CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1152

Chapter 490, Laws of 2005

59th Legislature
2005 Regular Session

EARLY LEARNING COUNCIL

EFFECTIVE DATE: 5/16/05

Passed by the House April 19, 2005
Yeas 77  Nays 21

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 30  Nays 16

BRAD OWEN
President of the Senate

Approved May 16, 2005.

I, Richard Nafziger, Chief Clerk
of the House of Representatives of
the State of Washington, do hereby
certify that the attached is
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL 1152 as passed by the House
of Representatives and the Senate
on the dates hereon set forth.

RICHARD NAFZIGER
Chief Clerk

FILED
May 16, 2005 - 2:51 p.m.

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to early learning; amending RCW 28B.135.030, 41.04.385, and 74.13.0903; reenacting and amending RCW 74.15.030; adding a new section to chapter 74.15 RCW; creating new sections; repealing RCW 74.13.090 and 74.13.0901; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that parents are their children's first and most important teachers, caregivers, and decision makers. The legislature also recognizes that many parents are employed or in school and must seek services in their communities to assist with the care and support of their children. Welfare reform requires parents with low incomes to enter the work force while their children are young, increasing parents' need for the support of such resources. In seeking out resources in their communities to provide care and support for their children, parents throughout the state need and deserve to have the best possible information to help inform their choices about the care and education of their children.

The legislature also finds that research on brain development in young children establishes that early experiences are important to
children's emotional, social, physical, and cognitive development. Research also shows a clear and compelling connection between the quality of children's early childhood care and education experiences and later success in school and in life.

The legislature intends to build on the efforts of communities across the state to improve the quality of early learning environments available to children and their families, as well as the information available to families relating to those early learning environments. The legislature recognizes that efforts to improve early learning must build upon existing partnerships between the public and private sectors. The experiences and resources of both public and private entities are essential to making meaningful and lasting improvements in the quality of early learning environments across the state. Statewide leadership is needed to guide and support the efforts of the private and public sectors working together to make systemwide improvements in the quality, affordability, and accessibility of early learning opportunities.

The legislature intends to establish an effective oversight body, composed of representation from the public and private sectors, to provide leadership and vision to strengthen the quality of early learning services and programs for all children and families in the state and to ensure that children enter school ready to succeed.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 1 through 6 of this act unless the context clearly requires otherwise.

(1) "Early learning programs and services" include the following: Child care; state, private, and nonprofit preschool programs; child care subsidy programs; and training and professional development programs for early learning professionals.

(2) "Council" means the Washington early learning council.

NEW SECTION. Sec. 3. (1) The Washington early learning council is established in the governor's office. The purpose of the council is to provide vision, leadership, and direction to the improvement, realignment, and expansion of early learning programs and services for children birth to five years of age in order to better meet the early learning needs of children and their families. The goal of the council
is to build upon existing efforts and recommend new initiatives, as necessary, to create an adequately financed, high-quality, accessible, and comprehensive early learning system that benefits all young children whose parents choose it.

(2) The council shall develop an early learning plan to improve the organization of early learning programs and services at the state level, and to improve the accessibility and quality of early learning programs and services throughout the state.

(a) By November 15, 2005, the council shall make recommendations to the governor and the appropriate committees of the legislature concerning statewide organization of early learning.

(b) The council shall also make recommendations to the governor and the appropriate committees of the legislature concerning the following:

(i) Identification of current populations being served and potential populations to be served by early learning programs and services;

(ii) The state's role in supporting quality early learning programs and services;

(iii) Appropriate levels and sources of stable and sustainable funding to meet statewide and local need for early learning programs and services, including public-private partnerships;

(iv) Changes in existing early learning programs and services, including the administration of those programs and services, to improve their efficiency, effectiveness, and quality;

(v) Changes in existing early learning programs and services to ensure that the content is aligned with what children need to know and be able to do upon entering school;

(vi) How to maximize available early learning resources to ensure children are receiving continuity of care; and

(vii) Providing for smooth transitions from early learning programs and services to K-12 programs.

(c) As provided in sections 5 and 6 of this act, the council shall focus on quality improvements to licensed child care through the following mechanisms:

(i) A voluntary, quality-based, graduated rating system to provide information to parents on the quality of child care programs and to provide resources and incentives for quality improvements; and
(ii) A tiered-reimbursement system for state-subsidized child care to improve the quality of care for children participating in state-funded care.

(d) The council shall make recommendations to the governor and the appropriate committees of the legislature concerning the regulation of child care, including child care that is exempt from regulation and unlicensed child care that is subject to regulation, in order to ensure the safety, health, quality, and accessibility of child care services throughout the state.

(3) The council shall serve as the advisory committee on early learning to the comprehensive education study steering committee, created in Engrossed Second Substitute Senate Bill No. 5441. The nongovernmental cochair of the council shall serve as the chair of the advisory committee on early learning. The council shall have input on the recommendations developed by the comprehensive education study steering committee.

(4) The council shall make use of existing reports, research, planning efforts, and programs, including, but not limited to, the following: The federal early head start program, the federal head start program, the state early childhood education and assistance program, the state's essential academic learning requirements and K-3 grade level expectations, the Washington state early learning and development benchmarks, existing tiered-reimbursement initiatives, the state's early childhood comprehensive systems plan, and the work of the child care coordinating committee established pursuant to RCW 74.13.090.

NEW SECTION. Sec. 4. (1) The council shall include representation from public, nonprofit, and for-profit entities, and its membership shall reflect regional, racial, and cultural diversity to ensure representation of the needs of all children and families in the state.

(2) The council shall consist of seventeen members, as follows:

(a) One representative each of the governor's office, the department of social and health services, the department of health, and the state board for community and technical colleges, appointed by the governor;

(b) One representative of the office of superintendent of public instruction, appointed by the superintendent of public instruction;
(c) Two representatives of private business and two representatives of philanthropy, appointed by the governor;

(d) Four individuals who have demonstrated leadership and engagement in the field of early learning, appointed by the governor; and

(e) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus, and two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus.

(3) The council shall be cochaired by the representative of the governor's office and a nongovernmental member designated by the governor.

(4) Members of the council shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The governor may employ an executive director, who is exempt from the provisions of chapter 41.06 RCW, and such other staff as is necessary to carry out the purposes of sections 1 through 6 of this act. The governor pursuant to RCW 43.03.040 shall fix the salary of the executive director.

(6) The council shall monitor and measure its progress and regularly report, as appropriate, to the governor and the appropriate committees of the legislature on the progress, findings, and recommendations of the council.

(7) The council shall establish one or more technical advisory committees, as needed. Membership of such advisory committees may include the following: Representatives of any state agency the council deems appropriate, including the higher education coordinating board and the state board for community and technical colleges; family home child care providers, child care center providers, and college or university child care providers; parents; early childhood development experts; representatives of school districts and teachers involved in the provision of child care and preschool programs; representatives of resource and referral programs; parent education specialists; pediatric or other health professionals; representatives of citizen groups concerned with child care and early learning; representatives of labor
organizations; representatives of private business; and representatives of head start and early childhood education assistance program agencies.

NEW SECTION. Sec. 5. (1) The council shall develop a voluntary, quality-based, graduated rating system consisting of levels of quality to be achieved by licensed child care providers serving children and families in the state. The purpose of the rating system is to provide families with vital information about the quality of early learning programs available to them and to increase the quality of early learning programs operating throughout the state. In developing the voluntary rating system, the council shall seek to build upon existing partnerships and initiate new partnerships between the public and private sectors.

(2) In developing the voluntary rating system, the council shall establish a system of tiers as the basis for the rating system's levels of quality. In developing the system of tiers, the council shall take into consideration the following quality criteria:

(a) Child-to-staff ratios;
(b) Group size;
(c) Learning environment, including staff and child interactions;
(d) Curriculum;
(e) Parent and family involvement and support;
(f) Staff qualifications and training;
(g) Staff professional development;
(h) Staff compensation;
(i) Staff stability;
(j) Accreditation;
(k) Program evaluation; and
(l) Program administrative policies and procedures.

(3) In developing the voluntary rating system, the council shall establish quality assurance measures as well as a mechanism for system evaluation.

(4) In developing the voluntary rating system, the council shall make recommendations concerning both initial and subsequent statewide implementation of the rating system, including the following:

(a) Potential implementing entities;
(b) Sources of funding for implementation;
(c) Necessary infrastructure for facilitating and supporting participation in the rating system, including assistance necessary to help providers progress up the tiers; and

(d) Strategies for raising public awareness of the rating system.

(5) The council shall complete initial development of the voluntary rating system by December 1, 2005, and complete development by December 1, 2006.

(6) The council shall submit the voluntary rating system to the governor and the appropriate fiscal and policy committees of the legislature by January 1, 2007. If no action is taken by the legislature by the end of the 2007 regular legislative session, the council may begin initial implementation of the voluntary rating system, subject to available funding.

NEW SECTION. Sec. 6. (1) The council shall develop a tiered-reimbursement system that provides higher rates of reimbursement for state-subsidized child care for licensed child care providers that achieve one or more levels of quality above basic licensing requirements in accordance with the voluntary quality-based graduated rating system developed pursuant to section 5 of this act.

(2) In developing the tiered-reimbursement system, the council shall review existing tiered-reimbursement initiatives in the state and integrate those initiatives into the tiered-reimbursement system.

(3) The council shall complete initial development of the tiered-reimbursement system by December 1, 2005, to be implemented in two pilot sites in different geographic regions of the state with demonstrated public-private partnerships. The council shall complete development of the tiered-reimbursement system by December 1, 2006, to be implemented statewide, subject to the availability of amounts appropriated by the legislature for this specific purpose.

NEW SECTION. Sec. 7. A new section is added to chapter 74.15 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of social and health services shall implement the tiered-reimbursement system developed pursuant to section 6 of this act. Implementation of the tiered-reimbursement system shall
initially consist of two pilot sites in different geographic regions of
the state with demonstrated public-private partnerships, with statewide
implementation to follow.

(2) In implementing the tiered-reimbursement system, consideration
shall be given to child care providers who provide staff wage
progression.

(3) The department shall begin implementation of the two pilot
sites by March 30, 2006.

Sec. 8. RCW 28B.135.030 and 1999 c 375 s 3 are each amended to
read as follows:

The higher education coordinating board shall administer the
program for four-year institutions of higher education. The state
board for community and technical colleges shall administer the program
for community and technical colleges. The higher education
coordinating board and the state board for community and technical
colleges shall have the following powers and duties in administering
each program:

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

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

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

(4) To establish guidelines for an allocation system based on
factors that include but are not limited to: The amount of money
available in the trust fund; characteristics of the institutions
including the size of the faculty and student body; and the number of
child care grants received;
(5) To solicit grant proposals and provide information to the
institutions of higher education about the program; and
(6) To establish reporting, evaluation, accountability, monitoring,
and dissemination requirements for the recipients of the grants.

Sec. 9. RCW 41.04.385 and 2002 c 354 s 236 are each amended to
read as follows:
The legislature finds that (1) demographic, economic, and social
trends underlie a critical and increasing demand for child care in the
state of Washington; (2) working parents and their children benefit
when the employees' child care needs have been resolved; (3) the state
of Washington should serve as a model employer by creating a supportive
atmosphere, to the extent feasible, in which its employees may meet
their child care needs; and (4) the state of Washington should
encourage the development of partnerships between state agencies, state
employees, state employee labor organizations, and private employers to
expand the availability of affordable quality child care. The
legislature finds further that resolving employee child care concerns
not only benefits the employees and their children, but may benefit the
employer by reducing absenteeism, increasing employee productivity,
improving morale, and enhancing the employer's position in recruiting
and retaining employees. Therefore, the legislature declares that it
is the policy of the state of Washington to assist state employees by
creating a supportive atmosphere in which they may meet their child
care needs. Policies and procedures for state agencies to address
employee child care needs will be the responsibility of the director of
personnel in consultation with ((the child care coordinating committee,
as provided in RCW 74.13.090, and)) state employee representatives.

Sec. 10. RCW 74.13.0903 and 1997 c 58 s 404 are each amended to
read as follows:
The office of child care policy is established to operate under the
authority of the department of social and health services. The duties
and responsibilities of the office include, but are not limited to, the
following, within appropriated funds:
(1) (Staff and assist the child care coordinating committee in the
implementation of its duties under RCW 74.13.090;
(2)) 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;
((3)) (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;
((4)) (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 one
hundred seventy-five percent of the federal poverty line;
((5)) (4) Provide staff support and technical assistance to the
statewide child care resource and referral network and local child care
resource and referral organizations;
((6)) (5) Maintain a statewide child care licensing data bank and
work with department of social and health services licensors to provide
information to local child care resource and referral organizations about licensed child care providers in the state;

((7)) (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;

((8)) (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; and

((9)) (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.

Sec. 11. RCW 74.15.030 and 2000 c 162 s 20 and 2000 c 122 s 40 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;
(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;
(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with ((the child care coordinating committee and other)) affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.
NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 74.13.090 (Child care coordinating committee) and 1995 c 399 s 204, 1993 c 194 s 7, 1989 c 381 s 3, & 1988 c 213 s 2; and

(2) RCW 74.13.0901 (Child care partnership) and 1989 c 381 s 4.

NEW SECTION. Sec. 14. Sections 1 through 6 of this act expire July 1, 2007.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House April 19, 2005.
Passed by the Senate April 14, 2005.
Approved by the Governor May 16, 2005.
Filed in Office of Secretary of State May 16, 2005.