significantly improved chances

1 of better education, health, and life outcomes for children. The
2 legislature further recognizes that, when parents work or go to school,
3 high quality and full-day early learning opportunities should be
4 available and accessible for their children. In order to improve
5 education outcomes, particularly for low-income children, the
6 legislature is committed to expanding high quality early learning
7 opportunities and integrating currently disparate funding streams for
8 all birth-to-five services including, working connections child care
9 and the early childhood education program, into a single high quality
10 continuum of learning that provides essential services to low-income
11 families and prepares all enrolled children for success in school. The
12 legislature therefore intends to establish the early start program to
13 provide a continuum of high quality early learning opportunities for
14 Washington's parents and children.

15 NEW SECTION. **Sec. 2.** (1)(a) A legislative task force on early
16 learning is established, with members as provided in this subsection.

17 (i) The president of the senate shall appoint one member from each
18 of the two largest caucuses of the senate.

19 (ii) The speaker of the house of representatives shall appoint one
20 member from each of the two largest caucuses of the house of
21 representatives.

22 (iii) The president of the senate and the speaker of the house of
23 representatives shall jointly appoint:

24 (A) One member representing the early learning action alliance;

25 (B) One member representing the Washington state association of
26 head start and early childhood education assistance program;

27 (C) One member from an educational service district;

28 (D) One member representing thrive by five;

29 (E) One member from the birth-to-three community;

30 (F) One member representing a Washington state child care resource
31 and referral program;

32 (G) One member who is a child care center provider;

33 (H) One member who is a family child care provider; and

34 (I) One member who is a parent who is utilizing a state-funded
35 early learning program.

36 (iv) The governor shall appoint one representative from the

1 department of social and health services and the department of early
2 learning.

3 (b) The task force shall choose its chair from among its
4 membership. The chair of the house of representatives early learning
5 and human services committee shall convene the initial meeting of the
6 task force.

7 (2) The task force shall complete the following objectives:

8 (a) Review the existing funding sources, program goals, and
9 restrictions associated with different funding streams for early
10 learning programs and services as identified by the technical working
11 group;

12 (b) Identify areas of alignment and conflicts in restrictions and
13 eligibility requirements associated with early learning funding and
14 services;

15 (c) Develop step-by-step recommendations to create an accessible,
16 integrated, high quality, and community-based early learning program
17 for children ages birth-to-five and their families. Reform efforts
18 must include the following components:

19 (i) Full-day and half-day learning opportunities for children;

20 (ii) A variety of mixed settings for service delivery;

21 (iii) Diverse provider composition; and

22 (iv) A single point of entry for families wanting early learning
23 services.

24 (3)(a) The task force shall direct a technical working group to:

25 (i) Review federal and state early education funding streams;

26 (ii) Develop technical options for establishing common eligibility
27 levels for child care and preschool;

28 (iii) Examine the feasibility and impact of transferring working
29 connections child care eligibility processes from the department of
30 social and health services to the department of early learning;

31 (iv) Develop technical options for system designs that blend and
32 braid disparate federal and state funding streams into a single
33 program, including the option of applying for waivers from existing
34 federal requirements; and

35 (v) Present findings and options to the task force.

36 (b) At a minimum, the technical working group must be composed of
37 financial and policy staff from the department of social and health

1 services and the department of early learning. Legislative staff may
2 provide technical support as needed to the technical working group, at
3 the request of the task force.

4 (4) Staff support for the task force must be provided by the senate
5 committee services and the house of representatives office of program
6 research, with assistance from the department of social and health
7 services and the department of early learning.

8 (5) Nonlegislative members, except those representing an employer
9 or organization, are entitled to be reimbursed for travel expenses in
10 accordance with RCW 43.03.050 and 43.03.060.

11 (6) The expenses of the task force must be paid jointly by the
12 senate and the house of representatives. Task force expenditures are
13 subject to approval by the senate facilities and operations committee
14 and the house of representatives executive rules committee, or their
15 successor committees.

16 (7) The task force shall report its findings and recommendations to
17 the early learning and human services committees of the legislature by
18 December 1, 2013.

19 (8) This section expires December 31, 2013.

20 **Sec. 3.** RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and
21 2010 c 231 s 6 are each reenacted and amended to read as follows:

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

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

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

35 (b) To make early learning resources available to parents and
36 caregivers;

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

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

6 (e) To annually review rates for child care and early childhood
7 education and assistance programs and recommend rates to the
8 legislature based on market rates and the annual rate of inflation;

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

11 ((+f)) (g) To standardize internal financial audits, oversight
12 visits, performance benchmarks, and licensing criteria, so that
13 programs can function in an integrated fashion;

14 ((+g)) (h) To support the implementation of the nongovernmental
15 private-public partnership and cooperate with that partnership in
16 pursuing its goals including providing data and support necessary for
17 the successful work of the partnership;

18 ((+h)) (i) To work cooperatively and in coordination with the
19 early learning council;

20 ((+i)) (j) To collaborate with the K-12 school system at the state
21 and local levels to ensure appropriate connections and smooth
22 transitions between early learning and K-12 programs;

23 ((+j)) (k) To develop and adopt rules for administration of the
24 program of early learning established in RCW 43.215.141;

25 ((+k)) (l) To develop a comprehensive birth-to-three plan to
26 provide education and support through a continuum of options including,
27 but not limited to, services such as: Home visiting; quality
28 incentives for infant and toddler child care subsidies; quality
29 improvements for family home and center-based child care programs
30 serving infants and toddlers; professional development; early literacy
31 programs; and informal supports for family, friend, and neighbor
32 caregivers; and

33 ((+l)) (m) Upon the development of an early learning information
34 system, to make available to parents timely inspection and licensing
35 action information through the internet and other means.

36 (3) Beginning in fiscal year 2014, the legislature shall
37 appropriate funding for the specific purpose of home visiting and

1 parent and caregiver support. The department must reserve at least
2 eighty percent of the new funds for home visiting services and up to
3 twenty percent of the new funds for other parent or caregiver support.

4 (4) Beginning in fiscal year 2014, the legislature shall fund the
5 expansion in the early childhood education and assistance program and
6 working connections child care.

7 (5) The department's programs shall be designed in a way that
8 respects and preserves the ability of parents and legal guardians to
9 direct the education, development, and upbringing of their children,
10 and that recognizes and honors cultural and linguistic diversity. The
11 department shall include parents and legal guardians in the development
12 of policies and program decisions affecting their children.

13 NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW
14 to read as follows:

15 Funds distributed to the general fund pursuant to RCW 69.50.540
16 must be utilized to phase in an integrated high quality continuum of
17 early learning program, called early start, for children birth-to-five
18 years of age. Components of early start include, but are not limited
19 to, the following:

- 20 (1) Home visiting and parent education and support programs;
21 (2) The early achievers program described in RCW 43.215.100;
22 (3) Integrated full-day, high quality early learning programs; and
23 (4) High quality preschool for children whose family income is at
24 or below one hundred thirty percent of the federal poverty level.

25 **Sec. 5.** RCW 43.215.100 and 2007 c 394 s 4 are each amended to read
26 as follows:

27 (1) Subject to the availability of amounts appropriated for this
28 specific purpose, the department, in collaboration with community and
29 statewide partners, shall implement a voluntary quality rating and
30 improvement system, called the early achievers program, that is
31 applicable to licensed or certified child care centers and homes and
32 early education programs.

33 (2) The purpose of the ~~((voluntary quality rating and improvement~~
34 ~~system)) early achievers program is: (a) To give parents clear and~~
35 easily accessible information about the quality of child care and early
36 education programs, support improvement in early learning programs

1 throughout the state, increase the readiness of children for school,
2 and close the disparity in access to quality care; and (b) to establish
3 a common set of expectations and standards that define, measure, and
4 improve the quality of early learning settings.

5 (3) Participation in the early achievers program is voluntary for
6 licensed or certified child care centers and homes.

7 (4) By fiscal year 2014, early childhood education and assistance
8 programs receiving state funds must enroll in the early achievers
9 program and maintain a minimum score level.

10 (5) Child care providers who participate in the early achievers
11 program and maintain levels 2, 3, 4, or 5 are eligible to apply for
12 contracted early learning slots.

13 (6) Before final implementation of the ((voluntary quality rating
14 and improvement system)) early achievers program, the department shall
15 report to the appropriate policy and fiscal committees of the
16 legislature. Nothing in this section changes the department's
17 responsibility to collectively bargain over mandatory subjects.

18 **Sec. 6.** RCW 43.215.405 and 2010 c 231 s 7 are each reenacted and
19 amended to read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout RCW 43.215.400 through 43.215.450 and
22 43.215.900 through 43.215.903.

23 (1) "Advisory committee" means the advisory committee under RCW
24 43.215.420.

25 (2) "Approved programs" means those state-supported education and
26 special assistance programs which are recognized by the department as
27 meeting the minimum program rules adopted by the department to qualify
28 under RCW 43.215.400 through 43.215.450 and 43.215.900 through
29 43.215.903 and are designated as eligible for funding by the department
30 under RCW 43.215.430 and 43.215.440.

31 (3) "Comprehensive" means an assistance program that focuses on the
32 needs of the child and includes education, health, and family support
33 services.

34 (4) "Department" means the department of early learning.

35 (5) "Eligible child" means a child not eligible for kindergarten
36 whose family income is at or below one hundred ((ten)) thirty percent
37 of the federal poverty level, as published annually by the federal

1 department of health and human services, and includes a child whose
2 family is eligible for public assistance, and who is not a participant
3 in a federal or state program providing comprehensive services; a child
4 eligible for special education due to disability under RCW 28A.155.020;
5 and may include children who are eligible under rules adopted by the
6 department if the number of such children equals not more than ten
7 percent of the total enrollment in the early childhood program.
8 Priority for enrollment shall be given to children from families with
9 the lowest income, children in foster care, or to eligible children
10 from families with multiple needs.

11 (6) "Family support services" means providing opportunities for
12 parents to:

- 13 (a) Actively participate in their child's early childhood program;
- 14 (b) Increase their knowledge of child development and parenting
15 skills;
- 16 (c) Further their education and training;
- 17 (d) Increase their ability to use needed services in the community;
- 18 (e) Increase their self-reliance.

19 **Sec. 7.** RCW 43.215.430 and 1994 c 166 s 8 are each amended to read
20 as follows:

21 (1) The department shall review applications from public or private
22 nonsectarian organizations for state funding of early childhood
23 education and assistance programs (~~(and award funds as determined by~~
24 ~~department rules and based on~~)). The department shall consider local
25 community needs and demonstrated capacity to provide services when
26 reviewing applications.

27 (2) The department shall increase the base slot rate for early
28 childhood education and assistance programs to align with the
29 Washington head start program slot rate.

30 (3) Beginning in fiscal year 2014, new funding appropriated to the
31 state program for the purposes of expanding early childhood education
32 and assistance programs must be distributed through a competitive
33 bidding process. New early childhood education and assistance programs
34 meeting the following requirements must be prioritized for funding:

- 35 (a) Programs offering an integrated full-day early learning program
36 for children birth-to-five years of age;

1 (b) Programs which have created partnerships with elementary
2 schools and that offer transitional planning and support to children as
3 they advance to kindergarten.

4 **Sec. 8.** RCW 43.215.545 and 2006 c 265 s 204 are each amended to
5 read as follows:

6 The department of early learning shall:

7 (1) Work in conjunction with the statewide child care resource and
8 referral network as well as local governments, nonprofit organizations,
9 businesses, and community child care advocates to create local child
10 care resource and referral organizations. These organizations may
11 carry out needs assessments, resource development, provider training,
12 technical assistance, and parent information and training;

13 (2) Actively seek public and private money for distribution as
14 grants to the statewide child care resource and referral network and to
15 existing or potential local child care resource and referral
16 organizations;

17 (3) Adopt rules regarding the application for and distribution of
18 grants to local child care resource and referral organizations. The
19 rules shall, at a minimum, require an applicant to submit a plan for
20 achieving the following objectives:

21 (a) Provide parents with information about child care resources,
22 including location of services and subsidies;

23 (b) Carry out child care provider recruitment and training
24 programs, including training under RCW 74.25.040;

25 (c) Offer support services, such as parent and provider seminars,
26 toy-lending libraries, and substitute banks;

27 (d) Provide information for businesses regarding child care supply
28 and demand;

29 (e) Advocate for increased public and private sector resources
30 devoted to child care;

31 (f) Provide technical assistance to employers regarding employee
32 child care services; and

33 (g) Serve recipients of temporary assistance for needy families and
34 working parents with incomes at or below household incomes of ~~((one))~~
35 two hundred ~~((seventy-five))~~ percent of the federal poverty line;

36 (4) Provide staff support and technical assistance to the statewide

1 child care resource and referral network and local child care resource
2 and referral organizations;

3 (5) Maintain a statewide child care licensing data bank and work
4 with department licensors to provide information to local child care
5 resource and referral organizations about licensed child care providers
6 in the state;

7 (6) Through the statewide child care resource and referral network
8 and local resource and referral organizations, compile data about local
9 child care needs and availability for future planning and development;

10 (7) Coordinate with the statewide child care resource and referral
11 network and local child care resource and referral organizations for
12 the provision of training and technical assistance to child care
13 providers; ~~((and))~~

14 (8) Collect and assemble information regarding the availability of
15 insurance and of federal and other child care funding to assist state
16 and local agencies, businesses, and other child care providers in
17 offering child care services;

18 (9) Beginning in January 2014, increase the base rate for all child
19 care providers by five percent;

20 (10) Provide tiered subsidy rate enhancements to child care
21 providers who meet quality rating and improvement system levels 2, 3,
22 4, or 5; and

23 (11) Require exempt providers to participate in continuing
24 education.

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