

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5999

Chapter 128, Laws of 2015

64th Legislature
2015 Regular Session

CASELOAD FORECAST COUNCIL--EARLY CHILDHOOD EDUCATION AND ASSISTANCE
PROGRAM

EFFECTIVE DATE: 7/24/2015

Passed by the Senate March 5, 2015
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Passed by the House April 13, 2015
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 25, 2015 11:31 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5999** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 25, 2015

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5999

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senator Darneille)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to the caseload forecast council; amending RCW
2 43.88C.010, 43.88C.050, 43.215.456, and 43.185C.220; and creating a
3 new section.

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) The number of children who are eligible, as defined in RCW
2 43.215.405, to participate in, and the number of children actually
3 served by, the early childhood education and assistance program.

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

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

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

13 **Sec. 3.** RCW 43.88C.050 and 2011 1st sp.s. c 40 s 29 are each
14 amended to read as follows:

15 The caseload forecast council shall appoint a research staff of
16 sufficient size and with sufficient resources to accomplish its
17 duties. The caseload forecast council may request from the
18 administrative office of the courts (~~and~~), the department of early
19 learning, the department of corrections, the health care authority,
20 the superintendent of public instruction, the Washington student
21 achievement council, the department of social and health services,
22 and other agencies with caseloads forecasted by the council, such
23 data, information, and data processing assistance as it may need to
24 accomplish its duties, and such services shall be provided without
25 cost to the caseload forecast council.

26 **Sec. 4.** RCW 43.215.456 and 2010 c 231 s 4 are each amended to
27 read as follows:

28 (1) Funding for the program of early learning established under
29 this chapter must be appropriated to the department. Allocations must
30 be made on the basis of eligible children enrolled with eligible
31 providers.

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

34 (3) For the initial phase of the early learning program in school
35 years 2011-12 and 2012-13, the legislature shall appropriate funding
36 to the department for implementation of the program in an amount not
37 less than the 2009-2011 enacted budget for the early childhood
38 education and assistance program. The appropriation shall be

1 sufficient to fund an equivalent number of slots as funded in the
2 2009-2011 enacted budget.

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

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

10 ~~(6) ((The department and the office of financial management shall~~
11 ~~annually review the caseload forecasts for the program and, beginning~~
12 ~~December 1, 2012, and annually thereafter, report to the governor and~~
13 ~~the appropriate committees of the legislature with recommendations~~
14 ~~for phasing in additional funding necessary to achieve statewide~~
15 ~~implementation in the 2018-19 school year.~~

16 ~~(7))~~) School districts and approved community-based early
17 learning providers may contract with the department to provide
18 services under the program. The department shall collaborate with
19 school districts, community-based providers, and educational service
20 districts to promote an adequate supply of approved providers.

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

23 (1) The department shall distribute funds for the essential needs
24 and housing support program established under this section in a
25 manner consistent with the requirements of this section and the
26 biennial operating budget. The first distribution of funds must be
27 completed by September 1, 2011. Essential needs or housing support is
28 only for persons found eligible for such services under RCW 74.04.805
29 and is not considered an entitlement.

30 (2) The department shall distribute funds appropriated for the
31 essential needs and housing support program in the form of grants to
32 designated essential needs support and housing support entities
33 within each county. The department shall not distribute any funds
34 until it approves the expenditure plan submitted by the designated
35 essential needs support and housing support entities. The amount of
36 funds to be distributed pursuant to this section shall be designated
37 in the biennial operating budget. For the sole purpose of meeting the
38 initial distribution of funds date, the department may distribute
39 partial funds upon the department's approval of a preliminary

1 expenditure plan. The department shall not distribute the remaining
2 funds until it has approved a final expenditure plan.

3 (3)(a) During the 2011-2013 biennium, in awarding housing support
4 that is not funded through the contingency fund in this subsection,
5 the designated housing support entity shall provide housing support
6 to clients who are homeless persons as defined in RCW 43.185C.010. As
7 provided in the biennial operating budget for the 2011-2013 biennium,
8 a contingency fund shall be used solely for those clients who are at
9 substantial risk of losing stable housing or at substantial risk of
10 losing one of the other services defined in RCW 74.62.010(6). For
11 purposes of this chapter, "substantial risk" means the client has
12 provided documentation that he or she will lose his or her housing
13 within the next thirty days or that the services will be discontinued
14 within the next thirty days.

15 (b) After July 1, 2013, the designated housing support entity
16 shall give first priority to clients who are homeless persons as
17 defined in RCW 43.185C.010 and second priority to clients who would
18 be at substantial risk of losing stable housing without housing
19 support.

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

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

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

36 (c) Within a county, if the department directly awards separate
37 grants to the designated housing support entity and the designated
38 essential needs support entity, the department shall determine the
39 amount allocated for essential needs support as directed in the
40 biennial operating budget.

1 (5)(a) Essential needs and housing support entities must use
2 funds distributed under this section as flexibly as is practicable to
3 provide essential needs items and housing support to recipients of
4 the essential needs and housing support program, subject to the
5 requirements of this section.

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

9 ~~((The appropriations by the legislature for the purposes of
10 the essential needs and housing support program established under
11 this section shall be based on forecasted program caseloads. The
12 caseload forecast council shall provide a courtesy forecast of the
13 population eligible for a referral for essential needs and housing
14 support that is homeless or is included in reporting under subsection
15 (7)(c)(iii) of this section.))~~ The department may move funds between
16 entities or between counties to reflect actual caseload changes. In
17 doing so, the department must: (i) Develop a process for reviewing
18 the caseload of designated essential needs and housing support
19 entities, and for redistributing grant funds from those entities
20 experiencing reduced actual caseloads to those with increased actual
21 caseloads; and (ii) inform all designated entities of the
22 redistribution process. Savings resulting from program caseload
23 attrition from the essential needs and housing support program shall
24 not result in increased per-client expenditures.

25 (d) Essential needs and housing support entities must partner
26 with other public and private organizations to maximize the
27 beneficial impact of funds distributed under this section, and should
28 attempt to leverage other sources of public and private funds to
29 serve essential needs and housing support recipients. Funds
30 appropriated in the operating budget for essential needs and housing
31 support must be used only to serve persons eligible to receive
32 services under that program.

33 (6) The department shall use no more than five percent of the
34 funds for administration of the essential needs and housing support
35 program. Each essential needs and housing support entity shall use no
36 more than seven percent of the funds for administrative expenses.

37 (7) The department shall:

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

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

3 (c) In collaboration with the department of social and health
4 services, submit a report annually to the relevant policy and fiscal
5 committees of the legislature. A preliminary report shall be
6 submitted by December 31, 2011, and must include (c)(i), (iii), and
7 (v) of this subsection. Annual reports must be submitted beginning
8 December 1, 2012, and must include:

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

11 (ii) The amount of funds used by the department to administer the
12 program;

13 (iii) Information on the housing status of essential needs and
14 housing support recipients served by housing support entities, and
15 individuals who have requested housing support but did not receive
16 housing support;

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

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

21 (d) Review the data submitted by the designated entities, and
22 make recommendations for program improvements and administrative
23 efficiencies. The department has the authority to designate
24 alternative entities as necessary due to performance or other
25 significant issues. Such change must only be made after consultation
26 with the department of social and health services and the impacted
27 entity.

28 (8) The department, counties, and essential needs and housing
29 support entities are not civilly or criminally liable and may not
30 have any penalty or cause of action of any nature arise against them
31 related to decisions regarding: (a) The provision or lack of
32 provision of housing or essential needs support; or (b) the type of
33 housing arrangement supported with funds allocated under this
34 section, when the decision was made in good faith and in the
35 performance of the powers and duties under this section. However,
36 this section does not prohibit legal actions against the department,
37 county, or essential needs or housing support entity to enforce
38 contractual duties or obligations.

Passed by the Senate March 5, 2015.

Passed by the House April 13, 2015.

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