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**SENATE BILL 5436**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Wilson, C., Frockt, Hasegawa, Hunt, Keiser, Kuderer, and Saldaña

AN ACT Relating to establishing the Washington child care access now act; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that child care is a sector that is critical to the vitality and economic security of our state and communities and families, and that families in Washington face significant barriers to accessing and affording high quality child care. The legislature finds that Washington's committed caregivers and state investments and advancements in our quality rating and improvement system ensure that quality, culturally relevant child care supports children's healthy development and prepares them for success in school and in life. The legislature recognizes that provider diversity and cultural relevance are fundamental components of quality, and that parent choice is a priority throughout the state's early learning system.

(2) The legislature finds that the cost of quality child care is unaffordable for many families and state support is needed to ensure that all children and families in Washington can access safe, enriching child care.

(3) The legislature recognizes that expanding access to quality child care requires ensuring that the market of child care providers is prepared to meet existing and expanded demand. The legislature finds that the market of child care providers is shrinking, that child care deserts are emerging, and that fewer providers are offering services to working connections child care subsidy recipients, as the costs associated with ensuring safe, healthy environments where children are loved and learning are unaffordable to families and underfunded by subsidy rates. The legislature additionally finds that child care providers are unable to recruit and retain a qualified workforce because there are not sufficient resources to competitively compensate qualified caregivers; that wages in the industry remain among the lowest of all professions, at or near minimum wage, even as the relationship between a child and a qualified caregiver is of paramount importance to parents; and, according to a rapidly accumulating body of brain science, it is foundational to supporting healthy development.

(4) Therefore, the legislature intends to promote high quality child care from diverse providers that is accessible and affordable to all families of Washington's children ages birth to five by:

(a) Capping family child care expenses at seven percent of a family's income for subsidized child care;

(b) Setting working connections child care subsidy rates at a level adequate to fund basic components of quality, reflect regional differences, and competitively compensate caregivers; and

(c) Establishing the goal of universal child care access for all Washington families by 2025.

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

(1) The child care access work group is established. Work group membership must consist of:

(a) Twelve members appointed by the governor representing:

(i) Two family home child care providers;

(ii) Two child care center providers;

(iii) A statewide union representing child care workers and family home providers;

(iv) An association representing the interests of child care centers;

(v) A parent representative;

(vi) An early learning advocacy organization;

(vii) An early learning policy expert;

(viii) The department;

(ix) Tribal interests as recommended by sovereign tribal governments; and

(x) A representative of the business community;

(b) Two members of the senate, appointed by the president of the senate, and representing each of the two largest caucuses of the senate; and

(c) Two members of the house of representatives, appointed by the speaker of the house of representatives, representing each of the two largest caucuses of the house of representatives.

(2) The work group shall:

(a) Develop a regional mechanism to measure the cost of quality that can be used to determine child care subsidy rates;

(b) Consider how the measure of area median income could be used in place of federal poverty level when determining eligibility for child care subsidy;

(c) Evaluate recommendations from the department's technical work group on compensation, including consideration of pay scale changes, to achieve pay parity with K-12 teachers by January 1, 2025. When considering implementation of the technical work group recommendations, the work group shall further develop policy recommendations for the department that:

(i) Endeavor to preserve and increase racial and ethnic equity and diversity in the child care workforce and recognize the value of cultural competency and multilingualism;

(ii) Include a salary floor that supports recruitment and retention of a qualified workforce in every early learning setting, determined by an analysis of fields that compete to recruit workers with comparable skills, competencies, and experience of early childhood educators;

(iii) Index salaries for providers against the salary for a typical preschool lead teacher, differentiating base compensation for varying levels of responsibility within the early childhood workplace including consideration of center directors, assistant directors, lead teachers, assistant teachers, paraprofessionals, family child care owners, and family home assistants;

(iv) Incentivize advancements in relevant higher education credentials and credential equivalencies, training, and years of experience, by increasing compensation for each of these, including early learning certificates, associate degrees, bachelor's degrees, master's degrees, and doctoral degrees;

(v) Credential equivalencies, including certified demonstration of competencies developed through apprenticeships, peer learning models, community-based training, and other strategies;

(vi) Consider a provider's years of experience in the field and years of experience at his or her current site;

(vii) Differentiate subsidy rates by region; and

(viii) Provide additional compensation to providers serving a high proportion of working connections child care families, providers demonstrating additional linguistic or cultural competency, and providers serving populations furthest from opportunity, including:

(A) Families enrolled in the early childhood education and assistance program;

(B) Underserved geographic communities;

(C) Underserved ethnic or linguistic communities;

(D) underserved age groups such as infants and toddlers; and

(E) Populations with specialized health or educational needs; and

(d) Develop a phased implementation plan for policy changes to the working connections child care program. The implementation plan must focus on initial changes and investments that target support to providers serving children who are underserved and emphasize greater racial equity. Implementation plan components must include:

(i) Increasing program eligibility to six hundred percent of the federal poverty level or two hundred percent of the area median income;

(ii) Establishing a graduated system of copayments that eliminates the cliff effect for families and limits the amount a family pays for child care to a maximum of seven percent of the family's income;

(iii) Developing a model to enable the state to provide contracted slots to programs serving working connections child care families in order to expand access for low-income families;

(iv) Eliminating work requirements for families participating in the working connections child care program;

(v) Eliminating the fiscal cap on working connections child care enrollment; and

(vi) Prioritizing, in the event of a working connections child care program waitlist: Families experiencing homelessness; families who qualify for early head start, head start, or the early childhood education and assistance program; and families with incomes at or below two hundred percent of the federal poverty level.

(3) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members may be reimbursed for travel expenses according to chapter 43.03 RCW.

(4) Staff support for the work group shall be provided by the department.

(5) By July 1, 2020, the work group must submit its findings and required implementation plan to the governor and the appropriate committees of the legislature.

(6) This section expires December 1, 2020.

NEW SECTION. **Sec.**  This act may be known and cited as the Washington child care access now act.

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