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HOUSE BILL 1451

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Sullivan, Lekanoff, and Thai; by request of Office of Financial Management

Read first time 02/02/21. Referred to Committee on Children, Youth & Families.

1 AN ACT Relating to the entitlement date and definition for the  
2 early childhood education and assistance program; amending RCW  
3 43.216.505, 43.216.525, and 43.216.556; reenacting and amending RCW  
4 43.216.010; creating a new section; providing an effective date; and  
5 providing an expiration date.

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

7 **Sec. 1.** RCW 43.216.010 and 2020 c 270 s 11 are each reenacted  
8 and amended to read as follows:

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

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

15 (a) "Child day care center" means an agency that regularly  
16 provides early childhood education and early learning services for a  
17 group of children for periods of less than (~~twenty-four~~) 24 hours;

18 (b) "Early learning" includes but is not limited to programs and  
19 services for child care; state, federal, private, and nonprofit  
20 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional  
2 development for early learning professionals;

3 (c) "Family day care provider" means a child care provider who  
4 regularly provides early childhood education and early learning  
5 services for not more than (~~twelve~~) 12 children in the provider's  
6 home in the family living quarters;

7 (d) "Nongovernmental private-public partnership" means an entity  
8 registered as a nonprofit corporation in Washington state with a  
9 primary focus on early learning, school readiness, and parental  
10 support, and an ability to raise a minimum of (~~five million~~  
11 ~~dollars~~) \$5,000,000 in contributions;

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

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

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

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

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

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

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

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

27 (c) Persons who care for a neighbor's or friend's child or  
28 children, with or without compensation, where the person providing  
29 care for periods of less than (~~twenty-four~~) 24 hours does not  
30 conduct such activity on an ongoing, regularly scheduled basis for  
31 the purpose of engaging in business, which includes, but is not  
32 limited to, advertising such care;

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

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

38 (f) Schools, including boarding schools, that are engaged  
39 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, and accept only school age  
2 children;

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

5 (h) Facilities providing child care for periods of less than  
6 (~~twenty-four~~) 24 hours when a parent or legal guardian of the child  
7 remains on the premises of the facility for the purpose of  
8 participating in:

9 (i) Activities other than employment; or

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

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

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

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

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

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

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

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

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

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

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

38 (4) "Certificate of parental improvement" means a certificate  
39 issued under RCW 74.13.720 to an individual who has a founded finding  
40 of physical abuse or negligent treatment or maltreatment, or a court

1 finding that the individual's child was dependent as a result of a  
2 finding that the individual abused or neglected their child pursuant  
3 to RCW 13.34.030(6)(b).

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

7 (6) "Department" means the department of children, youth, and  
8 families.

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

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

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

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

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

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

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

29 (d) High quality preschool for children whose family income is at  
30 or below (~~one hundred ten~~) 110 percent of the federal poverty  
31 level.

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

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

38 (13) "Enforcement action" means denial, suspension, revocation,  
39 modification, or nonrenewal of a license pursuant to RCW

1 43.216.325(1) or assessment of civil monetary penalties pursuant to  
2 RCW 43.216.325(3).

3 (14) "Extended day program" means an early childhood education  
4 and assistance program that offers early learning education for at  
5 least (~~ten~~) 10 hours per day, a minimum of (~~two thousand~~) 2,000  
6 hours per year, at least four days per week, and operates year-round.

7 (15) "Full day program" means an early childhood education and  
8 assistance program that offers early learning education for a minimum  
9 of (~~one thousand~~) 1,000 instructional hours per year.

10 (16) "Low-income child care provider" means a person who  
11 administers a child care program that consists of at least (~~eighty~~)  
12 80 percent of children receiving working connections child care  
13 subsidy.

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

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

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

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

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

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

32 (e) A final decision of a disciplinary board.

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

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

38 (21) "Part day program" means an early childhood education and  
39 assistance program that offers early learning education for at least  
40 two and one-half hours per class session, at least (~~three hundred~~

1 ~~twenty~~) 320 hours per year, for a minimum of (~~thirty~~) 30 weeks per  
2 year.

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

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

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

10 (25) "School age child" means a child who is five years of age  
11 through (~~twelve~~) 12 years of age and is attending a public or  
12 private school or is receiving home-based instruction under chapter  
13 28A.200 RCW.

14 (26) "Secretary" means the secretary of the department.

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

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

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout RCW 43.216.500 through 43.216.559,  
23 43.216.900, and 43.216.901.

24 (1) "Advisory committee" means the advisory committee under RCW  
25 43.216.520.

26 (2) "Approved programs" means those state-supported education and  
27 special assistance programs which are recognized by the department as  
28 meeting the minimum program rules adopted by the department to  
29 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and  
30 43.216.901 and are designated as eligible for funding by the  
31 department under RCW 43.216.530 and 43.216.540.

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

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

1 (a) Has a family income at or below (~~one hundred ten~~) 110  
2 percent of the federal poverty level, as published annually by the  
3 federal department of health and human services;

4 (b) Is eligible for special education due to disability under RCW  
5 28A.155.020; or

6 (c) Meets criteria under rules adopted by the department if the  
7 number of such children equals not more than (~~ten~~) 10 percent of  
8 the total enrollment in the early childhood program. Preference for  
9 enrollment in this group shall be given to children from families  
10 with the lowest income, children in foster care, or to eligible  
11 children from families with multiple needs.

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

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

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

18 (c) Further their education and training;

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

21 (e) Increase their self-reliance.

22 (6) "Instructional hours" means those hours children are provided  
23 the opportunity to engage in educational activities planned by and  
24 under the direction of staff in approved programs, as defined in  
25 subsection (2) of this section, inclusive of intermissions for class  
26 changes, recess, and teacher/parent-guardian conferences that are  
27 planned and scheduled by the approved program for the purpose of  
28 discussing students' educational needs or progress, and time spent  
29 for meals or rest.

30 **Sec. 3.** RCW 43.216.525 and 2015 3rd sp.s. c 7 s 8 are each  
31 amended to read as follows:

32 (1) The department shall adopt rules under chapter 34.05 RCW for  
33 the administration of the early childhood education and assistance  
34 program. Approved early childhood education and assistance programs  
35 shall conduct needs assessments of their service area and identify  
36 any targeted groups of children, to include but not be limited to  
37 children of seasonal and migrant farmworkers and native American  
38 populations living either on or off reservation. Approved early  
39 childhood education and assistance programs shall provide to the

1 department a service delivery plan, to the extent practicable, that  
2 addresses these targeted populations.

3 (2) The department, in developing rules for the early childhood  
4 education and assistance program, shall consult with the early  
5 learning advisory council, and shall consider such factors as  
6 coordination with existing head start and other early childhood  
7 programs, the preparation necessary for instructors, qualifications  
8 of instructors, adequate space and equipment, and special  
9 transportation needs. The rules shall specifically require the early  
10 childhood programs to provide for parental involvement in  
11 participation with their child's program, in local program policy  
12 decisions, in development and revision of service delivery systems,  
13 and in parent education and training.

14 (3) By January 1, 2016, the department shall adopt rules  
15 requiring early childhood education and assistance program employees  
16 who have access to children to submit to a fingerprint background  
17 check. Fingerprint background check procedures for the early  
18 childhood education and assistance program shall be the same as the  
19 background check procedures in RCW (~~43.215.215~~) 43.216.270.

20 (4) By January 1, 2023, the department shall adopt rules  
21 outlining the requirements related to educational activities and  
22 comprehensive services required to meet the entitlement defined in  
23 RCW 43.216.556.

24 **Sec. 4.** RCW 43.216.556 and 2019 c 408 s 3 are each amended to  
25 read as follows:

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

31 (2) The program shall be implemented in phases, so that full  
32 implementation is achieved in the (~~2022-23~~) 2026-27 school year.

33 (3) Funding shall continue to be phased in (~~each year~~) until  
34 full statewide implementation of the early learning program is  
35 achieved in the (~~2022-23~~) 2026-27 school year, at which time any  
36 eligible child is entitled to be enrolled in the program. Entitlement  
37 under this section is voluntary enrollment in a full day program.

38 (4) School districts and approved community-based early learning  
39 providers may contract with the department to provide services under

1 the program. The department shall collaborate with school districts,  
2 community-based providers, and educational service districts to  
3 promote an adequate supply of approved providers.

4 NEW SECTION. **Sec. 5.** (1) By September 1, 2022, the department  
5 of children, youth, and families must submit a report to the governor  
6 and appropriate committees of the legislature, pursuant to RCW  
7 43.01.036. The report must include an implementation plan to meet the  
8 early childhood education and assistance program entitlement under  
9 RCW 43.216.556. The implementation plan shall include the following:

10 (a) Details for how all eligible children as defined in RCW  
11 43.216.505 and entitled to the program under RCW 43.216.510 and  
12 43.216.556 will access a full day program by the 2026-27 school year;

13 (b) In collaboration with the office of the superintendent of  
14 public instruction, a description of how the early childhood  
15 education and assistance program, and transitional kindergarten  
16 funding streams, may be braided to create high-quality integrated  
17 preschool classrooms;

18 (i) The plan should also include braiding or other funding  
19 combinations of other existing program funding streams that serve  
20 three and four-year old children, funded by federal or state dollars  
21 including, but not limited to:

22 (A) The working connections child care subsidy;

23 (B) Head start;

24 (C) Developmental preschool programs;

25 (D) Early childhood intervention and prevention services;

26 (E) Local government funded preschool programs; and

27 (F) Title I.

28 (ii) The plan must describe how, when braided or otherwise  
29 combined program funding streams can build high-quality, inclusive  
30 preschool programs that can be delivered in a variety of public or  
31 private settings including, but not limited to:

32 (A) School districts;

33 (B) Educational service districts;

34 (C) Community and technical colleges;

35 (D) Local governments;

36 (E) Nonprofit organizations;

37 (F) Agencies as defined in RCW 43.216.010; and

38 (G) Other community-based and school-based settings;

1 (c) An outline of how the department of children, youth, and  
2 families will maintain or increase the diversity of program workforce  
3 and maintain an emphasis on eliminating racial and ethnic  
4 disproportionality and disparities in early childhood education;

5 (d) By geographic location across the state, a description of  
6 future program resource needs, costs, and phase-in timelines  
7 including workforce development and salary and benefit needs to  
8 successfully recruit and retain providers, capital and facilities  
9 expansion, native language and dual language access, rural access,  
10 the impact on infant and toddler child care, and availability of  
11 combined or braided programs in (b) of this subsection. Multiple  
12 recommendations on how these future needs may be met must be  
13 included, as well as a description of how comprehensive services may  
14 be delivered in a combined or braided preschool model, recognizing  
15 that not all children or families will need the same suite of  
16 comprehensive services;

17 (e) Estimates of unmet need by geographic location, by age and by  
18 type of program, including part day, full day, and extended day;

19 (f) Cost and recommended timelines to convert part day programs  
20 to full day programs, including recommendations for optional, part-  
21 day participation in the program in order to support parental choice;

22 (g) Identification of the need for and a phase-in approach to  
23 providing voluntary summer school options;

24 (h) Recommendation for income eligibility including but not  
25 limited to income eligibility for free and reduced-price lunch  
26 granted under 7 C.F.R. Sec. 245.6; and

27 (i) A tool kit for potential preschool program operators to  
28 implement a high-quality, inclusive preschool program serving three  
29 and four-year old children, as outlined in this section. This tool  
30 kit must be made available on the department of children, youth, and  
31 families' public website, in a consumer-friendly format and  
32 translated to support dual-language communities.

33 (2) This section expires September 1, 2022.

34 NEW SECTION. **Sec. 6.** Section 1 of this act takes effect  
35 September 1, 2026.

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