
SECOND SUBSTITUTE SENATE BILL 5452

State of Washington

64th Legislature

2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow, Billig, Fain, Dammeier, Hargrove, Hill, Rivers, Brown, Mullet, Frockt, Jayapal, Angel, Cleveland, Kohl-Welles, Keiser, McAuliffe, and Habib)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to improving quality in the early care and
2 education system; amending RCW 43.215.100, 43.215.135, 43.215.1352,
3 43.215.425, 43.215.415, 43.215.455, and 43.215.090; reenacting and
4 amending RCW 43.215.010; adding new sections to chapter 43.215 RCW;
5 creating new sections; and repealing 2013 2nd sp.s. c 16 s 2
6 (uncodified).

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

8 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that
9 quality early care and education builds the foundation for a child's
10 success in school and in life. The legislature acknowledges that a
11 quality framework is necessary for the early care and education
12 system in Washington. The legislature recognizes that empirical
13 evidence supports the conclusion that high quality programs
14 consistently yield more positive outcomes for children, with the
15 strongest positive impacts on the most vulnerable children. The
16 legislature acknowledges that critical developmental windows exist in
17 early childhood, and low quality child care has damaging effects for
18 children. The legislature further understands that the proper dosage,
19 duration of programming, and stability of care are critical to
20 enhancing program quality and improving child outcomes. The
21 legislature acknowledges that the early care and education system

1 should strive to address the needs of Washington's culturally and
2 linguistically diverse populations. The legislature understands that
3 parental choice and provider diversity are guiding principles for
4 early learning programs.

5 (2) The legislature intends to prioritize the integration of
6 child care and preschool in an effort to promote full day
7 programming. The legislature further intends to reward quality and
8 create incentives for providers to participate in a quality rating
9 and improvement system that will also provide valuable information to
10 parents regarding the quality of care available in their communities.

11 (3) The legislature hereby recognizes that private schools with
12 early learning programs should be subject only to those minimum state
13 controls necessary to assure the health and safety of all the
14 students in the state and to assure a sufficient early childhood
15 education to meet usual requirements needed for transition into
16 elementary school. The state, and any agency or official thereof,
17 shall not restrict or dictate any specific educational or other
18 programs for private school early learning programs as provided in
19 this act.

20 **Sec. 2.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to
21 read as follows:

22 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)
23 (~~Subject to the availability of amounts appropriated for this~~
24 ~~specific purpose,~~) The department, in collaboration with tribal
25 governments and community and statewide partners, shall implement a
26 (~~voluntary~~) quality rating and improvement system, called the early
27 achievers program(~~, that~~). The early achievers program provides a
28 foundation of quality for the early care and education system. The
29 early achievers program is applicable to licensed or certified child
30 care centers and homes and early (~~education~~) learning programs such
31 as working connections child care and early childhood education and
32 assistance programs.

33 (2) The (~~purpose~~) objectives of the early achievers program
34 (~~is~~) are to:

35 (a) (~~To~~) Improve short-term and long-term educational outcomes
36 for children as measured by assessments including, but not limited
37 to, the Washington kindergarten inventory of developing skills in RCW
38 28A.655.080;

1 (b) Give parents clear and easily accessible information about
2 the quality of child care and early education programs((τ))i

3 (c) Support improvement in early learning and child care programs
4 throughout the state((τ))i

5 (d) Increase the readiness of children for school((τ—and))i

6 (e) Close the ((disparity)) disparities in access to quality
7 care;

8 (f) Provide professional development and coaching opportunities
9 to early child care and education providers to the extent that funds
10 are specifically appropriated for this purpose; and ((+b—to))

11 (g) Establish a common set of expectations and standards that
12 define, measure, and improve the quality of early learning and child
13 care settings.

14 (3)(a) Licensed or certified child care centers and homes serving
15 nonschool age children and receiving state subsidy payments must
16 participate in the early achievers program by the required deadlines
17 established in RCW 43.215.135.

18 (b) Approved early childhood education and assistance program
19 providers receiving state-funded support must participate in the
20 early achievers program by the required deadlines established in RCW
21 43.215.415.

22 (c) Participation in the early achievers program is voluntary for
23 licensed or certified child care centers and homes not receiving
24 state subsidy payments.

25 (d) School age child care providers are exempt from participating
26 in the early achievers program. By July 1, 2017, the department may
27 design a plan to incorporate school age child care providers into the
28 early achievers program. To test implementation of the early
29 achievers system for school age child care providers the department
30 may implement a pilot program to the extent that funds are
31 specifically appropriated for this purpose.

32 (4) ((By fiscal year 2015, Washington state preschool programs
33 receiving state funds must enroll in the early achievers program and
34 maintain a minimum score level.

35 (5) Before final implementation of the early achievers program,
36 the department shall report on program progress, as defined within
37 the race to the top federal grant award, and expenditures to the
38 appropriate policy and fiscal committees of the legislature.)) There
39 are five levels in the early achievers program. Participants are

1 expected to actively engage in the program and continually advance
2 from level 1, the basic licensing requirement, to level 5.

3 (5) The department has the authority to determine the rating
4 cycle for the early achievers program. The department shall
5 streamline and eliminate duplication between early achievers
6 standards and state child care rules in order to reduce costs
7 associated with the early achievers rating cycle and child care
8 licensing.

9 (a) Early achievers program participants may request to be rated
10 at any time after the completion of all level 2 activities.

11 (b) The department shall provide an early achievers program
12 participant an update on the participant's progress toward completing
13 level 2 activities after the participant has been enrolled in the
14 early achievers program for fifteen months.

15 (c) The first rating is free for early achievers program
16 participants.

17 (d) Each subsequent rating within the established rating cycle is
18 free for early achievers program participants.

19 (6)(a) Early achievers program participants may request to be
20 rerated outside the established rating cycle.

21 (b) The department must charge a fee for optional rerating
22 requests made by program participants that are outside the
23 established rating cycle.

24 (c) Fees charged are based on, but may not exceed, the cost to
25 the department for activities associated with the early achievers
26 program.

27 (7)(a) Subject to the availability of amounts appropriated for
28 this specific purpose, the department must create a single source of
29 information for parents and caregivers to access details on a
30 provider's early achievers program rating level, licensing history,
31 and other indicators of quality and safety that will help parents and
32 caregivers make informed choices.

33 (b) The department shall publish to the department's web site, or
34 offer a link on its web site to, the following information:

35 (i) By August 1, 2015, early achievers program rating levels 1
36 through 5 for all child care programs that receive state subsidy,
37 early childhood education and assistance programs, and federal head
38 start programs in Washington; and

39 (ii) New early achievers program ratings within thirty days after
40 a program becomes licensed or certified, or receives a rating.

1 (c) The early achievers program rating levels shall be published
2 in a manner that is easily accessible to parents and caregivers and
3 takes into account the linguistic needs of parents and caregivers.

4 (d) The department must publish early achievers program rating
5 levels for child care programs that do not receive state subsidy but
6 have voluntarily joined the early achievers program.

7 (e) Early achievers program participants who have published
8 rating levels on the department's web site or on a link on the
9 department's web site may include a brief description of their
10 program, contingent upon the review and approval by the department,
11 as determined by established marketing standards.

12 (8)(a) The department may create a professional development
13 pathway for early achievers program participants to obtain a high
14 school diploma or equivalency or higher education credential in early
15 childhood education, early childhood studies, child development, or
16 an academic field related to early care and education, to the extent
17 that funds are specifically appropriated for this purpose.

18 (b) The professional development pathway may include
19 opportunities for scholarships and grants to assist early achievers
20 program participants with the costs associated with obtaining an
21 educational degree.

22 (c) The department may address cultural and linguistic diversity
23 when developing the professional development pathway.

24 (9) The early achievers quality improvement awards shall be
25 reserved for participants offering programs to an enrollment
26 population consisting of at least five percent of children receiving
27 a state subsidy.

28 (10) In collaboration with tribal governments, community and
29 statewide partners, and the early achievers review subcommittee
30 created in RCW 43.215.090, the department may develop a protocol for
31 granting early achievers program participants an extension in meeting
32 rating level requirement timelines outlined for the working
33 connections child care program and the early childhood education and
34 assistance program.

35 (a) The department may grant extensions only under exceptional
36 circumstances, such as when early achievers program participants
37 experience an unexpected life circumstance.

38 (b) Extensions shall not exceed six months, and early achievers
39 program participants are only eligible for one extension in meeting
40 rating level requirement timelines.

1 (c) Extensions may only be granted to early achievers program
2 participants who have demonstrated engagement in the early achievers
3 program.

4 (d) A report outlining the early achievers program extension
5 protocol shall be delivered to the appropriate committees of
6 legislature by December 31, 2015. The department shall produce this
7 report within the department's available appropriations.

8 (11) The department shall establish a process to accept national
9 accreditation as a qualification for the early achievers program
10 ratings. Each accreditation agency must be allowed to submit its most
11 current standards of accreditation to establish potential credit
12 earned in the early achievers program. The department shall grant
13 credit to accreditation bodies that can demonstrate that their
14 standards meet or exceed the current early achievers program
15 standards.

16 (12) A child care or early learning program that is operated by a
17 federally recognized tribe and receives state funds shall participate
18 in the early achievers program. The tribe may choose to participate
19 through an interlocal agreement between the tribe and the department.
20 The interlocal agreement must reflect the government-to-government
21 relationship between the state and the tribe, including recognition
22 of tribal sovereignty. The interlocal agreement must provide that:

23 (a) Tribal child care facilities and early learning programs may
24 volunteer, but are not required, to be licensed by the department;

25 (b) Tribal child care facilities and early learning programs are
26 not required to have their early achievers program rating level
27 published to the department's web site or through a link on the
28 department's web site; and

29 (c) Tribal child care facilities and early learning programs must
30 provide notification to parents or guardians who apply for or have
31 been admitted into their program that early achievers program rating
32 level information is available and provide the parents or guardians
33 with the program's early achievers program rating level upon request.

34 (13) Nothing in this section changes the department's
35 responsibility to collectively bargain over mandatory subjects.

36 NEW SECTION. Sec. 3. A new section is added to chapter 43.215
37 RCW to read as follows:

38 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
39 ACHIEVERS. (1) The department shall, in collaboration with tribal

1 governments and community and statewide partners, implement a
2 protocol to maximize and encourage participation in the early
3 achievers program for culturally diverse and low-income center and
4 family home child care providers.

5 (2) The protocol should address barriers to early achievers
6 program participation and include at a minimum the following:

7 (a) The creation of a substitute pool to the extent that funds
8 are specifically appropriated for this purpose;

9 (b) The development of needs-based grants for providers at level
10 2 in the early achievers program to assist with purchasing curriculum
11 development, instructional materials, supplies, and equipment to
12 improve program quality to the extent that funds are specifically
13 appropriated for this purpose. Priority for the needs-based grants
14 shall be given to culturally diverse and low-income providers;

15 (c) The development of materials and assessments in a timely
16 manner, and to the extent feasible, in the provider and family home
17 languages to the extent that funds are specifically appropriated for
18 this purpose; and

19 (d) The development of flexibility in technical assistance and
20 coaching structures to provide differentiated types and amounts of
21 support to providers based on individual need and cultural context.

22 **Sec. 4.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to
23 read as follows:

24 WORKING CONNECTIONS CHILD CARE. (1) The department shall
25 establish and implement policies in the working connections child
26 care program to promote stability and quality of care for children
27 from low-income households. These policies shall focus on supporting
28 school readiness for young learners. Policies for the expenditure of
29 funds constituting the working connections child care program must be
30 consistent with the outcome measures defined in RCW 74.08A.410 and
31 the standards established in this section intended to promote
32 (~~continuity of care for children~~) stability, quality, and
33 continuity of early care and education programming.

34 (2) Beginning in fiscal year 2013, authorizations for the working
35 connections child care subsidy shall be effective for twelve months
36 unless a change in circumstances necessitates reauthorization sooner
37 than twelve months. The twelve-month certification applies only if
38 the enrollments in the child care subsidy or working connections
39 child care program are capped.

1 (3) Subject to the availability of amounts appropriated for this
2 specific purpose, beginning September 1, 2013, working connections
3 child care providers shall receive a five percent increase in the
4 subsidy rate for enrolling in level 2 in the early achievers
5 programs. Providers must complete level 2 and advance to level 3
6 within thirty months in order to maintain this increase.

7 (4) Existing child care providers serving nonschool age children
8 and receiving state subsidy payments must complete the following
9 requirements to be eligible for a state subsidy under this section:

10 (a) Enroll in the early achievers program;

11 (b) Complete level 2 activities in the early achievers program by
12 August 1, 2016; and

13 (c) Rate at a level 3 or higher in the early achievers program by
14 December 31, 2018. If a child care provider rates below a level 3 by
15 December 31, 2018, the provider must complete remedial activities
16 with the department, and rate at a level 3 or higher no later than
17 June 30, 2019.

18 (5) Effective July 1, 2016, a new child care provider serving
19 nonschool age children and receiving state subsidy payments must
20 complete the following activities to be eligible to receive a state
21 subsidy under this section:

22 (a) Enroll in the early achievers program within thirty days;

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

25 (c) Rate at a level 3 or higher in the early achievers program
26 within thirty months of enrollment. If a child care provider rates
27 below a level 3 within thirty months from enrollment into the early
28 achievers program, the provider must complete remedial activities
29 with the department, and rate at a level 3 or higher within six
30 months.

31 (6) If a child care provider does not rate at a level 3 or higher
32 following the remedial period, the provider is no longer eligible to
33 receive state subsidy under this section.

34 (7) If a child care provider serving nonschool age children and
35 receiving state subsidy payments has successfully completed all level
36 2 activities and is waiting to be rated by the deadline provided in
37 this section, the provider may continue to receive a state subsidy
38 pending the successful completion of the level 3 rating activity.

39 (8) The department may implement tiered reimbursement for early
40 achievers program participants in the working connections child care

1 program rating at level 3, 4, or 5, to the extent that funds are
2 specifically appropriated for this purpose.

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

6 **Sec. 5.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
7 read as follows:

8 WORKING CONNECTIONS CHILD CARE. When an applicant or recipient
9 applies for or receives working connections child care benefits, (~~he~~
10 ~~or she~~) the applicant or recipient is required to:

11 (1) Notify the department of social and health services, within
12 five days, of any change in providers; and

13 (2) Notify the department of social and health services, within
14 ten days, about any significant change related to the number of child
15 care hours the applicant or recipient needs, cost sharing, or
16 eligibility.

17 **Sec. 6.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
18 read as follows:

19 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
20 department shall adopt rules under chapter 34.05 RCW for the
21 administration of the early childhood education and assistance
22 program. Approved early childhood education and assistance programs
23 shall conduct needs assessments of their service area(~~(7)~~) and
24 identify any targeted groups of children, to include but not be
25 limited to children of seasonal and migrant farmworkers and native
26 American populations living either on or off reservation(~~(7—and)~~).
27 Approved early childhood education and assistance programs shall
28 provide to the department a service delivery plan, to the extent
29 practicable, that addresses these targeted populations.

30 (2) The department, in developing rules for the early childhood
31 education and assistance program, shall consult with the early
32 learning advisory (~~(committee)~~) council, and shall consider such
33 factors as coordination with existing head start and other early
34 childhood programs, the preparation necessary for instructors,
35 qualifications of instructors, adequate space and equipment, and
36 special transportation needs. The rules shall specifically require
37 the early childhood programs to provide for parental involvement in
38 participation with their child's program, in local program policy

1 decisions, in development and revision of service delivery systems,
2 and in parent education and training.

3 (3)(a) The department shall adopt rules pertaining to the early
4 childhood education and assistance program that outline allowable
5 periods of child absences, required contact with parents or
6 caregivers to discuss child absences and encourage regular
7 attendance, and a de-enrollment procedure when allowable child
8 absences are exceeded. The department shall adopt rules on child
9 absences and attendance within the department's appropriations.

10 (b) Rules pertaining to child absences and de-enrollment
11 procedures shall be adopted no later than July 31, 2016. The
12 department shall adopt rules on child absences and attendance within
13 the department's appropriations.

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

20 **Sec. 7.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
21 read as follows:

22 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
23 early childhood education and assistance programs shall receive
24 state-funded support through the department. Public or private
25 (~~nonsectarian~~) organizations, including, but not limited to school
26 districts, educational service districts, community and technical
27 colleges, local governments, or nonprofit organizations, are eligible
28 to participate as providers of the state early childhood education
29 and assistance program. Funds appropriated for the state program
30 shall be used to continue to operate existing programs or to
31 establish new or expanded early childhood programs, and shall not be
32 used to supplant federally supported head start programs.

33 (2) Funds obtained by providers through voluntary grants or
34 contributions from individuals, agencies, corporations, or
35 organizations may be used to expand or enhance preschool programs so
36 long as program standards established by the department are
37 maintained, but shall not be used to supplant federally supported
38 head start programs or state-supported early childhood programs.

1 (3) Persons applying to conduct the early childhood education and
2 assistance program shall identify targeted groups and the number of
3 children to be served, program components, the qualifications of
4 instructional and special staff, the source and amount of grants or
5 contributions from sources other than state funds, facilities and
6 equipment support, and transportation and personal care arrangements.

7 (4) Existing early childhood education and assistance program
8 providers must complete the following requirements to be eligible to
9 receive state-funded support under the early childhood education and
10 assistance program:

11 (a) Enroll in the early achievers program by August 1, 2015;

12 (b) Rate at a level 4 or 5 in the early achievers program by
13 January 1, 2016. If an early childhood education and assistance
14 program provider rates below a level 4 by January 1, 2016, the
15 provider must complete remedial activities with the department, and
16 rate at a level 4 or 5 within six months.

17 (5) Effective August 1, 2015, a new early childhood education and
18 assistance program provider must complete the requirements in this
19 subsection (5) to be eligible to receive state-funded support under
20 the early childhood education and assistance program:

21 (a) Enroll in the early achievers program within thirty days;

22 (b) Rate at a level 4 or 5 in the early achievers program within
23 twelve months of enrollment. If an early childhood education and
24 assistance program provider rates below a level 4 within twelve
25 months of enrollment, the provider must complete remedial activities
26 with the department, and rate at a level 4 or 5 within six months.

27 (6)(a) If an early childhood education and assistance program
28 provider has successfully completed all of the required early
29 achievers program activities and is waiting to be rated by the
30 deadline provided in this section, the provider may continue to
31 participate in the early achievers program as an approved early
32 childhood education and assistance program provider and receive state
33 subsidy pending the successful completion of a level 4 or 5 rating.

34 (b) To avoid disruption, the department may allow for early
35 childhood education and assistance program providers who have rated
36 below a level 4 after completion of the six-month remedial period to
37 continue to provide services until the current school year is
38 finished.

39 (7) The department shall collect data to determine the demand for
40 full-day programming for early childhood education and assistance

1 program providers. The department shall analyze this demand by
2 geographic region and report the findings to the appropriate
3 committees of the legislature by January 1, 2016. The department
4 shall produce this report within the department's available
5 appropriations.

6 **Sec. 8.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to
7 read as follows:

8 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
9 September 1, 2011, an early learning program to provide voluntary
10 preschool opportunities for children three and four years of age
11 shall be implemented according to the funding and implementation plan
12 in RCW (~~(43.215.142)~~) 43.215.456. The program must (~~(be)~~) offer a
13 comprehensive program (~~(providing)~~) of early childhood education and
14 family support, (~~(options for)~~) including parental involvement(~~(r)~~)
15 and health information, screening, and referral services, (~~(as)~~)
16 based on family need (~~(is determined)~~). Participation in the program
17 is voluntary. On a space available basis, the program may allow
18 enrollment of children who are not otherwise eligible by assessing a
19 fee.

20 (2) The (~~(first phase of the)~~) program shall be implemented by
21 utilizing the program standards and eligibility criteria in the early
22 childhood education and assistance program in RCW 43.215.400 through
23 43.215.450.

24 (3)(a) Beginning in the 2015-16 school year, the program
25 implementation in this section shall prioritize early childhood
26 education and assistance programs located in low-income neighborhoods
27 within high-need geographical areas.

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

31 (i) Programs offering extended day early care and education
32 programming;

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

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

37 (4) The director shall adopt rules for the following program
38 components, as appropriate and necessary during the phased

1 implementation of the program, consistent with early achievers
2 program standards established in RCW 43.215.100:

3 (a) Minimum program standards(~~(, including lead teacher,~~
4 ~~assistant teacher, and staff qualifications)~~);

5 (b) Approval of program providers; and

6 (c) Accountability and adherence to performance standards.

7 ((4)) (5) The department has administrative responsibility for:

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

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

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

17 (d) Providing technical assistance to contracted providers.

18 NEW SECTION. Sec. 9. A new section is added to chapter 43.215
19 RCW to read as follows:

20 PROGRAM DATA COLLECTION AND EVALUATION. (1) Subject to the
21 availability of amounts appropriated for this specific purpose, the
22 education data center established in RCW 43.41.400 must collect
23 longitudinal, student-level data on all children attending a working
24 connections child care program or an early childhood education and
25 assistance program. Data collected should capture at a minimum the
26 following characteristics:

27 (a) Daily program attendance;

28 (b) Identification of classroom and teacher;

29 (c) Early achievers program quality level rating;

30 (d) Program hours;

31 (e) Program duration;

32 (f) Developmental results from the Washington kindergarten
33 inventory of developing skills in RCW 28A.655.080; and

34 (g) To the extent data is available, the distinct ethnic
35 categories within racial subgroups of children and providers that
36 align with categories recognized by the education data center.

37 (2) The department shall provide child care and early learning
38 providers student-level data collected pursuant to this section that

1 are specific to the child care provider's or the early learning
2 provider's program.

3 (3) Every four years, the department in collaboration with the
4 early achievers review subcommittee shall review the data collected
5 on the achievement of the early achievers program standards and
6 provide a report to the appropriate committees of the legislature.
7 The report shall include, but not be limited to, the following:

8 (a) Recommendations for improving the early achievers program
9 standards;

10 (b) A review of the services available to providers and children
11 from diverse cultural backgrounds;

12 (c) Recommendations for improving access to providers rated at a
13 level 3 or higher in the early achievers program by children from
14 diverse cultural backgrounds; and

15 (d) To the extent data is available, an analysis of the
16 distribution of early achievers program rated facilities in relation
17 to child and provider demographics, including but not limited to race
18 and ethnicity, home language, and geographical location.

19 (4)(a) The department shall review the K-12 components for
20 cultural competency developed by the professional educator standards
21 board and identify components appropriate for early learning
22 professional development.

23 (b) By July 31, 2016, the department shall provide
24 recommendations to the appropriate committees of the legislature and
25 the early learning advisory council on research-based cultural
26 competency standards for early learning professional training.

27 (5)(a) The Washington state institute for public policy shall
28 conduct a longitudinal analysis examining relationships between the
29 early achievers program quality ratings levels and outcomes for
30 children participating in subsidized early care and education
31 programs.

32 (b) The institute shall submit the first report to the
33 appropriate committees of the legislature and the early learning
34 advisory council by December 31, 2018. The institute shall submit
35 subsequent reports annually to the appropriate committees of the
36 legislature and the early learning advisory council by December 31st,
37 with the final report due December 31, 2021. The final report shall
38 include a cost-benefit analysis.

1 (6)(a) The department shall complete an annual early learning
2 program implementation report on the early childhood education and
3 assistance program and the working connections child care program.

4 (b) The early learning program implementation report must be
5 posted annually on the department's web site and delivered to the
6 appropriate committees of the legislature. The first report is due by
7 December 31, 2015, and the final report is due by December 31, 2019.

8 (c) The early learning program implementation report must address
9 the following:

10 (i) Progress on early childhood education and assistance program
11 implementation as required pursuant to RCW 43.215.415, 43.215.425,
12 and 43.215.455;

13 (ii) An examination of the regional distribution of new preschool
14 programming by zip code;

15 (iii) An analysis of the impact of preschool expansion on low-
16 income neighborhoods and communities;

17 (iv) Recommendations to address any identified barriers to access
18 to quality preschool for children living in low-income neighborhoods;

19 (v) An analysis of any impact from quality strengthening efforts
20 on the availability and quality of infant and toddler care;

21 (vi) An analysis of any impact of extended day early care and
22 education opportunities directives;

23 (vii) An examination of any identified barriers for providers to
24 offer extended day early care and education opportunities; and

25 (viii) To the extent data is available, an analysis of the
26 cultural diversity of early childhood education and assistance
27 program providers and participants.

28 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.215
29 RCW to read as follows:

30 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) Subject to the
31 availability of amounts appropriated for this specific purpose, the
32 department shall employ a combination of vouchers and contracted
33 slots for the subsidized child care programs in RCW 43.215.135 and
34 43.215.415. Child care vouchers preserve parental choice. Child care
35 contracted slots promote access to continuous quality care for
36 children, provide parents and caregivers stable child care that
37 supports employment, and allow providers to have predictable funding.

1 (2) Only child care providers who participate in the early
2 achievers program and rate at a level 3, 4, or 5 are eligible to be
3 awarded a contracted slot.

4 (3) The department is required to use data to calculate a set
5 number of targeted contracted slots. In calculating the number, the
6 department must take into account a balance of family home and center
7 child care programs and the overall geographic distribution of child
8 care programs in the state and the distribution of slots between ages
9 zero and five. The targeted contracted slots are reserved for
10 programs meeting both of the following conditions:

11 (a) Programs in low-income neighborhoods; and

12 (b) Programs that consist of at least fifty percent of children
13 receiving subsidy pursuant to RCW 43.215.135.

14 (4) The department shall award the remaining contracted slots via
15 a competitive process and prioritize child care programs with at
16 least one of the following characteristics:

17 (a) Programs located in a high-need geographic area;

18 (b) Programs partnering with elementary schools to offer
19 transitional planning and support to children as they advance to
20 kindergarten;

21 (c) Programs serving children involved in the child welfare
22 system; or

23 (d) Programs serving children diagnosed with a special need.

24 (5)(a) The department shall adopt rules pertaining to the working
25 connections child care program for both contracted slots and child
26 care vouchers that outline the following:

27 (i) Allowable periods of child absences;

28 (ii) Required contact with parents or caregivers to discuss child
29 absences and encourage regular program attendance; and

30 (iii) A de-enrollment procedure when allowable child absences are
31 exceeded.

32 (b) Rules pertaining to child absences and de-enrollment
33 procedures shall be adopted no later than July 31, 2016. The
34 department shall adopt rules on child absences and attendance within
35 the department's appropriations.

36 (6) The department shall pay a provider for each contracted slot,
37 unless a contracted slot is not used for thirty days.

38 (7)(a) By December 31, 2015, the department shall provide a
39 report to the appropriate committees of the legislature on the number
40 of contracted slots that use both early childhood education

1 assistance program funding and working connections child care program
2 funding. The department shall produce this report within the
3 department's available appropriations.

4 (b) The report must be provided annually, with the last report
5 due December 31, 2018.

6 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.215
7 RCW to read as follows:

8 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2016,
9 the department shall implement a single set of licensing standards
10 for child care and the early childhood education and assistance
11 program. The department shall produce the single set of licensing
12 standards within the department's available appropriations. The new
13 licensing standards must:

14 (1) Provide minimum health and safety standards for child care
15 and preschool programs;

16 (2) Rely on the standards established in the early achievers
17 program to address quality issues in participating early childhood
18 programs;

19 (3) Take into account the separate needs of family care providers
20 and child care centers; and

21 (4) Promote the continued safety of child care settings.

22 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.215
23 RCW to read as follows:

24 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
25 quality in the early care and education system in Washington is the
26 quality rating and improvement system entitled the early achievers
27 program. In an effort to build on the existing quality framework,
28 enhance access to quality care for children, and strengthen the
29 entire early care and education systems in the state, it is important
30 to integrate the efforts of state and local governments.

31 (2) Local governments are encouraged to collaborate with the
32 department when establishing early learning programs for residents.

33 (3) Local governments may contribute funds to the department for
34 the following purposes:

35 (a) Initial investments to build capacity and quality in local
36 early care and education programming; and

37 (b) Reductions in copayments charged to parents or caregivers.

1 (4) Funds contributed to the department by local governments must
2 be deposited in the early start account established in section 14 of
3 this act.

4 **Sec. 13.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to
5 read as follows:

6 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
7 council is established to advise the department on statewide early
8 learning issues that would build a comprehensive system of quality
9 early learning programs and services for Washington's children and
10 families by assessing needs and the availability of services,
11 aligning resources, developing plans for data collection and
12 professional development of early childhood educators, and
13 establishing key performance measures.

14 (2) The council shall work in conjunction with the department to
15 develop a statewide early learning plan that guides the department in
16 promoting alignment of private and public sector actions, objectives,
17 and resources, and ensuring school readiness.

18 (3) The council shall include diverse, statewide representation
19 from public, nonprofit, and for-profit entities. Its membership shall
20 reflect regional, racial, and cultural diversity to adequately
21 represent the needs of all children and families in the state.

22 (4) Councilmembers shall serve two-year terms. However, to
23 stagger the terms of the council, the initial appointments for twelve
24 of the members shall be for one year. Once the initial one-year to
25 two-year terms expire, all subsequent terms shall be for two years,
26 with the terms expiring on June 30th of the applicable year. The
27 terms shall be staggered in such a way that, where possible, the
28 terms of members representing a specific group do not expire
29 simultaneously.

30 (5) The council shall consist of not more than twenty-three
31 members, as follows:

32 (a) The governor shall appoint at least one representative from
33 each of the following: The department, the office of financial
34 management, the department of social and health services, the
35 department of health, the student achievement council, and the state
36 board for community and technical colleges;

37 (b) One representative from the office of the superintendent of
38 public instruction, to be appointed by the superintendent of public
39 instruction;

1 (c) The governor shall appoint seven leaders in early childhood
2 education, with at least one representative with experience or
3 expertise in one or more of the areas such as the following: The K-12
4 system, family day care providers, and child care centers with four
5 of the seven governor's appointees made as follows:

6 (i) The head start state collaboration office director or the
7 director's designee;

8 (ii) A representative of a head start, early head start, migrant/
9 seasonal head start, or tribal head start program;

10 (iii) A representative of a local education agency; and

11 (iv) A representative of the state agency responsible for
12 programs under section 619 or part C of the federal individuals with
13 disabilities education act;

14 (d) Two members of the house of representatives, one from each
15 caucus, and two members of the senate, one from each caucus, to be
16 appointed by the speaker of the house of representatives and the
17 president of the senate, respectively;

18 (e) Two parents, one of whom serves on the department's parent
19 advisory group, to be appointed by the governor;

20 (f) One representative of the private-public partnership created
21 in RCW 43.215.070, to be appointed by the partnership board;

22 (g) One representative designated by sovereign tribal
23 governments; and

24 (h) One representative from the Washington federation of
25 independent schools.

26 (6) The council shall be cochaired by one representative of a
27 state agency and one nongovernmental member, to be elected by the
28 council for two-year terms.

29 (7) The council shall appoint two members and stakeholders with
30 expertise in early learning to sit on the technical working group
31 created in section 2, chapter 234, Laws of 2010.

32 (8) Each member of the board shall be compensated in accordance
33 with RCW 43.03.240 and reimbursed for travel expenses incurred in
34 carrying out the duties of the board in accordance with RCW 43.03.050
35 and 43.03.060.

36 (9)(a) Subject to the availability of amounts appropriated for
37 this specific purpose, the council may convene an early achievers
38 review subcommittee to provide feedback and guidance on strategies to
39 improve the quality of instruction and environment for early learning
40 and provide input and recommendations on the implementation and

1 refinement of the early achievers program. At a minimum the review
2 shall address the following:

3 (i) Adequacy of data collection procedures;

4 (ii) Coaching and technical assistance standards;

5 (iii) Progress in reducing barriers to participation for low-
6 income providers and providers from diverse cultural backgrounds;

7 (iv) Strategies in response to data on the effectiveness of early
8 achievers program standards in relation to providers and children
9 from diverse cultural backgrounds;

10 (v) Status of the life circumstance exemption protocols; and

11 (vi) Analysis of early achievers program data trends.

12 (b) The subcommittee must include consideration of cultural
13 linguistic responsiveness when analyzing the areas for review
14 required by (a) of this subsection.

15 (c) The subcommittee shall include representatives from child
16 care centers, family child care, the early childhood education and
17 assistance program, contractors for early achievers program technical
18 assistance and coaching, the organization responsible for conducting
19 early achiever program ratings, and parents of children participating
20 in early learning programs. The subcommittee shall include
21 representatives from diverse cultural and linguistic backgrounds.

22 (10) The department shall provide staff support to the council.

23 NEW SECTION. Sec. 14. A new section is added to chapter 43.215
24 RCW to read as follows:

25 EARLY START ACCOUNT. The early start account is created in the
26 state treasury. Revenues in the account shall consist of
27 appropriations by the legislature and all other sources deposited
28 into the account. Moneys in the account may only be used after
29 appropriation. Expenditures from the account may be used only to
30 improve the quality of early care and education programming. The
31 department oversees the account.

32 **Sec. 15.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1
33 are each reenacted and amended to read as follows:

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

36 (1) "Agency" means any person, firm, partnership, association,
37 corporation, or facility that provides child care and early learning

1 services outside a child's own home and includes the following
2 irrespective of whether there is compensation to the agency:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (d) Parents on a mutually cooperative basis exchange care of one
2 another's children;
- 3 (e) Nursery schools that are engaged primarily in early childhood
4 education with preschool children and in which no child is enrolled
5 on a regular basis for more than four hours per day;
- 6 (f) Schools, including boarding schools, that are engaged
7 primarily in education, operate on a definite school year schedule,
8 follow a stated academic curriculum, accept only school((-))age
9 children, and do not accept custody of children;
- 10 (g) Seasonal camps of three months' or less duration engaged
11 primarily in recreational or educational activities;
- 12 (h) Facilities providing child care for periods of less than
13 twenty-four hours when a parent or legal guardian of the child
14 remains on the premises of the facility for the purpose of
15 participating in:
- 16 (i) Activities other than employment; or
- 17 (ii) Employment of up to two hours per day when the facility is
18 operated by a nonprofit entity that also operates a licensed child
19 care program at the same facility in another location or at another
20 facility;
- 21 (i) Any entity that provides recreational or educational
22 programming for school((-))age((&)) children only and the entity
23 meets all of the following requirements:
- 24 (i) The entity utilizes a drop-in model for programming, where
25 children are able to attend during any or all program hours without a
26 formal reservation;
- 27 (ii) The entity does not assume responsibility in lieu of the
28 parent, unless for coordinated transportation;
- 29 (iii) The entity is a local affiliate of a national nonprofit;
30 and
- 31 (iv) The entity is in compliance with all safety and quality
32 standards set by the associated national agency;
- 33 (j) A program operated by any unit of local, state, or federal
34 government or an agency, located within the boundaries of a federally
35 recognized Indian reservation, licensed by the Indian tribe;
- 36 (k) A program located on a federal military reservation, except
37 where the military authorities request that such agency be subject to
38 the licensing requirements of this chapter;

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

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

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

9 (5) "Department" means the department of early learning.

10 (6) "Director" means the director of the department.

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

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

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

19 (b) The early achievers program described in RCW 43.215.100;

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

22 (d) High quality preschool for children whose family income is at
23 or below one hundred ten percent of the federal poverty level.

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

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

30 ~~((10))~~ (11) "Enforcement action" means denial, suspension,
31 revocation, modification, or nonrenewal of a license pursuant to RCW
32 43.215.300(1) or assessment of civil monetary penalties pursuant to
33 RCW 43.215.300(3).

34 ~~((11))~~ (12) "Extended day program" means an early childhood
35 education and assistance program that offers child care for at least
36 ten hours per day, five days per week, year round.

37 (13) "Full day program" means an early childhood education and
38 assistance program that offers child care for at least six hours per
39 day, a minimum of one thousand hours per year, and at least four days
40 per week.

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

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

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

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

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

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

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

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

23 ~~((12))~~ (17) "Nonconviction information" means arrest, founded
24 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
25 or other negative action adverse to the applicant.

26 ~~((13))~~ (18) "Nonschool age child" means a child birth through
27 six years of age who has yet to enter kindergarten or school.

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

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

35 ~~((14))~~ (21) "Requirement" means any rule, regulation, or
36 standard of care to be maintained by an agency.

37 ~~((15))~~ (22) "School age child" means a child not less than five
38 years of age through twelve years of age and who is attending
39 kindergarten or school.

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

5 NEW SECTION. **Sec. 16.** REPEALER. 2013 2nd sp.s. c 16 s 2
6 (uncodified) is repealed.

7 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.215
8 RCW to read as follows:

9 SHORT TITLE. Chapter . . ., Laws of 2015 (this act) may be known
10 and cited as the early start act.

11 NEW SECTION. **Sec. 18.** NULL AND VOID. If specific funding for
12 the purposes of this act, referencing this act by bill or chapter
13 number, is not provided by June 30, 2015, in the omnibus
14 appropriations act, this act is null and void.

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