CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5357**

Chapter 162, Laws of 2017

65th Legislature

2017 Regular Session

OUTDOOR EARLY LEARNING AND CHILD CARE PROGRAMS--LICENSING PILOT

EFFECTIVE DATE: 7/23/2017

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| Passed by the Senate February 28, 2017  Yeas 44 Nays 5  CYRUS HABIB  **President of the Senate**  Passed by the House April 7, 2017  Yeas 74 Nays 23  FRANK CHOPP  **Speaker of the House of Representatives** | CERTIFICATE  I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5357** as passed by Senate and the House of Representatives on the dates hereon set forth.  HUNTER G. GOODMAN  **Chief Clerk** |
| Approved May 4, 2017 1:09 PM | May 4, 2017 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE SENATE BILL 5357**

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Passed Legislature - 2017 Regular Session

**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Ranker, Fain, Billig, Sheldon, Hunt, Palumbo, Zeiger, Hobbs, Rolfes, Pearson, Rivers, Carlyle, Saldaña, Walsh, Liias, Conway, Kuderer, and Hasegawa)

AN ACT Relating to establishing a pilot project to license outdoor early learning and child care programs; adding a new section to chapter 43.215 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that, over the past decade, more than forty outdoor, nature-based early learning and child care programs have opened in Washington, several of which are in high demand based on existing wait-lists. The legislature finds, however, that these programs currently are unlicensed and thus unable to offer full-day programs, which many working families are seeking. Unlicensed outdoor programs also are unable to serve families who are eligible for assistance through the working connections child care program. The legislature further finds that the outdoor preschool model could help expand the number of high quality early learning opportunities available to families throughout Washington, particularly in areas where preschool-appropriate indoor space is unavailable or unaffordable. Additionally, when early learning programs spend less on their physical facilities, they are able to spend more on recruiting and retaining teachers and other early learning professionals. The legislature also finds that research on outdoor preschools operating in Scandinavian countries for decades has demonstrated a positive impact on children's development, including improved cognitive and social skills when children transition to grade school. The legislature, therefore, intends to establish a pilot project to license outdoor preschools in order to expand access to affordable, high quality early learning programs, and to further investigate the benefits of outdoor, nature-based classrooms for Washington's children and families.

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

(1) The department shall establish a pilot project to license outdoor, nature-based early learning and child care programs. The pilot project shall commence beginning August 31, 2017, and conclude June 30, 2021.

(2) The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor classrooms.

(3) As part of the pilot project, the department shall explore options for developing a quality rating and improvement system for outdoor preschools. Options may include, but are not limited to, adapting the early achievers program to assess quality in outdoor learning environments, as well as excluding or replacing the early achievers indoor environmental rating scale. The department may receive and expend funds from philanthropic organizations in order to implement this subsection and subsection (6) of this section. The department shall include a discussion of options and recommendations in the final report required under subsection (8) of this section.

(4) The department shall select up to ten pilot locations during the first year of the pilot project. Beginning August 31, 2018, additional outdoor, nature-based early learning and child care programs may apply to participate in the pilot project. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations, and may give priority to:

(a) Areas where there are few or limited licensed early learning programs;

(b) Areas of need where licensed early learning programs are at or near full capacity, and where access may be restricted by one or more enrollment wait-lists; and

(c) Areas where an outdoor early learning program would provide more family choice.

(5) A child care or early learning program operated by a federally recognized tribe may participate in the pilot project through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty.

(6) Subject to the availability of funds, the department may convene an advisory group of outdoor, nature-based early learning practitioners to inform and support implementation of the pilot project.

(7) For purposes of this section, "outdoor, nature-based early learning and child care program" means an agency-offered program operated primarily outdoors in which children are enrolled on a regular basis for three or more hours per day.

(8) The department shall provide the following reports to the legislature and the governor:

(a) By January 15, 2018, and annually thereafter through January 15, 2020, a brief status report describing implementation of the pilot project, including a description of participating providers and the number of children and families being served;

(b) By November 30, 2020, a full report on findings from the pilot project, including recommendations for modifying or expanding the availability of outdoor, nature-based early learning and child care programs. The final report also must include a discussion of potential options to mitigate the uncertainty for families and participating providers during the final six months of the pilot project when legislation may be pending.

(9) The provisions of this section are subject to appropriation.

(10) This section expires August 1, 2021.

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Passed by the Senate February 28, 2017.

Passed by the House April 7, 2017.

Approved by the Governor May 4, 2017.

Filed in Office of Secretary of State May 4, 2017.