

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5357

Chapter 162, Laws of 2017

65th Legislature
2017 Regular Session

OUTDOOR EARLY LEARNING AND CHILD CARE PROGRAMS--LICENSING PILOT

EFFECTIVE DATE: 7/23/2017

Passed by the Senate February 28, 2017
Yeas 44 Nays 5

CYRUS HABIB

President of the Senate

Passed by the House April 7, 2017
Yeas 74 Nays 23

FRANK CHOPP

Speaker of the House of Representatives

Approved May 4, 2017 1:09 PM

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 5357** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 4, 2017

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5357

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators Ranker, Fain, Billig, Sheldon, Hunt, Palumbo, Zeiger, Hobbs, Rolfes, Pearson, Rivers, Carlyle, Saldaña, Walsh, Llias, Conway, Kuderer, and Hasegawa)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to establishing a pilot project to license
2 outdoor early learning and child care programs; adding a new section
3 to chapter 43.215 RCW; creating a new section; and providing an
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that, over the past
7 decade, more than forty outdoor, nature-based early learning and
8 child care programs have opened in Washington, several of which are
9 in high demand based on existing wait-lists. The legislature finds,
10 however, that these programs currently are unlicensed and thus unable
11 to offer full-day programs, which many working families are seeking.
12 Unlicensed outdoor programs also are unable to serve families who are
13 eligible for assistance through the working connections child care
14 program. The legislature further finds that the outdoor preschool
15 model could help expand the number of high quality early learning
16 opportunities available to families throughout Washington,
17 particularly in areas where preschool-appropriate indoor space is
18 unavailable or unaffordable. Additionally, when early learning
19 programs spend less on their physical facilities, they are able to
20 spend more on recruiting and retaining teachers and other early
21 learning professionals. The legislature also finds that research on

1 outdoor preschools operating in Scandinavian countries for decades
2 has demonstrated a positive impact on children's development,
3 including improved cognitive and social skills when children
4 transition to grade school. The legislature, therefore, intends to
5 establish a pilot project to license outdoor preschools in order to
6 expand access to affordable, high quality early learning programs,
7 and to further investigate the benefits of outdoor, nature-based
8 classrooms for Washington's children and families.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215
10 RCW to read as follows:

11 (1) The department shall establish a pilot project to license
12 outdoor, nature-based early learning and child care programs. The
13 pilot project shall commence beginning August 31, 2017, and conclude
14 June 30, 2021.

15 (2) The department shall adopt rules to implement the pilot
16 project and may waive or adapt licensing requirements when necessary
17 to allow for the operation of outdoor classrooms.

18 (3) As part of the pilot project, the department shall explore
19 options for developing a quality rating and improvement system for
20 outdoor preschools. Options may include, but are not limited to,
21 adapting the early achievers program to assess quality in outdoor
22 learning environments, as well as excluding or replacing the early
23 achievers indoor environmental rating scale. The department may
24 receive and expend funds from philanthropic organizations in order to
25 implement this subsection and subsection (6) of this section. The
26 department shall include a discussion of options and recommendations
27 in the final report required under subsection (8) of this section.

28 (4) The department shall select up to ten pilot locations during
29 the first year of the pilot project. Beginning August 31, 2018,
30 additional outdoor, nature-based early learning and child care
31 programs may apply to participate in the pilot project. When
32 selecting and approving pilot project locations, the department shall
33 aim to select a mix of rural, urban, and suburban locations, and may
34 give priority to:

35 (a) Areas where there are few or limited licensed early learning
36 programs;

37 (b) Areas of need where licensed early learning programs are at
38 or near full capacity, and where access may be restricted by one or
39 more enrollment wait-lists; and

1 (c) Areas where an outdoor early learning program would provide
2 more family choice.

3 (5) A child care or early learning program operated by a
4 federally recognized tribe may participate in the pilot project
5 through an interlocal agreement between the tribe and the department.
6 The interlocal agreement must reflect the government-to-government
7 relationship between the state and the tribe, including recognition
8 of tribal sovereignty.

9 (6) Subject to the availability of funds, the department may
10 convene an advisory group of outdoor, nature-based early learning
11 practitioners to inform and support implementation of the pilot
12 project.

13 (7) For purposes of this section, "outdoor, nature-based early
14 learning and child care program" means an agency-offered program
15 operated primarily outdoors in which children are enrolled on a
16 regular basis for three or more hours per day.

17 (8) The department shall provide the following reports to the
18 legislature and the governor:

19 (a) By January 15, 2018, and annually thereafter through January
20 15, 2020, a brief status report describing implementation of the
21 pilot project, including a description of participating providers and
22 the number of children and families being served;

23 (b) By November 30, 2020, a full report on findings from the
24 pilot project, including recommendations for modifying or expanding
25 the availability of outdoor, nature-based early learning and child
26 care programs. The final report also must include a discussion of
27 potential options to mitigate the uncertainty for families and
28 participating providers during the final six months of the pilot
29 project when legislation may be pending.

30 (9) The provisions of this section are subject to appropriation.

31 (10) This section expires August 1, 2021.

Passed by the Senate February 28, 2017.

Passed by the House April 7, 2017.

Approved by the Governor May 4, 2017.

Filed in Office of Secretary of State May 4, 2017.

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