
HOUSE BILL 2373

State of Washington

56th Legislature

2000 Regular Session

By Representatives Kagi, D. Sommers, Tokuda, Cody, Edwards, Kenney, Murray, Wolfe, Ogden, Morris, Stensen, Veloria, Schual-Berke, Wood, Edmonds, Kessler, Regala, Cooper, Scott, Anderson, Dickerson, Santos and Lovick

Read first time 01/11/2000. Referred to Committee on Children & Family Services.

1 AN ACT Relating to creating the office of child care and early
2 education; amending RCW 28B.135.010, 28B.135.030, 28B.135.040,
3 41.04.380, 41.04.385, 43.20A.750, 43.31.504, 74.13.085, 74.13.090,
4 74.13.0901, 74.13.0902, 74.13.0903, 74.13.095, 74.14B.040, 28A.215.110,
5 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160,
6 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, and 43.63A.066;
7 adding a new section to chapter 41.06 RCW; adding a new chapter to
8 Title 43 RCW; creating new sections; and providing an effective date.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that:
11 (a) Child care and early education are an important part of the
12 daily lives of Washington families;
13 (b) The state is involved in many child care and early education
14 programs that are administered through at least five state agencies;
15 (c) A more cohesive and integrated early learning and youth care
16 system would result in greater efficiencies for the state and greater
17 accessibility for the families that the programs are intended to serve;
18 and

1 (d) An effective system of governance would provide leadership and
2 vision lacking in the current fragmented system.

3 (2) The legislature finds that the early years of a child's life
4 are critical to the child's healthy brain development and that the
5 quality of caregiving during the early years can significantly impact
6 the child's intellectual and emotional growth and social adjustment.

7 (3) It is therefore the purpose of this chapter to establish the
8 office of child care and early education, the purpose of which is to
9 coordinate and consolidate child care and early learning programs.

10 NEW SECTION. **Sec. 2.** (1) The office of child care and early
11 education is created as an executive branch agency. The office is
12 vested with all powers and duties transferred to it under this chapter
13 and such other powers and duties as may be authorized by law.

14 (2) The primary duties of the office are to coordinate and
15 consolidate child care and early learning programs in order to
16 administer programs and grant funding as efficiently as possible. The
17 office's duties include, but are not limited to, the following:

18 (a) To administer child care and early learning programs;

19 (b) To the extent possible under federal and state law, to
20 standardize financial audits, oversight visits, performance benchmarks,
21 and licensing criteria, so that programs can function in an integrated
22 fashion; and

23 (c) To coordinate state agency efforts to purchase, deliver, and
24 arrange child care effectively.

25 NEW SECTION. **Sec. 3.** Unless the context clearly requires
26 otherwise, the definitions in this section apply throughout this
27 chapter.

28 (1) "Administrator" means the administrator of the office.

29 (2) "Office" means the office of child care and early education
30 created in this chapter.

31 NEW SECTION. **Sec. 4.** (1) The executive head and appointing
32 authority of the agency is the administrator. The administrator shall
33 be appointed by the governor, with the consent of the senate, and shall
34 serve at the pleasure of the governor. The administrator shall be paid
35 a salary to be fixed by the governor in accordance with RCW 43.03.040.
36 If a vacancy occurs in the position while the senate is not in session,

1 the governor shall make a temporary appointment until the next meeting
2 of the senate.

3 (2) The administrator may employ up to seven staff members, who
4 shall be exempt from chapter 41.06 RCW, and any additional staff
5 members as are necessary to administer this chapter. The administrator
6 may delegate any power or duty vested in him or her by this chapter,
7 including authority to make final decisions and enter final orders in
8 hearings conducted under chapter 34.05 RCW.

9 NEW SECTION. **Sec. 5.** It is the intent of the legislature wherever
10 possible to place the internal affairs of the office under the control
11 of the administrator in order that the administrator may institute
12 therein the flexible, alert, and intelligent management of its business
13 that changing contemporary circumstances require. Therefore, whenever
14 the administrator's authority is not specifically limited by law, the
15 administrator has complete charge and supervisory powers over the
16 office. The administrator may create such administrative structures as
17 the administrator considers appropriate, except as otherwise specified
18 by law. The administrator may employ such assistants and personnel as
19 necessary for the general administration of the office. This
20 employment shall be in accordance with the state civil service law,
21 chapter 41.06 RCW, except as otherwise provided.

22 NEW SECTION. **Sec. 6.** The administrator may appoint such advisory
23 committees or councils as may be required by any federal legislation as
24 a condition to the receipt of federal funds by the office. The
25 administrator may also appoint state-wide committees or councils on
26 such subject matters as are or come within the office's
27 responsibilities. The state-wide committees and councils shall have
28 representation from both major political parties and shall have
29 substantial consumer representation. The committees or councils shall
30 be constituted as required by federal law or as the administrator may
31 determine. The members of the committees or councils shall hold office
32 as follows: One-third to serve one year; one-third to serve two years;
33 and one-third to serve three years. Upon expiration of the original
34 terms, subsequent appointments shall be for three years except in the
35 case of a vacancy, in which event appointment shall be only for the
36 remainder of the unexpired term for which the vacancy occurs. No
37 member may serve more than two consecutive terms.

1 Members of such state advisory committees or councils may be paid
2 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

3 NEW SECTION. **Sec. 7.** In furtherance of the policy of the state to
4 cooperate with the federal government in all of the programs under the
5 jurisdiction of the office, such rules as may become necessary to
6 entitle the state to participate in federal funds may be adopted,
7 unless expressly prohibited by law. Any internal reorganization
8 carried out under the terms of this chapter shall meet federal
9 requirements that are a necessary condition to state receipt of federal
10 funds. Any section or provision of law dealing with the office that
11 may be susceptible to more than one construction shall be interpreted
12 in favor of the construction most likely to comply with federal laws
13 entitling this state to receive federal funds for the various programs
14 of the office. If any law dealing with the office is ruled to be in
15 conflict with federal requirements that are a prescribed condition of
16 the allocation of federal funds to the state, or to any departments or
17 agencies thereof, the conflicting part is declared to be inoperative
18 solely to the extent of the conflict.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 41.06 RCW
20 to read as follows:

21 In addition to the exemptions under RCW 41.06.070, the provisions
22 of this chapter shall not apply in the office of child care and early
23 education to the administrator and up to seven staff members.

24 NEW SECTION. **Sec. 9.** (1) All powers, duties, and functions of the
25 higher education coordinating board, the state board for community and
26 technical colleges, the office of financial management, the department
27 of personnel, the department of community, trade, and economic
28 development, the child care coordinating committee, the department of
29 social and health services, the department of health, the family policy
30 council, the office of the superintendent of public instruction, the
31 department of labor and industries, and the Washington council for the
32 prevention of child abuse and neglect pertaining to child care and
33 early learning programs are transferred to the office of child care and
34 early education.

35 (2)(a) All reports, documents, surveys, books, records, files,
36 papers, or written material in the possession of the higher education

1 coordinating board, the state board for community and technical
2 colleges, the office of financial management, the department of
3 personnel, the department of community, trade, and economic
4 development, the child care coordinating committee, the department of
5 social and health services, the department of health, the family policy
6 council, the office of the superintendent of public instruction, the
7 department of labor and industries, and the Washington council for the
8 prevention of child abuse and neglect pertaining to the powers,
9 functions, and duties transferred shall be delivered to the custody of
10 the office of child care and early education. All cabinets, furniture,
11 office equipment, motor vehicles, and other tangible property employed
12 by the higher education coordinating board, the state board for
13 community and technical colleges, the office of financial management,
14 the department of personnel, the department of community, trade, and
15 economic development, the child care coordinating committee, the
16 department of social and health services, the department of health, the
17 family policy council, the office of the superintendent of public
18 instruction, the department of labor and industries, and the Washington
19 council for the prevention of child abuse and neglect in carrying out
20 the powers, functions, and duties transferred shall be made available
21 to the office of child care and early education. All funds, credits,
22 or other assets held in connection with the powers, functions, and
23 duties transferred shall be assigned to the office of child care and
24 early education.

25 (b) Any appropriations made to the higher education coordinating
26 board, the state board for community and technical colleges, the office
27 of financial management, the department of personnel, the department of
28 community, trade, and economic development, the child care coordinating
29 committee, the department of social and health services, the department
30 of health, the family policy council, the office of the superintendent
31 of public instruction, the department of labor and industries, and the
32 Washington council for the prevention of child abuse and neglect for
33 carrying out the powers, functions, and duties transferred shall, on
34 the effective date of this section, be transferred and credited to the
35 office of child care and early education.

36 (c) Whenever any question arises as to the transfer of any
37 personnel, funds, books, documents, records, papers, files, equipment,
38 or other tangible property used or held in the exercise of the powers
39 and the performance of the duties and functions transferred, the

1 director of financial management shall make a determination as to the
2 proper allocation and certify the same to the state agencies concerned.

3 (3) All employees of the higher education coordinating board, the
4 state board for community and technical colleges, the office of
5 financial management, the department of personnel, the department of
6 community, trade, and economic development, the child care coordinating
7 committee, the department of social and health services, the department
8 of health, the family policy council, the office of the superintendent
9 of public instruction, the department of labor and industries, and the
10 Washington council for the prevention of child abuse and neglect
11 engaged in performing the powers, functions, and duties transferred are
12 transferred to the jurisdiction of the office of child care and early
13 education. All employees classified under chapter 41.06 RCW, the state
14 civil service law, are assigned to the child care and early education
15 board to perform their usual duties upon the same terms as formerly,
16 without any loss of rights, subject to any action that may be
17 appropriate thereafter in accordance with the laws and rules governing
18 state civil service.

19 (4) All rules and all pending business before the higher education
20 coordinating board, the state board for community and technical
21 colleges, the office of financial management, the department of
22 personnel, the department of community, trade, and economic
23 development, the child care coordinating committee, the department of
24 social and health services, the department of health, the family policy
25 council, the office of the superintendent of public instruction, the
26 department of labor and industries, and the Washington council for the
27 prevention of child abuse and neglect pertaining to the powers,
28 functions, and duties transferred shall be continued and acted upon by
29 the office of child care and early education. All existing contracts
30 and obligations shall remain in full force and shall be performed by
31 the office of child care and early education.

32 (5) The transfer of the powers, duties, functions, and personnel of
33 the higher education coordinating board, the state board for community
34 and technical colleges, the office of financial management, the
35 department of personnel, the department of community, trade, and
36 economic development, the child care coordinating committee, the
37 department of social and health services, the department of health, the
38 family policy council, the office of the superintendent of public
39 instruction, the department of labor and industries, and the Washington

1 council for the prevention of child abuse and neglect shall not affect
2 the validity of any act performed before the effective date of this
3 section.

4 (6) If apportionments of budgeted funds are required because of the
5 transfers directed by this section, the director of financial
6 management shall certify the apportionments to the agencies affected,
7 the state auditor, and the state treasurer. Each of these shall make
8 the appropriate transfer and adjustments in funds and appropriation
9 accounts and equipment records in accordance with the certification.

10 (7) Nothing contained in this section may be construed to alter any
11 existing collective bargaining unit or the provisions of any existing
12 collective bargaining agreement until the agreement has expired or
13 until the bargaining unit has been modified by action of the personnel
14 board as provided by law.

15 **Sec. 10.** RCW 28B.135.010 and 1999 c 375 s 1 are each amended to
16 read as follows:

17 Two Washington accounts for student child care in higher education
18 are established. The ~~((higher education coordinating board and the
19 state board for community and technical colleges))~~ office of child care
20 and early education shall administer the programs. Through these
21 programs the ~~((boards))~~ office may award on a competitive basis child
22 care grants to state institutions of higher education to encourage
23 programs to address the need for high quality, accessible, and
24 affordable child care for students at higher education institutions.
25 The university or college administration and student government
26 association, or its equivalent, of each institution receiving the award
27 shall contribute financial support in an amount equal to the child care
28 grant received by the institution.

29 **Sec. 11.** RCW 28B.135.030 and 1999 c 375 s 3 are each amended to
30 read as follows:

31 The ~~((higher education coordinating board))~~ office of child care
32 and early education shall administer the program for four-year
33 institutions of higher education~~((The state board for community and
34 technical colleges shall administer the program))~~ and for community and
35 technical colleges. The ~~((higher education coordinating board and the
36 state board for community and technical colleges shall have))~~ office
37 has the following powers and duties in administering each program:

1 (1) To adopt rules necessary to carry out the program;

2 (2) To establish one or more review committees to assist in the
3 evaluation of proposals for funding. The review committee shall
4 include but not be limited to individuals from the Washington
5 association for the education of young children, the child care
6 coordinating committee, and the child care resource and referral
7 network;

8 (3) To establish each biennium specific guidelines for submitting
9 grant proposals consistent with the overall goals of the program.
10 During the 1999-2001 biennium the guidelines shall be consistent with
11 the following desired outcomes of increasing access to child care for
12 students, addressing the demand for infant and toddler care, providing
13 affordable child care alternatives, creating more cooperative preschool
14 programs, creating models that can be replicated at other institutions,
15 creating a partnership between university or college administrations
16 and student government, or its equivalent and increasing efficiency and
17 innovation at campus child care centers;

18 (4) To establish guidelines for an allocation system based on
19 factors that include but are not limited to: The amount of money
20 available in the trust fund; characteristics of the institutions
21 including the size of the faculty and student body; and the number of
22 child care grants received;

23 (5) To solicit grant proposals and provide information to the
24 institutions of higher education about the program; and

25 (6) To establish reporting, evaluation, accountability, monitoring,
26 and dissemination requirements for the recipients of the grants.

27 **Sec. 12.** RCW 28B.135.040 and 1999 c 375 s 4 are each amended to
28 read as follows:

29 Two accounts for student child care in higher education are
30 established in the custody of the state treasurer. Moneys in the
31 accounts may be spent only for the purposes of RCW 28B.135.010.
32 Disbursements from ~~((one of))~~ the accounts shall be on the
33 authorization of the ~~((higher education coordinating board and
34 disbursements from the other account shall be on the authorization of
35 the state board for community and technical colleges))~~ office of child
36 care and early education. The accounts are subject to the allotment
37 procedures under chapter 43.88 RCW, but no appropriation is required
38 for disbursements.

1 **Sec. 13.** RCW 41.04.380 and 1993 c 194 s 3 are each amended to read
2 as follows:

3 When suitable space is determined to be available, either agencies
4 or organizations of state employees may contract with one or more
5 providers to operate child care facilities.

6 Subject to the approval of the ((~~director of financial management~~))
7 administrator of the office of child care and early education, suitable
8 space for child care centers may be provided to organizations of state
9 employees without charge or at reduced charge for rent or services
10 solely for the purpose of reducing employee child care costs.

11 **Sec. 14.** RCW 41.04.385 and 1993 c 194 s 5 are each amended to read
12 as follows:

13 The legislature finds that (1) demographic, economic, and social
14 trends underlie a critical and increasing demand for child care in the
15 state of Washington; (2) working parents and their children benefit
16 when the employees' child care needs have been resolved; (3) the state
17 of Washington should serve as a model employer by creating a supportive
18 atmosphere, to the extent feasible, in which its employees may meet
19 their child care needs; and (4) the state of Washington should
20 encourage the development of partnerships between state agencies, state
21 employees, state employee labor organizations, and private employers to
22 expand the availability of affordable quality child care. The
23 legislature finds further that resolving employee child care concerns
24 not only benefits the employees and their children, but may benefit the
25 employer by reducing absenteeism, increasing employee productivity,
26 improving morale, and enhancing the employer's position in recruiting
27 and retaining employees. Therefore, the legislature declares that it
28 is the policy of the state of Washington to assist state employees by
29 creating a supportive atmosphere in which they may meet their child
30 care needs. Policies and procedures for state agencies to address
31 employee child care needs will be the responsibility of the ((~~director~~
32 ~~of personnel~~)) administrator of the office of child care and early
33 education in consultation with the child care coordinating committee,
34 as provided in RCW 74.13.090 and state employee representatives as
35 provided under RCW 41.06.140.

36 **Sec. 15.** RCW 43.20A.750 and 1997 c 367 s 16 are each amended to
37 read as follows:

1 (1) The department of social and health services shall help
2 families and workers in rural natural resources impact areas make the
3 transition through economic difficulties and shall provide services to
4 assist workers to gain marketable skills. The department, as a member
5 of the agency rural community assistance task force and, where
6 appropriate, under an interagency agreement with the department of
7 community, trade, and economic development, shall provide grants
8 through the office of the secretary for services to the unemployed in
9 rural natural resources impact areas and to dislocated salmon fishing
10 workers as defined in RCW 43.63A.021 who live in urban areas of
11 qualifying rural natural resource impact counties, including providing
12 direct or referral services, establishing and operating service
13 delivery programs, and coordinating delivery programs and delivery of
14 services. These grants may be awarded for family support centers,
15 reemployment centers, or other local service agencies.

16 (2) The services provided through the grants may include, but need
17 not be limited to: Credit counseling; social services including
18 marital counseling; psychotherapy or psychological counseling; mortgage
19 foreclosures and utilities problems counseling; drug and alcohol abuse
20 services; medical services; and residential heating and food
21 acquisition.

22 (3) Funding for these services shall be coordinated through the
23 agency rural community assistance task force which will establish a
24 fund to provide child care assistance, mortgage assistance, and
25 counseling which cannot be met through current programs. No funds
26 shall be used for additional full-time equivalents for administering
27 this section.

28 (4)(a) Grants for family support centers are intended to provide
29 support to families by responding to needs identified by the families
30 and communities served by the centers. Services provided by family
31 support centers may include parenting education, child development
32 assessments, health and nutrition education, counseling, and
33 information and referral services. Such services may be provided
34 directly by the center or through referral to other agencies
35 participating in the interagency team.

36 (b) The department shall consult with the office of child care and
37 early education and the council on child abuse or neglect regarding
38 grants for family support centers.

39 (5) "Rural natural resources impact area" means:

1 (a) A nonmetropolitan county, as defined by the 1990 decennial
2 census, that meets three of the five criteria set forth in subsection
3 (6) of this section;

4 (b) A nonmetropolitan county with a population of less than forty
5 thousand in the 1990 decennial census, that meets two of the five
6 criteria as set forth in subsection (6) of this section; or

7 (c) A nonurbanized area, as defined by the 1990 decennial census,
8 that is located in a metropolitan county that meets three of the five
9 criteria set forth in subsection (6) of this section.

10 (6) For the purposes of designating rural natural resources impact
11 areas, the following criteria shall be considered:

12 (a) A lumber and wood products employment location quotient at or
13 above the state average;

14 (b) A commercial salmon fishing employment location quotient at or
15 above the state average;

16 (c) Projected or actual direct lumber and wood products job losses
17 of one hundred positions or more;

18 (d) Projected or actual direct commercial salmon fishing job losses
19 of one hundred positions or more; and

20 (e) An unemployment rate twenty percent or more above the state
21 average. The counties that meet these criteria shall be determined by
22 the employment security department for the most recent year for which
23 data is available. For the purposes of administration of programs
24 under this chapter, the United States post office five-digit zip code
25 delivery areas will be used to determine residence status for
26 eligibility purposes. For the purpose of this definition, a zip code
27 delivery area of which any part is ten miles or more from an urbanized
28 area is considered nonurbanized. A zip code totally surrounded by zip
29 codes qualifying as nonurbanized under this definition is also
30 considered nonurbanized. The office of financial management shall make
31 available a zip code listing of the areas to all agencies and
32 organizations providing services under this chapter.

33 **Sec. 16.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to
34 read as follows:

35 The child care facility fund committee is established within the
36 (~~business assistance center of the department of community, trade, and~~
37 ~~economic development~~) office of child care and early education. The
38 committee shall administer the child care facility fund, with review by

1 the (~~director of community, trade, and economic development~~)
2 administrator of the office.

3 (1) The committee shall have five members. The (~~director of~~
4 ~~community, trade, and economic development~~) administrator of the
5 office shall appoint the members, who shall include:

6 (a) Two persons experienced in investment finance and having skills
7 in providing capital to new businesses, in starting and operating
8 businesses, and providing professional services to small or expanding
9 businesses;

10 (b) One person representing a philanthropic organization with
11 experience in evaluating funding requests;

12 (c) One child care services expert; and

13 (d) One early childhood development expert.

14 In making these appointments, the (~~director~~) administrator shall
15 give careful consideration to ensure that the various geographic
16 regions of the state are represented and that members will be available
17 for meetings and are committed to working cooperatively to address
18 child care needs in Washington state.

19 (2) The committee shall elect officers from among its membership
20 and shall adopt policies and procedures specifying the lengths of
21 terms, methods for filling vacancies, and other matters necessary to
22 the ongoing functioning of the committee.

23 (3) Committee members shall serve without compensation, but may
24 request reimbursement for travel expenses as provided in RCW 43.03.050
25 and 43.03.060.

26 (4) Committee members shall not be liable to the state, to the
27 child care facility fund, or to any other person as a result of their
28 activities, whether ministerial or discretionary, as members except for
29 willful dishonesty or intentional violation of the law. The
30 (~~department of community, trade, and economic development~~) office of
31 child care and early education may purchase liability insurance for
32 members and may indemnify these persons against the claims of others.

33 **Sec. 17.** RCW 74.13.085 and 1989 c 381 s 2 are each amended to read
34 as follows:

35 It shall be the policy of the state of Washington to:

36 (1) Recognize the family as the most important social and economic
37 unit of society and support the central role parents play in child
38 rearing. All parents are encouraged to care for and nurture their

1 children through the traditional methods of parental care at home.
2 However, there has been a dramatic increase in participation of women
3 in the workforce which has made the availability of quality, affordable
4 child care a critical concern for the state and its citizens. There
5 are not enough child care services and facilities to meet the needs of
6 working parents, the costs of care are often beyond the resources of
7 working parents, and child care facilities are not located conveniently
8 to work places and neighborhoods. Parents are encouraged to
9 participate fully in the effort to improve the quality of child care
10 services.

11 (2) Promote a variety of culturally and developmentally appropriate
12 child care settings and services of the highest possible quality in
13 accordance with the basic principle of continuity of care. These
14 settings shall include, but not be limited to, family day care homes,
15 mini-centers, centers and schools.

16 (3) Promote the growth, development and safety of children by
17 working with community groups including providers and parents to
18 establish standards for quality service, training of child care
19 providers, fair and equitable monitoring, and salary levels
20 commensurate with provider responsibilities and support services.

21 (4) Promote equal access to quality, affordable, socio-economically
22 integrated child care for all children and families.

23 (5) Facilitate broad community and private sector involvement in
24 the provision of quality child care services to foster economic
25 development and assist industry through the office of child care and
26 early education.

27 **Sec. 18.** RCW 74.13.090 and 1995 c 399 s 204 are each amended to
28 read as follows:

29 (1) (~~There is established a child care coordinating committee to~~
30 ~~provide~~) The office of child care and early education shall facilitate
31 coordination and communication between state agencies responsible for
32 child care and early childhood education services. The office shall
33 establish a child care coordinating committee (~~shall be~~) composed of
34 not less than seventeen nor more than thirty-three members who shall
35 include:

36 (a) One representative each from the department of social and
37 health services, the department of community, trade, and economic
38 development, the office of the superintendent of public instruction,

1 and any other agency having responsibility for regulation, provision,
2 or funding of child care services in the state;

3 (b) One representative from the department of labor and industries;

4 (c) One representative from the department of revenue;

5 (d) One representative from the employment security department;

6 (e) One representative from the department of personnel;

7 (f) One representative from the department of health;

8 (g) At least one representative of family home child care providers
9 and one representative of center care providers;

10 (h) At least one representative of early childhood development
11 experts;

12 (i) At least one representative of school districts and teachers
13 involved in the provision of child care and preschool programs;

14 (j) At least one parent education specialist;

15 (k) At least one representative of resource and referral programs;

16 (l) One pediatric or other health professional;

17 (m) At least one representative of college or university child care
18 providers;

19 (n) At least one representative of a citizen group concerned with
20 child care;

21 (o) At least one representative of a labor organization;

22 (p) At least one representative of a head start - early childhood
23 education assistance program agency;

24 (q) At least one employer who provides child care assistance to
25 employees;

26 (r) Parents of children receiving, or in need of, child care, half
27 of whom shall be parents needing or receiving subsidized child care and
28 half of whom shall be parents who are able to pay for child care.

29 The named state agencies shall select their representative to the
30 child care coordinating committee. The (~~department of social and~~
31 ~~health services~~) office of child care and early education shall select
32 the remaining members, considering recommendations from lists submitted
33 by professional associations and other interest groups until such time
34 as the committee adopts a member selection process. The (~~department~~)
35 office shall use any federal funds which may become available to
36 accomplish the purposes of RCW 74.13.085 through 74.13.095.

37 The committee shall elect officers from among its membership and
38 shall adopt policies and procedures specifying the lengths of terms,
39 methods for filling vacancies, and other matters necessary to the

1 ongoing functioning of the committee. The (~~secretary of social and~~
2 ~~health services~~) administrator of the office shall appoint a temporary
3 chair until the committee has adopted policies and elected a chair
4 accordingly. Child care coordinating committee members shall be
5 reimbursed for travel expenses as provided in RCW 43.03.050 and
6 43.03.060.

7 (2) To the extent possible within available funds, the child care
8 coordinating committee shall:

9 (a) Serve as an advisory coordinator for all state agencies
10 responsible for early childhood or child care programs for the purpose
11 of improving communication and interagency coordination;

12 (b) Annually review state programs and make recommendations to the
13 agencies and the legislature which will maximize funding and promote
14 furtherance of the policies set forth in RCW 74.13.085. Reports shall
15 be provided to all appropriate committees of the legislature by
16 December 1st of each year. At a minimum the committee shall:

17 (i) Review and propose changes to the child care subsidy system in
18 its December 1989 report;

19 (ii) Review alternative models for child care service systems, in
20 the context of the policies set forth in RCW 74.13.085, and recommend
21 to the legislature a new child care service structure; and

22 (iii) Review options and make recommendations on the feasibility of
23 establishing an allocation for day care facilities when constructing
24 state buildings;

25 (c) Review (~~department of social and health services~~) child care
26 and early education office administration of the child care expansion
27 grant program described in RCW 74.13.095;

28 (d) Review rules regarding child care facilities and services for
29 the purpose of identifying those which unnecessarily obstruct the
30 availability and affordability of child care in the state;

31 (e) Advise and assist the office of child care policy in
32 implementing his or her duties under RCW 74.13.0903;

33 (f) Perform other functions to improve the quantity and quality of
34 child care in the state, including compliance with existing and future
35 prerequisites for federal funding; and

36 (g) Advise and assist the (~~department of personnel~~) office in its
37 responsibility for establishing policies and procedures that provide
38 for the development of quality child care programs for state employees.

1 **Sec. 19.** RCW 74.13.0901 and 1989 c 381 s 4 are each amended to
2 read as follows:

3 The child care partnership is established as a subcommittee of the
4 child care coordinating committee to increase employer assistance and
5 involvement in child care, and to foster cooperation between business
6 and government to improve the availability, quality, and affordability
7 of child care services in the state.

8 (1) The partnership shall have nine members who may be drawn from
9 the membership of the child care coordinating committee. The
10 (~~secretary of the department of social and health services~~)
11 administrator of the office of child care and early education shall
12 appoint the partnership members, who shall include:

13 (a) At least two members representing labor organizations;

14 (b) At least one member representing each of the following:
15 Businesses with one through fifty employees, businesses with fifty-one
16 through two hundred employees, and businesses with more than two
17 hundred employees; and

18 (c) At least one representative of local child care resource and
19 referral organizations.

20 (2) The partnership shall follow the same policies and procedures
21 adopted by the child care coordinating committee, and members shall be
22 reimbursed for travel expenses as provided in RCW 43.03.050 and
23 43.03.060.

24 (3) To the extent possible within available funds, the partnership
25 shall:

26 (a) Review and propose statutory and administrative changes to
27 encourage employer involvement in child care and partnerships between
28 employers and the public sector to increase the quantity, quality, and
29 affordability of child care services and facilities in this state;

30 (b) Review public and private child care programs with the purpose
31 of enhancing communications and coordination among business, labor,
32 public agencies, and child care providers in order to encourage
33 employers to develop and implement child care services for their
34 employees;

35 (c) Evaluate alternative employer-assisted child care service
36 systems, in the context of the policies set forth in RCW 74.13.085, and
37 recommend to the legislature and local governments ways to encourage
38 and enhance employer-assisted child care services in the state,
39 including statutory and administrative changes;

1 (d) Evaluate the impact of workplace personnel practices and
2 policies, including flexible work schedules, on the ability of parents
3 to access or provide care for their children, and make recommendations
4 to employers and the legislature in this regard;

5 (e) Study the liability insurance issues related to the provision
6 of employer-assisted child care and report the findings and
7 recommendations to the legislature; and

8 (f) Advise and assist the employer liaison in the implementation of
9 its duties under RCW 74.13.0902.

10 All findings and recommendations of the partnership to the
11 legislature shall be incorporated into the annual report of the child
12 care coordinating committee required under RCW 74.13.090.

13 **Sec. 20.** RCW 74.13.0902 and 1989 c 381 s 6 are each amended to
14 read as follows:

15 An employer liaison position is established in the (~~department of~~
16 ~~social and health services to be colocated at the business assistance~~
17 ~~center established under RCW 43.31.083)) office of child care and early
18 education. The employer liaison shall, within appropriated funds:~~

19 (1) Staff and assist the child care partnership in the
20 implementation of its duties under RCW 74.13.0901;

21 (2) Provide technical assistance to employers regarding child care
22 services, working with and through local resource and referral
23 organizations whenever possible. Such technical assistance shall
24 include at a minimum:

25 (a) Assessing the child care needs of employees and prospective
26 employees;

27 (b) Reviewing options available to employers interested in
28 increasing access to child care for their employees;

29 (c) Developing techniques to permit small businesses to increase
30 access to child care for their employees;

31 (d) Reviewing methods of evaluating the impact of child care
32 activities on employers; and

33 (e) Preparing, collecting, and distributing current information for
34 employers on options for increasing involvement in child care; and

35 (3) Provide assistance to local child care resource and referral
36 organizations to increase their capacity to provide quality technical
37 assistance to employers in their community.

1 **Sec. 21.** RCW 74.13.0903 and 1997 c 58 s 404 are each amended to
2 read as follows:

3 The office of child care policy is established to operate under the
4 authority of the (~~department of social and health services~~) office of
5 child care and early education. The duties and responsibilities of the
6 office include, but are not limited to, the following, within
7 appropriated funds:

8 (1) Staff and assist the child care coordinating committee in the
9 implementation of its duties under RCW 74.13.090;

10 (2) Work in conjunction with the state-wide child care resource and
11 referral network as well as local governments, nonprofit organizations,
12 businesses, and community child care advocates to create local child
13 care resource and referral organizations. These organizations may
14 carry out needs assessments, resource development, provider training,
15 technical assistance, and parent information and training;

16 (3) Actively seek public and private money for distribution as
17 grants to the state-wide child care resource and referral network and
18 to existing or potential local child care resource and referral
19 organizations;

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

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

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

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

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

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

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

36 (g) Serve recipients of temporary assistance for needy families and
37 working parents with incomes at or below household incomes of one
38 hundred seventy-five percent of the federal poverty line;

1 (5) Provide staff support and technical assistance to the state-
2 wide child care resource and referral network and local child care
3 resource and referral organizations;

4 (6) Maintain a state-wide child care licensing data bank and work
5 with department of social and health services licensors to provide
6 information to local child care resource and referral organizations
7 about licensed child care providers in the state;

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

11 (8) Coordinate with the state-wide child care resource and referral
12 network and local child care resource and referral organizations for
13 the provision of training and technical assistance to child care
14 providers; and

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

19 **Sec. 22.** RCW 74.13.095 and 1988 c 213 s 3 are each amended to read
20 as follows:

21 (1) The legislature recognizes that a severe shortage of child care
22 exists to the detriment of all families and employers throughout the
23 state. Many workers are unable to enter or remain in the work force
24 due to a shortage of child care resources. The high costs of starting
25 a child care business create a barrier to the creation of new slots,
26 especially for children with special needs.

27 (2) A child care expansion grant fund is created in the custody of
28 the ~~((secretary of the department of social and health services))~~
29 administrator of the office of child care and early education. Grants
30 shall be awarded on a one-time only basis to persons, organizations, or
31 schools needing assistance to start a child care center or mini-center
32 as defined by the department by rule, or to existing licensed child
33 care providers, including family home providers, for the purpose of
34 making capital improvements in order to accommodate handicapped
35 children as defined under chapter 72.40 RCW, sick children, or infant
36 care, or children needing night time care. No grant may exceed ten
37 thousand dollars. Start-up costs shall not include operational costs
38 after the first three months of business.

1 (3) Child care expansion grants shall be awarded on the basis of
2 need for the proposed services in the community, within appropriated
3 funds.

4 (4) The ((department)) office of child care and early education
5 shall adopt rules under chapter 34.05 RCW setting forth criteria,
6 application procedures, and methods to assure compliance with the
7 purposes described in this section.

8 **Sec. 23.** RCW 74.14B.040 and 1987 c 503 s 13 are each amended to
9 read as follows:

10 The ((department)) office of child care and early education shall,
11 within funds appropriated for this purpose, provide therapeutic day
12 care and day treatment to children who have been abused or neglected
13 and meet program eligibility criteria.

14 **Sec. 24.** RCW 28A.215.110 and 1999 c 350 s 1 are each amended to
15 read as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout RCW 28A.215.100 through 28A.215.200 and
18 28A.215.900 through 28A.215.908.

19 (1) "Advisory committee" means the advisory committee under RCW
20 28A.215.140.

21 (2) (~~"Department" means the department of community, trade, and~~
22 ~~economic development.~~) "Office" means the office of child care and
23 early education established in chapter 43.-- RCW (sections 1 through 7
24 of this act).

25 (3) "Eligible child" means a child not eligible for kindergarten
26 whose family income is at or below one hundred ten percent of the
27 federal poverty level, as published annually by the federal department
28 of health and human services, and includes a child whose family is
29 eligible for public assistance, and who is not a participant in a
30 federal or state program providing comprehensive services and may
31 include children who are eligible under rules adopted by the department
32 if the number of such children equals not more than ten percent of the
33 total enrollment in the early childhood program. Priority for
34 enrollment shall be given to children from families with the lowest
35 income or to eligible children from families with multiple needs.

36 (4) "Approved programs" means those state-supported education and
37 special assistance programs which are recognized by the department of

1 community, trade, and economic development as meeting the minimum
2 program rules adopted by the department to qualify under RCW
3 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and
4 are designated as eligible for funding by the department under RCW
5 28A.215.160 and 28A.215.180.

6 (5) "Comprehensive" means an assistance program that focuses on the
7 needs of the child and includes education, health, and family support
8 services.

9 (6) "Family support services" means providing opportunities for
10 parents to:

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

17 **Sec. 25.** RCW 28A.215.120 and 1994 c 166 s 4 are each amended to
18 read as follows:

19 The (~~department of community, trade, and economic development~~)
20 office shall administer a state-supported early childhood education and
21 assistance program to assist eligible children with educational,
22 social, health, nutritional, and cultural development to enhance their
23 opportunity for success in the common school system. Eligible children
24 shall be admitted to approved early childhood programs to the extent
25 that the legislature provides funds, and additional eligible children
26 may be admitted to the extent that grants and contributions from
27 community sources provide sufficient funds for a program equivalent to
28 that supported by state funds.

29 **Sec. 26.** RCW 28A.215.130 and 1994 c 166 s 5 are each amended to
30 read as follows:

31 Approved early childhood programs shall receive state-funded
32 support through the (~~department~~) office. Public or private
33 nonsectarian organizations, including, but not limited to school
34 districts, educational service districts, community and technical
35 colleges, local governments, or nonprofit organizations, are eligible
36 to participate as providers of the state early childhood program.
37 Funds appropriated for the state program shall be used to continue to

1 operate existing programs or to establish new or expanded early
2 childhood programs, and shall not be used to supplant federally
3 supported head start programs. Funds obtained by providers through
4 voluntary grants or contributions from individuals, agencies,
5 corporations, or organizations may be used to expand or enhance
6 preschool programs so long as program standards established by the
7 ((department)) office are maintained, but shall not be used to supplant
8 federally supported head start programs or state-supported early
9 childhood programs. Persons applying to conduct the early childhood
10 program shall identify targeted groups and the number of children to be
11 served, program components, the qualifications of instructional and
12 special staff, the source and amount of grants or contributions from
13 sources other than state funds, facilities and equipment support, and
14 transportation and personal care arrangements.

15 **Sec. 27.** RCW 28A.215.140 and 1988 c 174 s 5 are each amended to
16 read as follows:

17 The ((department)) office shall establish an advisory committee
18 composed of interested parents and representatives from the state board
19 of education, the office of the superintendent of public instruction,
20 the division of children and family services within the department of
21 social and health services, early childhood education and development
22 staff preparation programs, the head start programs, school districts,
23 and such other community and business organizations as deemed necessary
24 by the ((department)) office to assist with the establishment of the
25 preschool program and advise the ((department)) office on matters
26 regarding the on-going promotion and operation of the program.

27 **Sec. 28.** RCW 28A.215.150 and 1994 c 166 s 6 are each amended to
28 read as follows:

29 The ((department)) office shall adopt rules under chapter 34.05 RCW
30 for the administration of the early childhood program. Approved early
31 childhood programs shall conduct needs assessments of their service
32 area, identify any targeted groups of children, to include but not be
33 limited to children of seasonal and migrant farmworkers and native
34 American populations living either on or off reservation, and provide
35 to the ((department)) office a service delivery plan, to the extent
36 practicable, that addresses these targeted populations.

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

11 **Sec. 29.** RCW 28A.215.160 and 1994 c 166 s 8 are each amended to
12 read as follows:

13 The ((department)) office shall review applications from public or
14 private nonsectarian organizations for state funding of early childhood
15 education and assistance programs and award funds as determined by
16 ((department)) office rules and based on local community needs and
17 demonstrated capacity to provide services.

18 **Sec. 30.** RCW 28A.215.170 and 1995 c 335 s 501 are each amended to
19 read as follows:

20 The ((department)) office shall annually report to the governor and
21 the legislature on the findings of the longitudinal study undertaken to
22 examine and monitor the effectiveness of early childhood educational
23 and assistance services for eligible children to measure, among other
24 elements, if possible, how the average level of performance of children
25 completing this program compare to the average level of performance of
26 all state students in their grade level, and to the average level of
27 performance of those eligible students who did not have access to this
28 program. The evaluation system shall examine how the percentage of
29 these children needing access to special education or remedial programs
30 compares to the overall percentage of children needing such services
31 and compares to the percentage of eligible students who did not have
32 access to this program needing such services.

33 **Sec. 31.** RCW 28A.215.180 and 1994 c 166 s 10 are each amended to
34 read as follows:

35 For the purposes of RCW 28A.215.100 through 28A.215.200 and
36 28A.215.900 through 28A.215.908, the ((department)) office may award

1 state support under RCW 28A.215.100 through 28A.215.160 to increase the
2 numbers of eligible children assisted by the federal or state-supported
3 early childhood programs in this state. Priority shall be given to
4 those geographical areas which include a high percentage of families
5 qualifying under the "eligible child" criteria. The overall program
6 funding level shall be based on an average grant per child consistent
7 with state appropriations made for program costs: PROVIDED, That
8 programs addressing special needs of selected groups or communities
9 shall be recognized in the ((department's)) office's rules.

10 **Sec. 32.** RCW 28A.215.190 and 1985 c 418 s 10 are each amended to
11 read as follows:

12 The ((department)) office from funds appropriated for the
13 administration of the program under chapter 418, Laws of 1985 shall
14 reimburse the expenses of the advisory committee.

15 **Sec. 33.** RCW 28A.215.200 and 1994 c 166 s 11 are each amended to
16 read as follows:

17 The ((department)) office may solicit gifts, grants, conveyances,
18 bequests and devises for the use or benefit of the early childhood
19 state education and assistance program established by RCW 28A.215.100
20 through 28A.215.200 and 28A.215.900 through 28A.215.908. The
21 department shall actively solicit support from business and industry
22 and from the federal government for the state early childhood education
23 and assistance program and shall assist local programs in developing
24 partnerships with the community for eligible children.

25 **Sec. 34.** RCW 43.63A.066 and 1993 c 280 s 58 are each amended to
26 read as follows:

27 The ((department of community, trade, and economic development))
28 office of child care and early education shall have primary
29 responsibility for providing child abuse and neglect prevention
30 training to preschool age children participating in the federal head
31 start program or the early childhood education and assistance program
32 established under RCW 28A.215.010 through 28A.215.200 and 28A.215.900
33 through 28A.215.908.

34 NEW SECTION. **Sec. 35.** This act does not affect any existing right
35 acquired or liability or obligation incurred under the sections amended

1 or repealed in this act or under any rule or order adopted under those
2 sections, nor does it affect any proceeding instituted under those
3 sections.

4 NEW SECTION. **Sec. 36.** Sections 1 through 7 of this act constitute
5 a new chapter in Title 43 RCW.

6 NEW SECTION. **Sec. 37.** If any part of this act is found to be in
7 conflict with federal requirements that are a prescribed condition to
8 the allocation of federal funds to the state, the conflicting part of
9 this act is inoperative solely to the extent of the conflict and with
10 respect to the agencies directly affected, and this finding does not
11 affect the operation of the remainder of this act in its application to
12 the agencies concerned. Rules adopted under this act must meet federal
13 requirements that are a necessary condition to the receipt of federal
14 funds by the state.

15 NEW SECTION. **Sec. 38.** This act takes effect July 1, 2001.

16 NEW SECTION. **Sec. 39.** If specific funding for the purposes of
17 this act, referencing this act by bill or chapter number, is not
18 provided by June 30, 2000, in the omnibus appropriations act, this act
19 is null and void.

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