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SENATE BILL 5999

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State of Washington

64th Legislature

2015 Regular Session

By Senator Darneille

Read first time 02/16/15. Referred to Committee on Ways & Means.

1 AN ACT Relating to the caseload forecast council; amending RCW  
2 43.88C.010, 43.215.456, and 43.185C.220; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The first forecast of children eligible to  
5 participate in the early childhood education and assistance program,  
6 as required by RCW 43.88C.010, shall be prepared by the caseload  
7 forecast council in time to facilitate the development of budget  
8 proposals by the governor for the 2016 legislative session.

9 **Sec. 2.** RCW 43.88C.010 and 2013 c 332 s 11 are each amended to  
10 read as follows:

11 (1) The caseload forecast council is hereby created. The council  
12 shall consist of two individuals appointed by the governor and four  
13 individuals, one of whom is appointed by the chairperson of each of  
14 the two largest political caucuses in the senate and house of  
15 representatives. The chair of the council shall be selected from  
16 among the four caucus appointees. The council may select such other  
17 officers as the members deem necessary.

18 (2) The council shall employ a caseload forecast supervisor to  
19 supervise the preparation of all caseload forecasts. As used in this  
20 chapter, "supervisor" means the caseload forecast supervisor.

1 (3) Approval by an affirmative vote of at least five members of  
2 the council is required for any decisions regarding employment of the  
3 supervisor. Employment of the supervisor shall terminate after each  
4 term of three years. At the end of the first year of each three-year  
5 term the council shall consider extension of the supervisor's term by  
6 one year. The council may fix the compensation of the supervisor. The  
7 supervisor shall employ staff sufficient to accomplish the purposes  
8 of this section.

9 (4) The caseload forecast council shall oversee the preparation  
10 of and approve, by an affirmative vote of at least four members, the  
11 official state caseload forecasts prepared under RCW 43.88C.020. If  
12 the council is unable to approve a forecast before a date required in  
13 RCW 43.88C.020, the supervisor shall submit the forecast without  
14 approval and the forecast shall have the same effect as if approved  
15 by the council.

16 (5) A councilmember who does not cast an affirmative vote for  
17 approval of the official caseload forecast may request, and the  
18 supervisor shall provide, an alternative forecast based on  
19 assumptions specified by the member.

20 (6) Members of the caseload forecast council shall serve without  
21 additional compensation but shall be reimbursed for travel expenses  
22 in accordance with RCW 44.04.120 while attending sessions of the  
23 council or on official business authorized by the council.  
24 Nonlegislative members of the council shall be reimbursed for travel  
25 expenses in accordance with RCW 43.03.050 and 43.03.060.

26 (7) "Caseload," as used in this chapter, means:

27 (a) The number of persons expected to meet entitlement  
28 requirements and require the services of public assistance programs,  
29 state correctional institutions, state correctional noninstitutional  
30 supervision, state institutions for juvenile offenders, the common  
31 school system, long-term care, medical assistance, foster care, and  
32 adoption support;

33 (b) The number of students who are eligible for the Washington  
34 college bound scholarship program and are expected to attend an  
35 institution of higher education as defined in RCW 28B.92.030;

36 (c) The number of children who are eligible, as defined in RCW  
37 43.215.405, to participate in the early childhood education and  
38 assistance program.

1 (8) The caseload forecast council shall forecast the temporary  
2 assistance for needy families and the working connections child care  
3 programs as a courtesy.

4 (9) The caseload forecast council shall forecast youth  
5 participating in the extended foster care program pursuant to RCW  
6 74.13.031 separately from other children who are residing in foster  
7 care and who are under eighteen years of age.

8 (10) Unless the context clearly requires otherwise, the  
9 definitions provided in RCW 43.88.020 apply to this chapter.

10 **Sec. 3.** RCW 43.215.456 and 2010 c 231 s 4 are each amended to  
11 read as follows:

12 (1) Funding for the program of early learning established under  
13 this chapter must be appropriated to the department. Allocations must  
14 be made on the basis of eligible children enrolled with eligible  
15 providers.

16 (2) The program shall be implemented in phases, so that full  
17 implementation is achieved in the 2018-19 school year.

18 (3) For the initial phase of the early learning program in school  
19 years 2011-12 and 2012-13, the legislature shall appropriate funding  
20 to the department for implementation of the program in an amount not  
21 less than the 2009-2011 enacted budget for the early childhood  
22 education and assistance program. The appropriation shall be  
23 sufficient to fund an equivalent number of slots as funded in the  
24 2009-2011 enacted budget.

25 (4) Beginning in the 2013-14 school year, additional funding for  
26 the program must be phased in beginning in school districts providing  
27 all-day kindergarten programs under RCW 28A.150.315.

28 (5) Funding shall continue to be phased in incrementally each  
29 year until full statewide implementation of the early learning  
30 program is achieved in the 2018-19 school year, at which time any  
31 eligible child shall be entitled to be enrolled in the program.

32 ~~(6) ((The department and the office of financial management shall  
33 annually review the caseload forecasts for the program and, beginning  
34 December 1, 2012, and annually thereafter, report to the governor and  
35 the appropriate committees of the legislature with recommendations  
36 for phasing in additional funding necessary to achieve statewide  
37 implementation in the 2018-19 school year.~~

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

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

4 **Sec. 4.** RCW 43.185C.220 and 2013 2nd sp.s. c 10 s 4 are each  
5 amended to read as follows:

6 (1) The department shall distribute funds for the essential needs  
7 and housing support program established under this section in a  
8 manner consistent with the requirements of this section and the  
9 biennial operating budget. The first distribution of funds must be  
10 completed by September 1, 2011. Essential needs or housing support is  
11 only for persons found eligible for such services under RCW 74.04.805  
12 and is not considered an entitlement.

13 (2) The department shall distribute funds appropriated for the  
14 essential needs and housing support program in the form of grants to  
15 designated essential needs support and housing support entities  
16 within each county. The department shall not distribute any funds  
17 until it approves the expenditure plan submitted by the designated  
18 essential needs support and housing support entities. The amount of  
19 funds to be distributed pursuant to this section shall be designated  
20 in the biennial operating budget. For the sole purpose of meeting the  
21 initial distribution of funds date, the department may distribute  
22 partial funds upon the department's approval of a preliminary  
23 expenditure plan. The department shall not distribute the remaining  
24 funds until it has approved a final expenditure plan.

25 (3)(a) During the 2011-2013 biennium, in awarding housing support  
26 that is not funded through the contingency fund in this subsection,  
27 the designated housing support entity shall provide housing support  
28 to clients who are homeless persons as defined in RCW 43.185C.010. As  
29 provided in the biennial operating budget for the 2011-2013 biennium,  
30 a contingency fund shall be used solely for those clients who are at  
31 substantial risk of losing stable housing or at substantial risk of  
32 losing one of the other services defined in RCW 74.62.010(6). For  
33 purposes of this chapter, "substantial risk" means the client has  
34 provided documentation that he or she will lose his or her housing  
35 within the next thirty days or that the services will be discontinued  
36 within the next thirty days.

37 (b) After July 1, 2013, the designated housing support entity  
38 shall give first priority to clients who are homeless persons as  
39 defined in RCW 43.185C.010 and second priority to clients who would

1 be at substantial risk of losing stable housing without housing  
2 support.

3 (4) For each county, the department shall designate an essential  
4 needs support entity and a housing support entity that will begin  
5 providing these supports to medical care services program recipients  
6 on November 1, 2011. Essential needs and housing support entities are  
7 not required to provide assistance to every person referred to the  
8 local entity or who meets the priority standards in subsection (3) of  
9 this section.

10 (a) Each designated entity must be a local government or  
11 community-based organization, and may administer the funding for  
12 essential needs support, housing support, or both. Designated  
13 entities have the authority to subcontract with qualified entities.  
14 Upon request, and the approval of the department, two or more  
15 counties may combine resources to more effectively deliver services.

16 (b) The department's designation process must include a review of  
17 proficiency in managing housing or human services programs when  
18 designating housing support entities.

19 (c) Within a county, if the department directly awards separate  
20 grants to the designated housing support entity and the designated  
21 essential needs support entity, the department shall determine the  
22 amount allocated for essential needs support as directed in the  
23 biennial operating budget.

24 (5)(a) Essential needs and housing support entities must use  
25 funds distributed under this section as flexibly as is practicable to  
26 provide essential needs items and housing support to recipients of  
27 the essential needs and housing support program, subject to the  
28 requirements of this section.

29 (b) Benefits provided under the essential needs and housing  
30 support program shall not be provided to recipients in the form of  
31 cash assistance.

32 ~~(c) ((The appropriations by the legislature for the purposes of~~  
33 ~~the essential needs and housing support program established under~~  
34 ~~this section shall be based on forecasted program caseloads. The~~  
35 ~~caseload forecast council shall provide a courtesy forecast of the~~  
36 ~~population eligible for a referral for essential needs and housing~~  
37 ~~support that is homeless or is included in reporting under subsection~~  
38 ~~(7)(c)(iii) of this section.))~~ The department may move funds between  
39 entities or between counties to reflect actual caseload changes. In  
40 doing so, the department must: (i) Develop a process for reviewing

1 the caseload of designated essential needs and housing support  
2 entities, and for redistributing grant funds from those entities  
3 experiencing reduced actual caseloads to those with increased actual  
4 caseloads; and (ii) inform all designated entities of the  
5 redistribution process. Savings resulting from program caseload  
6 attrition from the essential needs and housing support program shall  
7 not result in increased per-client expenditures.

8 (d) Essential needs and housing support entities must partner  
9 with other public and private organizations to maximize the  
10 beneficial impact of funds distributed under this section, and should  
11 attempt to leverage other sources of public and private funds to  
12 serve essential needs and housing support recipients. Funds  
13 appropriated in the operating budget for essential needs and housing  
14 support must be used only to serve persons eligible to receive  
15 services under that program.

16 (6) The department shall use no more than five percent of the  
17 funds for administration of the essential needs and housing support  
18 program. Each essential needs and housing support entity shall use no  
19 more than seven percent of the funds for administrative expenses.

20 (7) The department shall:

21 (a) Require housing support entities to enter data into the  
22 homeless client management information system;

23 (b) Require essential needs support entities to report on  
24 services provided under this section;

25 (c) In collaboration with the department of social and health  
26 services, submit a report annually to the relevant policy and fiscal  
27 committees of the legislature. A preliminary report shall be  
28 submitted by December 31, 2011, and must include (c)(i), (iii), and  
29 (v) of this subsection. Annual reports must be submitted beginning  
30 December 1, 2012, and must include:

31 (i) A description of the actions the department has taken to  
32 achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

33 (ii) The amount of funds used by the department to administer the  
34 program;

35 (iii) Information on the housing status of essential needs and  
36 housing support recipients served by housing support entities, and  
37 individuals who have requested housing support but did not receive  
38 housing support;

39 (iv) Grantee expenditure data related to administration and  
40 services provided under this section; and

1 (v) Efforts made to partner with other entities and leverage  
2 sources or public and private funds;

3 (d) Review the data submitted by the designated entities, and  
4 make recommendations for program improvements and administrative  
5 efficiencies. The department has the authority to designate  
6 alternative entities as necessary due to performance or other  
7 significant issues. Such change must only be made after consultation  
8 with the department of social and health services and the impacted  
9 entity.

10 (8) The department, counties, and essential needs and housing  
11 support entities are not civilly or criminally liable and may not  
12 have any penalty or cause of action of any nature arise against them  
13 related to decisions regarding: (a) The provision or lack of  
14 provision of housing or essential needs support; or (b) the type of  
15 housing arrangement supported with funds allocated under this  
16 section, when the decision was made in good faith and in the  
17 performance of the powers and duties under this section. However,  
18 this section does not prohibit legal actions against the department,  
19 county, or essential needs or housing support entity to enforce  
20 contractual duties or obligations.

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