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**SENATE BILL 6253**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Wilson, C., Billig, Wellman, Kuderer, Randall, Salomon, Conway, Das, Nguyen, Darneille, and Hunt

AN ACT Relating to creating a comprehensive statewide early care and education system by improving accessibility and affordability of early care and education programs for families; amending RCW 43.216.555, 43.216.556, 43.216.505, 43.216.514, 43.216.512, and 43.216.710; reenacting and amending RCW 43.216.010 and 43.216.135; adding new sections to chapter 43.216 RCW; adding a new section to chapter 28A.310 RCW; creating new sections; making appropriations; and providing expiration dates.

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

NEW SECTION. **Sec.**  SHORT TITLE. This act may be known and cited as the early care and education act.

NEW SECTION. **Sec.**  INTENT. (1) The legislature finds that quality early care and education builds the foundation for a child's success in school and in life. The legislature recognizes that it is essential that all Washington children start life with a solid foundation for success, based on strong families and with adequate supports to ensure equitable opportunity to thrive.

(2) The legislature finds that child care is a sector of critical importance to the economic security and future of Washington state. The legislature acknowledges that the department of commerce has found that turnover costs alone due to child care challenges cost Washington's economy two billion one hundred million in 2017. The legislature finds that employers benefit when parents have access to high quality child care through increased workplace productivity and by better preparing the workforce of the future. The legislature recognizes that access to quality early care and education can lead to improved statewide well-being including future crime prevention, improved public health, and increased economic vitality.

(3) The legislature recognizes that a commitment to improve system quality in early learning programs was established through passage of the early start act, chapter 7, Laws of 2015 3rd sp. sess. The legislature finds that while overall program quality has improved, access remains limited and many Washington children still enter kindergarten without the foundational skills they need to be successful. The legislature finds that national research suggests that children who start kindergarten behind their peers face ongoing challenges throughout their K-12 education and beyond. The legislature further finds that empirical evidence supports the conclusion that access to high quality programs consistently yield more positive outcomes both inside and outside of the classroom for children.

(4) The legislature declares that when parents work or go to school, high quality early learning opportunities should be available and accessible for their children. The legislature acknowledges that, in order to support families in Washington's early care and education system, implementation of programs must include specific program considerations to ensure inclusion of Washington's culturally and linguistically diverse populations as well as all geographic regions of the state. The legislature recognizes that there are barriers to accessing supports and systems for both families and early learning providers whose primary language is not English. The legislature acknowledges the challenges created by a network of programs lacking a central structure or access point. The legislature declares that parental choice is a guiding principle for early learning services and programs, which should be designed to meet the needs of families and communities. The legislature further recognizes the importance of parental choice in the context of care given by family, friends, and neighbors.

(5) The legislature recognizes that no system of early care and education can exist without a workforce of providers dedicated to the well-being of Washington's children. The legislature finds that child care providers across the state are unable to recruit and retain a qualified workforce due to insufficient resources. The legislature understands the need for living-wage employment opportunities as well as career-oriented professional development.

(6) The legislature recognizes the value of a world-class early care and education system available to all families and children. The legislature intends to address persistent educational opportunity gaps by increasing support for programs that help children become ready to enter the common school system by age five. The legislature recognizes the need for high quality early learning programs beyond entry in the common school system and the need for care and learning after school and in the summer for children and working families. The legislature intends to align early learning services and programs into a high quality continuum of care and education available to all children and families. The legislature, therefore, resolves to create an early care and education system for all by increasing the availability and affordability of high quality early learning opportunities. The legislature further resolves to make available a tiered system of services and programs based upon need and coordinated to increase accessibility for Washington families. The legislature further resolves to address current systemic inadequacies including caregiver workforce and supply, education services for parents of young children ages birth through three, and services, supports, and resources for families with children prenatal to age twelve.

**PART I**

**AFFORDABLE AND AVAILABLE PRESCHOOL**

NEW SECTION. **Sec.**  INTENT. (1) The legislature finds that the early childhood education and assistance program meets a pressing need by providing education and care services to Washington's children and families. The legislature recognizes that the early childhood education and assistance program serves students who are eligible for special education and the importance of fostering inclusive classrooms. The legislature acknowledges that the department of children, youth, and families' annual outcomes study has found that children enrolled in the early childhood education and assistance program demonstrate significant progress in educational attainment. The legislature further finds that the Washington state institute for public policy has also found that children who attended an early childhood education and assistance program had significantly higher math and reading test scores in third, fourth, and fifth grades compared to similar children who did not attend the program and that the early childhood education and assistance program produces four dollars and seventy-five cents of benefits for every dollar invested.

(2) The legislature finds that not all families in need of early learning services also need comprehensive wraparound services and that family choice demands that the state offer tiers of services based upon need. The legislature finds that family income eligibility limits present a barrier to thousands of families across Washington state in need of early learning services. The legislature further finds that inadequate compensation for prekindergarten educators has led to a decline in workforce and therefore a decline in access, especially in rural communities throughout the state.

(3) The legislature finds that dual language learners represent a significant and growing share of children birth to five in Washington state. The legislature finds that studies suggest that dual language programs are especially beneficial for dual language learners in developing the building blocks for early literacy, numeracy skills, and English language development.

(4) The legislature resolves to expand existing early childhood education and assistance program services to create a statewide system of preschool education that is affordable and accessible to Washington families.

**Sec.**  RCW 43.216.555 and 2019 c 408 s 9 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

(1) An early learning program to provide voluntary preschool opportunities for children ages three to five years old who are not age-eligible for kindergarten shall be implemented according to the funding and implementation plan in RCW 43.216.556. The program must offer a comprehensive program of early childhood education and family support, including parental involvement and health information, screening, and referral services, based on family need. Participation in the program, including the comprehensive services, is strictly voluntary. ((~~On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.~~))

(2) The program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW 43.216.500 through 43.216.550.

(3)(a) A family may be required to make a tuition copayment directly to the provider according to the schedule established in section 106 of this act.

(b) The early childhood education and assistance program provider shall conduct a family assessment to determine which, if any, comprehensive services are needed for the child and family. The provider is not required to offer all comprehensive services if it is determined that the child and family would not benefit from the services. Minimum classroom instructional hours must be met as outlined in the provider's contract with the department.

(4)(a) The program implementation in this section shall prioritize early childhood education and assistance programs located in low-income neighborhoods within high-need geographical areas.

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

(i) Programs offering an extended day program for early care and education;

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

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

((~~(4)~~)) (5) The secretary shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program, consistent with early achievers program standards established in RCW 43.216.085:

(a) Minimum program standards;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

((~~(5)~~)) (6) The department has administrative responsibility for:

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

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

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

(d) Providing technical assistance to contracted providers.

**Sec.**  RCW 43.216.556 and 2019 c 408 s 3 are each amended to read as follows:

ENTITLEMENT.

(1) Funding for the program of early learning established under this chapter must be appropriated to the department. The department shall distribute funding to approved early childhood education and assistance program contractors on the basis of eligible children enrolled.

(2) The program shall be implemented in phases, so that full implementation is achieved in the ((~~2022-23~~)) 2027-28 school year.

(3) Funding shall continue to be phased in each year until full statewide implementation of the early learning program is achieved in the ((~~2022-23~~)) 2027-28 school year, at which time any eligible child is entitled to be enrolled in the program.

(4) School districts and approved community‑based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community‑based providers, and educational service districts to promote an adequate supply of approved providers.

**Sec.**  RCW 43.216.505 and 2019 c 408 s 2 are each amended to read as follows:

ENTITLEMENT ELIGIBILITY.

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.216.500 through 43.216.559, 43.216.900, and 43.216.901.

(1) "Advisory committee" means the advisory committee under RCW 43.216.520.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and 43.216.901 and are designated as eligible for funding by the department under RCW 43.216.530 and 43.216.540.

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

(4) "Eligible child" means a three to five-year old child who is not age-eligible for kindergarten, is not a participant in a federal or state program providing comprehensive services, and who:

(a) Has a family ((~~income at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services~~)) with financial need as defined in this section;

(b) Is eligible for special education due to disability under RCW 28A.155.020; ((~~or~~))

(c) Is homeless;

(d) Meets criteria under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs; or

(e) Beginning in the 2028-29 school year, is Indian as defined in rule by the department after consultation and agreement with tribes as described in section 105 of this act.

(5) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training; and

(d) Increase their ability to use needed services in the community((~~;~~

~~(e) Increase their self-reliance~~)).

(6) "Family with financial need" means families who demonstrate financial need as follows:

(a) In the 2020-21, 2021-22, and 2022-23 school years, families with incomes at or below forty percent of the state median income, adjusted for family size;

(b) In the 2023-24 school year, families with incomes at or below fifty percent of the state median income, adjusted for family size;

(c) In the 2024-25 school year, families with incomes at or below fifty-five percent of the state median income, adjusted for family size;

(d) In the 2025-26 school year, families with incomes at or below sixty percent of the state median income, adjusted for family size;

(e) In the 2026-27 school year, families with incomes at or below sixty-five percent of the state median income, adjusted for family size;

(f) Beginning in the 2027-28 school year, families with incomes at or below seventy percent of the state median income, adjusted for family size.

(7) "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act (101 Stat. 485; 42 U.S.C. Sec. 11301 et seq.).

(8) "State median income" is based on the chart published annually by the department of social and health services.

NEW SECTION. **Sec.**  (1) The department of children, youth, and families must consult, and obtain the advice and consent of, the governing bodies of the state's federally recognized tribal nations in developing an agreed upon definition of the term "Indian" for the purposes of RCW 43.216.505 and, by July 1, 2023, must adopt the definition in rule.

(2) This section expires December 1, 2028.

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

COPAYMENT.

(1) Subject to the availability of amounts appropriated for this specific purpose, beginning in the 2028-29 school year, families with incomes above seventy percent of the state median income, adjusted for family size, may enroll in the early childhood education and assistance program, as space is available, if the families pay a tuition copayment according to the following schedule:

|  |  |
| --- | --- |
| If a family's income is: | Then the family's copayment is: |
| Above seventy percent and up to eighty percent of the state median income | Seven percent of the family's gross income |
| Above eighty percent and up to ninety percent of the state median income | Eight percent of the family's gross income |
| Above ninety percent and up to one hundred percent of the state median income | Nine percent of the family's gross income |
| Above one hundred percent of the state median income | Ten percent of the family's gross income |

(2) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(3) Families with a child enrolled in the early childhood education and assistance program under this section and receiving working connections child care benefits for that child shall pay only one copayment for that child.

(4) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

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

INCLUSIVE CLASSROOMS.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must partner with the office of the superintendent of public instruction to develop guidance on placing children who are eligible for special education due to a disability under RCW 28A.155.020 in early childhood education and assistance program classrooms as a least restrictive environment in a student's individualized education program.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department must support professional development in inclusionary and antibias practices for early childhood education and assistance program classrooms and child care centers and family home providers with a focus on reducing suspensions and expulsions.

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

DUAL LANGUAGE CLASSROOMS.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must partner with the office of the superintendent of public instruction to align dual language program implementation and workforce development planning.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department must support professional development for dual language programming for early childhood education and assistance program classrooms.

**Sec.**  RCW 43.216.514 and 2019 c 408 s 7 are each amended to read as follows:

CONFORMING AMENDMENTS.

(1) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to RCW 43.216.512. ((~~Priority within this group must be given first to children with incomes up to one hundred thirty percent of the federal poverty level.~~))

**Sec.**  RCW 43.216.512 and 2019 c 409 s 2 are each amended to read as follows:

CONFORMING AMENDMENTS.

(1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available if the number of such children equals not more than twenty-five percent of total statewide enrollment, whose family income is((~~:~~

~~(a) Above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; or~~

~~(b) Above one hundred thirty percent but less than or equal to two hundred percent of the federal poverty level if the child meets at least one of the risk factor criterion described in subsection (2) of this section~~)) above the income levels described in RCW 43.216.505(6) and the child meets at least one of the risk factors criterion described in subsection (2) of this section.

(2) Children enrolled in the early childhood education and assistance program pursuant to subsection (1)((~~(b)~~)) of this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

(a) Family income as a percent of the ((~~federal poverty level~~)) state median income;

(b) Homelessness;

(c) Child welfare system involvement;

(d) Developmental delay or disability that does not meet the eligibility criteria for special education described in RCW 28A.155.020;

(e) Domestic violence;

(f) English as a second language;

(g) Expulsion from an early learning setting;

(h) A parent who is incarcerated;

(i) A parent with a substance use disorder or mental health treatment need; and

(j) Other risk factors determined by the department to be linked by research to school performance.

(3) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below ((~~two hundred~~)) seventy-five percent of the ((~~federal poverty level~~)) state median income or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early support for infants and toddlers program;

(ii) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age; or

(iii) The birth to three early childhood education and assistance program, if such a program is established.

(4) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

**Sec.**  RCW 43.216.010 and 2017 3rd sp.s. c 6 s 201 are each reenacted and amended to read as follows:

CONFORMING AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

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

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

(i) Activities other than employment; or

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

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

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

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

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

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

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

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

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

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

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

(5) "Department" means the department of children, youth, and families.

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

(7) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(8) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

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

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

(b) The early achievers program described in RCW 43.216.085;

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

(d) High quality preschool for children ((~~whose family income is at or below one hundred ten percent of the federal poverty level~~)) who have a family with financial need, as defined in RCW 43.216.505.

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

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

(12) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

(13) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year-round.

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

(15) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

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

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

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

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

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

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

(e) A final decision of a disciplinary board.

(18) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(19) "Nonschool-age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

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

(21) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

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

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

(24) "School age child" means a child who is five years of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(25) "Secretary" means the secretary of the department.

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

**PART II**

**AFFORDABLE AND AVAILABLE QUALITY CHILD CARE**

NEW SECTION. **Sec.**  INTENT. (1) The legislature finds that child care costs represent a large financial burden for parents of young children. The legislature acknowledges that the cost of full-time, center-based infant care averages over thirteen thousand dollars per year in Washington. The legislature further acknowledges that given the financial pressure experienced by low and middle-income parents, both married and single, assistance with paying for quality child care services could dramatically improve their economic resiliency and disrupt intergenerational poverty. The legislature recognizes that research and studies show that investment in high quality child care for those lacking access could benefit communities statewide through future crime reduction and public health savings.

(2) The legislature intends to expand the existing working connections child care program to create a statewide program of subsidized child care for birth through age twelve that is affordable and accessible to all Washington families.

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

WORKING CONNECTIONS CHILD CARE COPAYMENT.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish and implement policies in the working connections child care program to allow eligibility for applicants and consumers who pay a copayment in accordance with the schedules in this section.

(2) In addition to other eligibility requirements, the department shall calculate the applicant's or consumer's copayment, adjusted for family size, in accordance with this section, whether care is provided under a working connections child care voucher or contract.

(a) Beginning July 1, 2021:

|  |  |
| --- | --- |
| If an applicant's or consumer's income is: | Then the applicant's or consumer's copayment is: |
| At or below twenty-five percent of the state median income | $15 or seven percent of the applicant's or consumer's gross income, whichever is less |
| Above twenty-five percent and up to forty percent of the state median income | $65 or seven percent of the applicant's or consumer's gross income, whichever is less |
| Above forty percent and up to fifty percent of the state median income | $115 or seven percent of the applicant's or consumer's gross income, whichever is less |

(b) Beginning July 1, 2022:

|  |  |
| --- | --- |
| If an applicant's or consumer's income is: | Then the applicant's or consumer's copayment is: |
| Above fifty percent and up to sixty percent of the state median income | $165 or seven percent of the applicant's or consumer's gross income, whichever is less |
| Above sixty percent and up to seventy percent of the state median income | $215 or seven percent of the applicant's or consumer's gross income, whichever is less |

(c) Beginning July 1, 2023:

|  |  |
| --- | --- |
| If an applicant's or consumer's income is: | Then the applicant's or consumer's copayment is: |
| Above seventy percent and up to eighty percent of the state median income | Seven percent of the applicant's or consumer's gross income |

(d) Beginning July 1, 2024:

|  |  |
| --- | --- |
| If an applicant's or consumer's income is: | Then the applicant's or consumer's copayment is: |
| Above eighty percent and up to ninety percent of the state median income | Eight percent of the applicant's or consumer's gross income |

(e) Beginning July 1, 2025:

|  |  |
| --- | --- |
| If an applicant's or consumer's income is: | Then the applicant's or consumer's copayment is: |
| Above ninety percent and up to one hundred percent of the state median income | Nine percent of the applicant's or consumer's gross income |

(f) Beginning July 1, 2026:

|  |  |
| --- | --- |
| If an applicant's or consumer's income is: | Then the applicant's or consumer's copayment is: |
| Above one hundred percent of the state median income | Ten percent of the applicant's or consumer's gross income |

**Sec.**  RCW 43.216.135 and 2019 c 406 s 70 and 2019 c 369 s 4 are each reenacted and amended to read as follows:

WORKING CONNECTIONS CHILD CARE POLICIES.

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for Washington children ((~~from low-income households~~)). These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) ((~~As recommended by Public Law 113-186, authorizations~~)) Authorizations for the working connections child care subsidy shall be effective for twelve months beginning July 1, 2016((~~, unless an earlier date is provided in the omnibus appropriations act~~)).

(3) Existing child care providers serving nonschool-age children ((~~and receiving~~)) and that received a state subsidy payment((~~s~~)) between July 1, 2015, and June 30, 2016, must ((~~complete the following requirements to be eligible for a state subsidy under this section:~~

~~(a) Enroll in the early achievers program by August 1, 2016;~~

~~(b) Complete level 2 activities in the early achievers program by August 1, 2017; and~~

~~(c) Rate~~)) rate or request to be rated at a level 3 or higher in the early achievers program by December 31, 2019. If a child care provider does not rate at or request to be rated at a level 3 by December 31, 2019, the provider is no longer eligible to receive state subsidy. If the provider rates below a level 3 when the rating is released, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 3 or higher no later than December 30, 2020.

(4) A new child care provider serving nonschool-age children and receiving state subsidy payments on or after July 1, 2016, and that did not receive a subsidy payment between July 1, 2015, and June 30, 2016, must complete the following activities to be eligible to receive a state subsidy under this section:

(a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment;

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

(c) Rate or request to be rated at a level 3 or higher in the early achievers program within thirty months of enrollment. If a child care provider does not rate or request to be rated at a level 3 within thirty months from enrollment into the early achievers program, the provider is no longer eligible to receive state subsidy. If the provider rates below a level 3 when the rating is released, the provider must complete remedial activities with the department, and rate or request to be rated at a level 3 or higher within twelve months of beginning remedial activities.

(5) If a child care provider does not rate or request to be rated at a level 3 or higher following the remedial period, the provider is no longer eligible to receive state subsidy under this section. If a child care provider does not rate at a level 3 or higher when the rating is released following the remedial period, the provider is no longer eligible to receive state subsidy under this section.

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

(7) The department shall implement tiered reimbursement for early achievers program participants in the working connections child care program rating at level 3, 3+, 4, or 5.

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

(9)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) Children who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization. The department of social and health services' involvement with the family referred for working connections child care ends when the family's child protective services, child welfare services, or family assessment response case is closed.

(10)(a) Beginning August 1, 2020, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is:

(i) A ((~~single~~)) parent;

(ii) A full-time student of a community, technical, or tribal college; and

(iii) Pursuing ((~~vocational education that leads to a degree or certificate in a specific occupation, not to result in a bachelor's or advanced degree~~)) a postsecondary degree or certificate.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. The student must maintain passing grades and be in good standing pursuant to college attendance requirements.

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a wait list for working connections child care benefits.

**PART III**

**TIERED SUPPORTS AND COORDINATION**

NEW SECTION. **Sec.**  INTENT. (1) The legislature acknowledges that a pilot project for a countywide resource and referral linkage system for families received funding in chapter 415, Laws of 2019. The legislature intends to build on this pilot project and other existing linkage resources and expand the family resource and referral linkage system statewide.

(2) The legislature recognizes that educational service districts have supported and continue to support early learning initiatives throughout the state. The legislature finds that educational service districts provide a critical link between the early learning system and the K-12 educational system. The legislature intends to build on this experience by designating a prekindergarten through third grade systems coordinator at each educational service district to continue to elevate the importance of the development of young children.

(3) The legislature finds that a system of early care and education requires flexibility to meet the varying needs of a diverse population. The legislature further finds that not all families require or want comprehensive wraparound services or may prefer a less formal setting with care being provided by family, friends, or neighbors. The legislature intends to prioritize family choice by allowing providers to offer a tiered selection of supports based upon need.

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

FAMILY RESOURCE AND REFERRAL LINKAGE SYSTEM AND CHILD CARE PROVIDER SHARED SERVICES HUBS.

(1) The department shall work with cross-sector partners to build a statewide family resource and referral linkage system by 2025 that connects families with children prenatal through age five to appropriate services and community resources. The statewide family resource and referral linkage system must maintain an up-to-date database of services, programs, and community resources available to families in Washington. The statewide family resource and referral linkage system must partner with communities, heath care providers, and early learning providers to connect families to resources, services, and programs in which they are eligible. This system must also coordinate and leverage the work of the child care provider shared services hubs described in subsection (2) of this section.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall provide or contract to provide one or more shared services hubs that allow the ongoing pooling and shared use of services by licensed and certified child care centers and family home providers.

(a) The shared services hubs may include, but are not limited to, the following services:

(i) Shared comprehensive services may include developmental and health screenings, mental health and nurse consultation, health advisory and parent policy councils, assessments for one-on-one behavioral support aides, and coordination with a local or statewide family linkage system that connects families with young children to appropriate community resources and services.

(ii) Shared business services may include support with fee collection and financial management, human resources and payroll services, regional substitute pools, and business coaching and training.

(iii) Shared pedagogical resources may include leadership development, reflective supervision for child care center administrators, curricula, and training for early achievers coaches.

(b) Shared services hubs must be located in different geographic regions of the state and serve diverse demographic groups.

(c) By July 1, 2022, the department shall report to the governor and the appropriate committees of the legislature on the effectiveness of the shared services hub model in creating administrative efficiencies, realizing cost savings for child care providers and the department, increasing the responsiveness of providers to the needs of families, and building capacity for inclusive and trauma-informed services. The department must make recommendations for improvements or changes to the shared services hub model and the expansion of the shared services hub model statewide.

(3) This section expires December 31, 2025.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

PREKINDERGARTEN THROUGH THIRD GRADE SYSTEMS COORDINATORS.

(1) Each educational service district must designate a prekindergarten through third grade systems coordinator.

(2) At a minimum, each prekindergarten through third grade systems coordinator must:

(a) Provide statewide, regional, and local leadership to strengthen and align the transition between the early learning system and the K-12 educational system;

(b) Support the equitable expansion of early learning programs and the closing of opportunity gaps for the state's youngest learners;

(c) In partnership with the department of children, youth, and families, align regional early learning efforts with other statewide initiatives;

(d) In conjunction with the family resource and referral linkage system and the child care provider shared services hubs described in section 302 of this act, connect early learning providers, school districts, and other early learning stakeholders to leverage existing resources and expertise;

(e) Increase cross-sector coordination of resources and supports, especially for children impacted by trauma;

(f) Inform shared professional development opportunities and inform providers with various training and education within the region; and

(g) Provide support and technical assistance.

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

FAMILY, FRIEND, AND NEIGHBOR CAREGIVERS.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must support family, friend, and neighbor caregivers by:

(a) Expanding play and learn groups throughout the state;

(b) Integrating family, friend, and neighbor caregivers into home visiting programs; and

(c) Developing models to offer child care health consultations and mental health service in a culturally relevant context with a variety of modalities.

(2) The department must provide the supports described in subsection (1) of this section to families involved in the child welfare system and kinship caregivers.

**PART IV**

**EXPANDING SUPPORT TO PROVIDERS AND PARENTS**

NEW SECTION. **Sec.**  INTENT. (1)(a) The legislature recognizes that achieving the desired child outcomes from high quality early care and education programs requires additional financial support, including the payment of a compensation package of living wages and benefits to support a thriving industry of providers. The legislature acknowledges that it established a child care career and wage ladder for licensed child care centers through chapter 507, Laws of 2005. The legislature further acknowledges that it directed a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(b) The legislature finds that the federal administration of children and families advises states to set child care subsidy rates at the seventy-fifth percentile of private market rates in order to ensure equal access to high quality child care. The legislature acknowledges its commitment to raise rates through passage of chapter 369, Laws of 2019 to raise base subsidy rates for licensed child care centers and family home providers to the seventy-fifth percentile of market rates and to further incentivize the provision of care for infants and toddlers by considering supplemental rates for providers serving these young children. The legislature further acknowledges that it directed the department of children, youth, and families to use a child care cost model developed by the child care collaborative task force to determine child care subsidy rates by January 1, 2025, through chapter 368, Laws of 2019.

(c) The legislature intends to increase early childhood education and assistance program slots, increase child care subsidy rates to the seventy-fifth percentile, index rates to inflation to ensure stability and longevity for providers statewide, and take a step toward addressing the recommendations of the child care workforce development technical work group.

(2) The legislature understands that voluntary early supports for parents of young children through education services show a high return on investment due to significantly improved chances of better education, health, and life outcomes for children. The legislature recognizes that demand for early supports and education far exceeds current resources with only four counties able to serve more than fifteen percent of eligible families. In 2019, the department released a report with ways to expand such services in Washington state. The report was informed by a statewide needs assessment that included focus on a community-by-community analysis of risk factors such as low kindergarten readiness, infant deaths, and domestic violence. The legislature intends to continue to invest to support service to additional eligible and interested families and to increase support to parent and family education and early intervention services to ensure families with young children have the health and safety resources they need to thrive.

(3) The legislature finds that, in Washington state, immigrant children whose first language is not English represent a significant part of evolving and more diverse school demographics. The legislature recognizes the need for Washington's early learning workforce to evolve in a manner consistent with changing student demographics to meet the needs of young English learners and to communicate effectively with parents whose first language is not English. The legislature finds it necessary to better serve non-English-speaking children by addressing and closing the significant language gaps that impact young English learners.

(4) The legislature recognizes the importance of achieving a high quality, equitable system of expanded learning opportunities. The legislature finds that high quality expanded learning opportunity programs improve attendance and grades while building the social and emotional skills needed to succeed in school and in life. The legislature further finds that quality programs can result in improved academics including attendance, grade point, and math and literacy scores, as well as career pathway skills. The legislature resolves to increase access to community-driven and youth-driven expanded learning opportunities.

NEW SECTION. **Sec.**  EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM SLOT RATES. The sum of sixteen million six hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the general fund to the department of children, youth, and families solely for the purpose of increasing the early childhood education and assistance program slot rates by twelve percent.

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

CHILD CARE SUBSIDY RATES.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall increase subsidy rates for licensed child care providers as follows:

(a) Beginning July 1, 2020, subsidy base rates must achieve the sixtieth percentile of market based on the market rate survey conducted by the department.

(b) Beginning July 1, 2021, subsidy base rates must achieve the seventieth percentile of market based on the market rate survey conducted by the department.

(c) Beginning July 1, 2023, subsidy base rates must achieve the seventy-fifth percentile of market based on the market rate survey conducted by the department.

(d) Beginning July 1, 2024, subsidy rates must be based on the child care cost model developed under RCW 43.330.527 and referenced in RCW 43.216.749 unless the child care cost model generates subsidy rates lower than subsidy rates generated by (c) of this subsection.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall adjust subsidy rates according to an inflationary increase in accordance with this section beginning July 1, 2023. The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to the market rates established in this section. Any funded inflationary increase must be included in the base rate used to determine inflationary increases in subsequent years. For the purposes of this section, "inflationary adjustment index" means the implicit price deflator for that fiscal year, using the official current base rate, compiled by the bureau of economic analysis, United States department of commerce.

NEW SECTION. **Sec.**  CAREER AND WAGE LADDER. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the general fund to the department of children, youth, and families solely for the purpose of implementing the career and wage ladder as described in RCW 43.216.675 and 43.216.680.

NEW SECTION. **Sec.**  HOME VISITING SERVICES. The sum of eight million dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the home visiting services account to the department of children, youth, and families solely for the purpose of contracting for additional home visiting slots.

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

EXPANDING EARLY INTERVENTIONS.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer trauma and complex needs programs, such as the early childhood intervention prevention services program, and other early intervention services for children who are:

(a) Between the ages of birth and five years;

(b) Referred by a child welfare worker, a department of social and health services social worker, a primary care physician, a behavioral health provider, or a public health nurse due to (i) risk of child abuse or neglect, or (ii) exposure to complex trauma; and

(c) Enrolled in apple health for kids.

(2) The department shall make all reasonable efforts to deliver the trauma and complex needs programs and other early intervention services in areas of the state with the highest need and the greatest local interest in such services and programs.

NEW SECTION. **Sec.**  BIRTH TO THREE EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. The sum of three million dollars or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the general fund to the department of children, youth, and families solely for the purpose of implementing and expanding a birth to three early childhood education and assistance program project in accordance with the plan established under RCW 43.216.578. If resources available under the federal preschool development grant birth to five grant award becomes available for a birth to three early childhood education and assistance program, the federal funds may not supplant the appropriation in this section.

NEW SECTION. **Sec.**  DUAL LANGUAGE PROGRAMS. The sum of five million dollars or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the general fund to the department of children, youth, and families solely for the purpose of implementing dual language learning as described in RCW 43.216.105.

**Sec.**  RCW 43.216.710 and 2017 3rd sp.s. c 6 s 213 are each amended to read as follows:

LANGUAGE ACCESS FOR PARENTS.

The department shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training in multiple languages to ensure the system is accessible to families and providers;

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

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

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

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

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

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

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

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

(g) Serve recipients of temporary assistance for needy families and working parents ((~~with incomes at or below household incomes of two hundred percent of the federal poverty line~~)) who are eligible for child care subsidies;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

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

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

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

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

(9) Subject to the availability of amounts appropriated for this specific purpose, increase the base rate for all child care providers by ten percent;

(10) Subject to the availability of amounts appropriated for this specific purpose, provide tiered subsidy rate enhancements to child care providers if the provider meets the following requirements:

(a) The provider enrolls in quality rating and improvement system ((~~levels 2, 3, 4, or 5~~)) and meets the requirements outlined in RCW 43.216.135;

(b) The provider is actively participating in the early achievers program; and

(c) The provider continues to advance towards level 5 of the early achievers program; and

((~~(d) The provider must complete level 2 within thirty months or the reimbursement rate returns the level 1 rate; and~~))

(11) Require exempt providers to participate in continuing education, if adequate funding is available.

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

EXPANDED LEARNING OPPORTUNITIES QUALITY INITIATIVE.

(1) By December 1, 2021, the department shall work with the office of the superintendent of public instruction, the statewide expanded learning opportunities intermediary, the statewide child care resource and referral network, and the University of Washington to develop a plan to scale the existing expanded learning opportunities quality initiative to support licensed or certified school-age only child care providers, family home providers, and child care centers serving school-age youth as well as to continue to provide quality supports to other expanded learning providers serving children and youth ages five through young adulthood.

(2) The plan required in subsection (1) of this section must identify a quality mechanism that would support programmatic quality improvement; align with early achievers in a developmentally appropriate manner related to school-age children; and create a pathway for subsidy rate enhancements, resources, quality improvement awards and incentives, and eligibility for school-age child care-related scholarships.

(3) For purposes of this section, "expanded learning opportunities quality initiative" means the quality system of coaching, training, assessment, and support for expanded learning opportunities serving children ages five through young adulthood, including school-age child care, aligned with early achievers. This system is governed by the department in conjunction with the office of the superintendent of public instruction, a statewide expanded learning opportunities intermediary, the statewide child care resource and referral network, and the University of Washington.

**--- END ---**