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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1391

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State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Senn, Dent, Eslick, Reeves, Pollet, and Ortiz-Self)

READ FIRST TIME 02/28/19.

1 AN ACT Relating to implementing improvements to the early  
2 achievers program as reviewed and recommended by the joint select  
3 committee on the early achievers program; amending RCW 43.216.085,  
4 43.216.515, 43.216.135, 43.216.087, 43.216.655, 43.216.089, and  
5 43.216.100; adding new sections to chapter 43.216 RCW; creating new  
6 sections; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that a  
9 commitment to early learning quality was established through the  
10 passage of the early start act and creation of the early achievers  
11 program. The legislature recognizes that achieving the desired child  
12 outcomes from high quality early learning and child care requires  
13 additional financial support, including the payment of living wages  
14 to providers, and that the success of the early achievers system must  
15 continue to be supported through adequate funding. Further, the  
16 legislature finds that the federal administration of children and  
17 families advises states to set child care subsidy rates at the  
18 seventy-fifth percentile of private market rates in order to ensure  
19 equal access to high quality child care. The legislature further  
20 finds that objectives of the early achievers program include  
21 providing professional development and robust training and coaching

1 opportunities that are available in geographically diverse areas to  
2 child care and early education providers who are often small business  
3 owners and as such play a critical role in our state's economy.

4 (2) The legislature further finds that the department of  
5 children, youth, and families has undertaken efforts to identify  
6 professional equivalencies for early learning providers that  
7 recognize the commitment and years of experience that much of the  
8 workforce demonstrates.

9 (3) Therefore, as recommended by the joint select committee on  
10 the early achievers program, the legislature intends to work toward  
11 raising base subsidy rates for licensed child care centers and family  
12 homes and further incentivize the provision of care for infants and  
13 toddlers by considering rates for providers serving these young  
14 children. Further, the legislature intends to look to increase needs-  
15 based grants, scholarships, and professional development assistance,  
16 as well as reduce early achievers coaching ratios, in order to  
17 support providers in continuous improvement. The legislature further  
18 intends to support the work of the department of children, youth, and  
19 families' professional equivalencies committee and the department's  
20 development of the proficiency review process.

21 **Sec. 2.** RCW 43.216.085 and 2017 3rd sp.s. c 6 s 113 are each  
22 amended to read as follows:

23 (1) The department, in collaboration with tribal governments and  
24 community and statewide partners, shall implement a quality rating  
25 and improvement system, called the early achievers program. The early  
26 achievers program provides a foundation of quality for the early care  
27 and education system. The early achievers program is applicable to  
28 licensed or certified child care centers and homes and early learning  
29 programs such as working connections child care and early childhood  
30 education and assistance programs.

31 (2) The objectives of the early achievers program are to:

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

36 (b) Give parents clear and easily accessible information about  
37 the quality of child care and early education programs;

38 (c) Support improvement in early learning and child care programs  
39 throughout the state;

- 1 (d) Increase the readiness of children for school;  
2 (e) Close the disparities in access to quality care;  
3 (f) Provide professional development and coaching opportunities  
4 to early child care and education providers; and  
5 (g) Establish a common set of expectations and standards that  
6 define, measure, and improve the quality of early learning and child  
7 care settings.

8 (3) (a) Licensed or certified child care centers and homes serving  
9 nonschool-age children and receiving state subsidy payments must  
10 participate in the early achievers program by the required deadlines  
11 established in RCW 43.216.135.

12 (b) Approved early childhood education and assistance program  
13 providers receiving state-funded support must participate in the  
14 early achievers program by the required deadlines established in RCW  
15 43.216.515.

16 (c) Participation in the early achievers program is voluntary  
17 for:

18 (i) Licensed or certified child care centers and homes not  
19 receiving state subsidy payments; and

20 (ii) Early learning programs not receiving state funds.

21 (d) School-age child care providers are exempt from participating  
22 in the early achievers program. By July 1, 2017, the department and  
23 the office of the superintendent of public instruction shall jointly  
24 design a plan to incorporate school-age child care providers into the  
25 early achievers program or other appropriate quality improvement  
26 system. To test implementation of the early achievers system for  
27 school-age child care providers the department and the office of the  
28 superintendent of public instruction shall implement a pilot program.

29 (4) (a) There are five primary levels in the early achievers  
30 program.

31 (b) In addition to the primary levels, the department must  
32 establish an intermediate level that is between level 3 and level 4  
33 and serves to assist participants in transitioning to level 4.

34 (c) Participants are expected to actively engage and continually  
35 advance within the program.

36 (5) The department has the authority to determine the rating  
37 cycle for the early achievers program. The department shall  
38 streamline and eliminate duplication between early achievers  
39 standards and state child care rules in order to reduce costs

1 associated with the early achievers rating cycle and child care  
2 licensing.

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

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

9 (c) The first rating is free for early achievers program  
10 participants.

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

13 (6)(a) Early achievers program participants may request to be  
14 rerated outside the established rating cycle. A rerating shall reset  
15 the rating cycle timeline for participants.

16 (b) The department may charge a fee for optional rerating  
17 requests made by program participants that are outside the  
18 established rating cycle.

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

22 (7)(a) The department must create a single source of information  
23 for parents and caregivers to access details on a provider's early  
24 achievers program rating level, licensing history, and other  
25 indicators of quality and safety that will help parents and  
26 caregivers make informed choices. The licensing history that the  
27 department must provide for parents and caregivers pursuant to this  
28 subsection shall only include license suspension, surrender,  
29 revocation, denial, stayed suspension, or reinstatement. No unfounded  
30 child abuse or neglect reports may be provided to parents and  
31 caregivers pursuant to this subsection.

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

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

38 (ii) New early achievers program ratings within thirty days after  
39 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 shall 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.

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

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

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

27 (10) In collaboration with tribal governments, community and  
28 statewide partners, and the early achievers review subcommittee  
29 created in RCW 43.216.075, the department shall develop a protocol  
30 for granting early achievers program participants an extension in  
31 meeting rating level requirement timelines outlined for the working  
32 connections child care program and the early childhood education and  
33 assistance program.

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

37 (b) Extensions shall not exceed six months, and early achievers  
38 program participants are only eligible for one extension in meeting  
39 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 (11)(a) The department shall accept national accreditation that  
5 meets the requirements of this subsection (11) as a qualification for  
6 the early achievers program ratings.

7 (b) Each national accreditation agency will be allowed to submit  
8 its most current standards of accreditation to establish potential  
9 credit earned in the early achievers program. The department shall  
10 grant credit to accreditation bodies that can demonstrate that their  
11 standards meet or exceed the current early achievers program  
12 standards. By December 1, 2019, the department must submit a detailed  
13 plan to the governor and the legislature to implement a robust cross-  
14 accreditation process with multiple pathways that allows a provider  
15 to earn equivalent early achievers credit resulting from  
16 accreditation by high quality national organizations.

17 (c) Licensed child care centers and child care home providers  
18 must meet national accreditation standards approved by the department  
19 for the early achievers program in order to be granted credit for the  
20 early achievers program standards. Eligibility for the early  
21 achievers program is not subject to bargaining, mediation, or  
22 interest arbitration under RCW 41.56.028, consistent with the  
23 legislative reservation of rights under RCW 41.56.028(4)(d).

24 (12) The department shall explore the use of alternative quality  
25 assessment tools that meet the culturally specific needs of the  
26 federally recognized tribes in the state of Washington.

27 (13) A child care or early learning program that is operated by a  
28 federally recognized tribe and receives state funds shall participate  
29 in the early achievers program. The tribe may choose to participate  
30 through an interlocal agreement between the tribe and the department.  
31 The interlocal agreement must reflect the government-to-government  
32 relationship between the state and the tribe, including recognition  
33 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

6 (14) The department shall consult with the early achievers review  
7 subcommittee on all substantial policy changes to the early achievers  
8 program.

9 (15) Nothing in this section changes the department's  
10 responsibility to collectively bargain over mandatory subjects or  
11 limits the legislature's authority to make programmatic modifications  
12 to licensed child care and early learning programs under RCW  
13 41.56.028(4)(d).

14 **Sec. 3.** RCW 43.216.515 and 2015 3rd sp.s. c 7 s 9 are each  
15 amended to read as follows:

16 (1) Approved early childhood education and assistance programs  
17 shall receive state-funded support through the department. Public or  
18 private organizations((7)) including, but not limited to, school  
19 districts, educational service districts, community and technical  
20 colleges, local governments, or nonprofit organizations, are eligible  
21 to participate as providers of the state early childhood education  
22 and assistance program.

23 (2) Funds obtained by providers through voluntary grants or  
24 contributions from individuals, agencies, corporations, or  
25 organizations may be used to expand or enhance preschool programs so  
26 long as program standards established by the department are  
27 maintained.

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

34 ~~(4) ((Existing early childhood education and assistance program~~  
35 ~~providers must complete the following requirements to be eligible to~~  
36 ~~receive state-funded support under the early childhood education and~~  
37 ~~assistance program:~~

38 ~~(a) Enroll in the early achievers program by October 1, 2015;~~

1 ~~(b) Rate at a level 4 or 5 in the early achievers program by~~  
2 ~~March 1, 2016. If an early childhood education and assistance program~~  
3 ~~provider rates below a level 4 by March 1, 2016, the provider must~~  
4 ~~complete remedial activities with the department, and rate at a level~~  
5 ~~4 or 5 within six months of beginning remedial activities.~~

6 ~~(5) Effective October 1, 2015,)~~ A new early childhood education  
7 and assistance program provider must complete the requirements in  
8 this subsection (~~((5))~~) to be eligible to receive state-funded  
9 support under the early childhood education and assistance program:

10 (a) Enroll in the early achievers program within thirty days of  
11 the start date of the early childhood education and assistance  
12 program contract;

13 (b) (i) Except as provided in (b) (ii) of this subsection, rate at  
14 a level 4 or 5 in the early achievers program within (~~(twelve))~~)  
15 twenty-four months of enrollment. If an early childhood education and  
16 assistance program provider rates below a level 4 within (~~(twelve))~~)  
17 twenty-four months of enrollment, the provider must complete remedial  
18 activities with the department, and rate at a level 4 or 5 within six  
19 months of beginning remedial activities.

20 (ii) Licensed or certified child care centers and homes that  
21 administer an early childhood education and assistance program shall  
22 rate at a level 4 or 5 in the early achievers program within  
23 (~~(eighteen))~~) twenty-four months of the start date of the early  
24 childhood education and assistance program contract. If an early  
25 childhood education and assistance program provider rates below a  
26 level 4 within (~~(eighteen))~~) twenty-four months, the provider must  
27 complete remedial activities with the department, and rate at a level  
28 4 or 5 within six months of beginning remedial activities.

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

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

1 (6) (a) When an early childhood education and assistance program  
2 in good standing changes classroom locations to a comparable or  
3 improved space within the same facility, a rerating is not required  
4 outside of the regular rerating and renewal cycle.

5 (b) When an early childhood education and assistance program in  
6 good standing moves to a new facility, the provider must notify the  
7 department of the move within six months of changing locations in  
8 order to retain their existing rating. The early achievers program  
9 must conduct an observational visit to ensure the new classroom space  
10 is of comparable or improved environmental quality. If a provider  
11 fails to notify the department within six months of a move, the early  
12 achievers rating must be changed from the posted rated level to  
13 "Participating, Not Yet Rated" and the provider will cease to receive  
14 tiered reimbursement incentives until a new rating is completed.

15 (7) The department shall collect data periodically to determine  
16 the demand for full-day programming for early childhood education and  
17 assistance program providers. The department shall analyze this  
18 demand by geographic region and shall include the findings in the  
19 annual report required under RCW (~~(43.215.102)~~) 43.216.089.

20 (8) (~~(By December 1, 2015,)~~) The department shall develop ((a))  
21 multiple pathways for licensed or certified child care centers and  
22 homes to administer an early childhood education and assistance  
23 program. The pathways shall include an accommodation for these  
24 providers to rate at a level 4 or 5 in the early achievers program  
25 according to the timelines and standards established in subsection  
26 (~~((5))~~) (4) (b) (ii) of this section. The department must consider  
27 using the intermediate level that is between level 3 and level 4 as  
28 described in RCW 43.216.085, incentives, and front-end funding in  
29 order to encourage providers to participate in the pathway.

30 **Sec. 4.** RCW 43.216.135 and 2018 c 52 s 6 are each amended to  
31 read as follows:

32 (1) The department shall establish and implement policies in the  
33 working connections child care program to promote stability and  
34 quality of care for children from low-income households. These  
35 policies shall focus on supporting school readiness for young  
36 learners. Policies for the expenditure of funds constituting the  
37 working connections child care program must be consistent with the  
38 outcome measures established by the department and the standards

1 established in this section intended to promote stability, quality,  
2 and continuity of early care and education programming.

3 (2) As recommended by Public Law 113-186, authorizations for the  
4 working connections child care subsidy shall be effective for twelve  
5 months beginning July 1, 2016, unless an earlier date is provided in  
6 the omnibus appropriations act.

7 (3) 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 by August 1, 2016;

11 (b) Complete level 2 activities in the early achievers program by  
12 August 1, 2017; and

13 (c) Rate or request to be rated at a level 3 or higher in the  
14 early achievers program by December 31, 2019. If a child care  
15 provider (~~(rates below)~~) does not rate at or request to be rated at a  
16 level 3 by December 31, 2019, the provider is no longer eligible to  
17 receive state subsidy. If the provider rates below a level 3 when the  
18 rating is released, the provider must complete remedial activities  
19 with the department, and (~~rate at~~) must rate at or request to be  
20 rated at a level 3 or higher no later than ((June)) December 30,  
21 2020.

22 (4) (~~(Effective July 1, 2016,)~~) A new child care provider serving  
23 nonschool-age children and receiving state subsidy payments must  
24 complete the following activities to be eligible to receive a state  
25 subsidy under this section:

26 (a) Enroll in the early achievers program within thirty days of  
27 receiving the initial state subsidy payment;

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

30 (c) Rate or request to be rated at a level 3 or higher in the  
31 early achievers program within thirty months of enrollment. If a  
32 child care provider (~~(rates below)~~) does not rate or request to be  
33 rated at a level 3 within thirty months from enrollment into the  
34 early achievers program, the provider is no longer eligible to  
35 receive state subsidy. If the provider rates below a level 3 when the  
36 rating is released, the provider must complete remedial activities  
37 with the department, and rate or request to be rated at a level 3 or  
38 higher within ((six)) twelve months of beginning remedial activities.

39 (5) If a child care provider does not rate or request to be rated  
40 at a level 3 or higher following the remedial period, the provider is

1 no longer eligible to receive state subsidy under this section. If a  
2 child care provider does not rate at a level 3 or higher when the  
3 rating is released following the remedial period, the provider is no  
4 longer eligible to receive state subsidy under this section.

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

10 (7) The department shall implement tiered reimbursement for early  
11 achievers program participants in the working connections child care  
12 program rating at level 3, 4, or 5.

13 (8) The department shall account for a child care copayment  
14 collected by the provider from the family for each contracted slot  
15 and establish the copayment fee by rule.

16 (9)(a) The department shall establish and implement policies in  
17 the working connections child care program to allow eligibility for  
18 families with children who:

19 (i) In the last six months have:

20 (A) Received child protective services as defined and used by  
21 chapters 26.44 and 74.13 RCW;

22 (B) Received child welfare services as defined and used by  
23 chapter 74.13 RCW; or

24 (C) Received services through a family assessment response as  
25 defined and used by chapter 26.44 RCW;

26 (ii) Have been referred for child care as part of the family's  
27 case management as defined by RCW 74.13.020; and

28 (iii) Are residing with a biological parent or guardian.

29 (b) Children who are eligible for working connections child care  
30 pursuant to this subsection do not have to keep receiving services  
31 identified in this subsection to maintain twelve-month authorization.  
32 The department of social and health services' involvement with the  
33 family referred for working connections child care ends when the  
34 family's child protective services, child welfare services, or family  
35 assessment response case is closed.

36 **Sec. 5.** RCW 43.216.087 and 2015 3rd sp.s. c 7 s 5 are each  
37 amended to read as follows:

38 (1)(a) The department shall, in collaboration with tribal  
39 governments and community and statewide partners, implement a

1 protocol to maximize and encourage participation in the early  
2 achievers program for culturally diverse and low-income center and  
3 family home child care providers. Amounts appropriated for the  
4 encouragement of culturally diverse and low-income center and family  
5 home child care provider participation shall be appropriated  
6 separately from the other funds appropriated for the department, are  
7 the only funds that may be used for the protocol, and may not be used  
8 for any other purposes. Funds appropriated for the protocol shall be  
9 considered an ongoing program for purposes of future departmental  
10 budget requests.

11 (b) (~~During the first thirty months of implementation of the~~  
12 ~~early achievers program~~) The department shall prioritize the  
13 resources authorized in this section to assist providers (~~(rating at~~  
14 ~~a level 2)~~) in the early achievers program to help them reach a  
15 (~~(level 3)~~) rating of level 3 or higher wherever access to subsidized  
16 care is at risk.

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

19 (a) The creation of a substitute pool;

20 (b) The development of needs-based grants for providers (~~(at~~  
21 ~~level 2)~~) in the early achievers program (~~(to assist with)~~) who  
22 demonstrate a need for assistance to improve program quality. Needs-  
23 based grants may be used for environmental improvements of early  
24 learning facilities; purchasing curriculum development, instructional  
25 materials, supplies, and equipment (to improve program quality);  
26 and focused infant-toddler improvements. Priority for the needs-based  
27 grants shall be given to culturally diverse and low-income providers;

28 (c) The development of materials and assessments in a timely  
29 manner, and to the extent feasible, in the provider and family home  
30 languages; and

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

34 NEW SECTION. Sec. 6. (1) The department of children, youth, and  
35 families must deliver a report to the governor and the legislature by  
36 September 1, 2019, that includes:

37 (a) An analysis of consumer income and copay requirements in the  
38 working connections child care program and develop recommendations

1 for mitigating the "cliff effect" for child care subsidy consumers.

2 Recommendations must consider:

3 (i) How to further develop and implement a sliding scale or  
4 tiered reimbursement and phase-out model that works for both  
5 consumers and providers and provides incentives for quality child  
6 care across communities;

7 (ii) Whether or not increasing or decreasing the eligibility  
8 threshold for working connections child care would allow parents to  
9 grow professionally without losing affordable child care;

10 (iii) Whether further graduation of the copay scale would help  
11 alleviate the cliff that occurs at subsidy cutoff; and

12 (iv) Capping family child care expenses at seven percent of a  
13 family's income;

14 (b) Recommendations related to differential slot rates for the  
15 early childhood education and assistance program based on variable  
16 factors that may contribute to costs for providers when working to  
17 achieve positive child outcomes. When developing the recommendations,  
18 the department must:

19 (i) Consider, at a minimum, variations by geographic region,  
20 contractor type, child risk factors, and teacher credentials;

21 (ii) Evaluate advantages and disadvantages of linking early  
22 childhood education and assistance program rates and other child care  
23 subsidy rates; and

24 (iii) Review the department-designated subsidy regions and adjust  
25 regional boundaries as necessary to reflect regional economic  
26 conditions; and

27 (c) A plan for blending child care development funds and early  
28 childhood education and assistance program funds to provide extended  
29 day slots in the early childhood education and assistance program.  
30 The plan must include consideration of administrative efficiencies  
31 gained resulting from fully transferring the working connections  
32 child care program into the department.

33 (2) This section expires January 1, 2020.

34 **Sec. 7.** RCW 43.216.655 and 2015 3rd sp.s. c 7 s 13 are each  
35 amended to read as follows:

36 (1) The education data center established in RCW 43.41.400 must  
37 collect longitudinal, student-level data on all children attending an  
38 early childhood education and assistance program. Upon completion of  
39 an electronic time and attendance record system, the education data

1 center must collect longitudinal, student-level data on all children  
2 attending a working connections child care program. Data collected  
3 should capture at a minimum the following characteristics:

4 (a) Daily program attendance;

5 (b) Identification of classroom and teacher;

6 (c) Early achievers program quality level rating;

7 (d) Program hours;

8 (e) Program duration;

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

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

14 (2) The department shall provide early learning providers  
15 student-level data collected pursuant to this section that are  
16 specific to the early learning provider's program. Upon completion of  
17 an electronic time and attendance record system identified in  
18 subsection (1) of this section, the department shall provide child  
19 care providers student-level data that are specific to the child care  
20 provider's program.

21 (3) ~~((a))~~ The department shall review available research and  
22 best practices literature on cultural competency in early learning  
23 settings. The department shall review the K-12 components for  
24 cultural competency developed by the professional educator standards  
25 board and identify components appropriate for early learning  
26 professional development.

27 ~~((b) By July 31, 2016, the department shall provide  
28 recommendations to the appropriate committees of the legislature and  
29 the early learning advisory council on research-based cultural  
30 competency standards for early learning professional training.))~~

31 (4) (a) The Washington state institute for public policy shall  
32 conduct a longitudinal analysis examining relationships between the  
33 early achievers program quality ratings levels and outcomes for  
34 children participating in subsidized early care and education  
35 programs.

36 (b) The institute shall submit the first report to the  
37 appropriate committees of the legislature and the early learning  
38 advisory council by December 31, 2019. The institute shall submit  
39 subsequent reports annually to the appropriate committees of the  
40 legislature and the early learning advisory council by December 31st,

1 with the final report due December 31, 2022. The final report shall  
2 include a cost-benefit analysis.

3 ~~(5) ((a) By December 1, 2015, the department shall provide~~  
4 ~~recommendations to the appropriate committees of the legislature on~~  
5 ~~child attendance policies pertaining to the working connections child~~  
6 ~~care program and the early childhood education and assistance~~  
7 ~~program. The recommendations shall include the following:~~

8 ~~(i) Allowable periods of child absences;~~

9 ~~(ii) Required contact with parents or caregivers to discuss child~~  
10 ~~absences and encourage regular program attendance; and~~

11 ~~(iii) A de-enrollment procedure when allowable child absences are~~  
12 ~~exceeded.~~

13 ~~(b) The department shall develop recommendations on child~~  
14 ~~absences and attendance within the department's appropriations.)~~ By  
15 December 31, 2021, the Washington state institute for public policy  
16 shall update the outcome evaluation of the early childhood education  
17 and assistance program required by chapter 16, Laws of 2013 and  
18 report to the governor and the legislature on the outcomes of program  
19 participants. The evaluation must examine short and long-term impacts  
20 on program participants, including high school graduation rates for  
21 up to two cohorts. When conducting the evaluation, the institute must  
22 consider, to the extent that data is available, the education levels  
23 of early childhood education and assistance program staff and the  
24 effects of full-day programming and half-day programming on outcomes.

25 NEW SECTION. Sec. 8. A new section is added to chapter 43.216  
26 RCW to read as follows:

27 The department must adopt administrative policies in the early  
28 achievers program to:

29 (1) Consider child care provider schedules and needs and allow  
30 flexibility when scheduling data collection and rating visits at a  
31 facility;

32 (2) Eliminate rating scale barriers, to the extent possible,  
33 within the assessment tools and data collection methodologies used in  
34 the early achievers program and weight early achievers points to  
35 incentivize providers to serve infants and toddlers;

36 (3) Remove barriers to timely approvals for one-on-one behavioral  
37 support assistants when requested by a provider;

38 (4) Prioritize reratings for providers rated at a level 2;

1 (5) Prioritize reratings for providers rated at a level 3 who are  
2 seeking to become early childhood education and assistance program  
3 providers;

4 (6) Require trauma-informed care training for raters and coaches;  
5 and

6 (7) Provide continuous and robust postrating feedback to  
7 providers.

8 NEW SECTION. **Sec. 9.** (1) By December 1, 2019, the department of  
9 children, youth, and families must submit to the governor and the  
10 legislature a plan to pay providers an enhanced rate, award  
11 additional early achievers points, and create a corresponding trauma-  
12 informed care designation for providers serving behaviorally  
13 challenged children.

14 (2) This section expires December 30, 2019.

15 NEW SECTION. **Sec. 10.** (1) By December 1, 2019, the department  
16 of children, youth, and families must evaluate options and propose  
17 recommendations to the governor and legislature related to paying  
18 child care subsidy providers a set monthly rate rather than a daily  
19 rate.

20 (2) This section expires December 30, 2019.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.216  
22 RCW to read as follows:

23 (1) The cost of child care regulations work group is established  
24 to study: (a) The financial impacts of department licensing  
25 regulations on child care businesses; (b) direct and indirect  
26 financial costs to child care providers that are associated with  
27 participation in the early achievers quality rating system; and (c)  
28 benefits to providers associated with participation in the early  
29 achievers quality rating system. The work group must review available  
30 health, safety, and education outcome data for children and families  
31 engaged in early achievers programs when analyzing the costs and  
32 benefits associated with provider participation in the early  
33 achievers quality rating system. The work group must include an  
34 analysis of costs associated with licensing and early achievers  
35 requirements that may have a disproportionate economic impact on  
36 child care businesses located in rural areas of the state.

1 (2) (a) The secretary of the department or his or her designee  
2 shall convene the first meeting of the work group by August 1, 2019.  
3 The work group must meet at least five times between August 1, 2019,  
4 and November 30, 2019, and must convene at least two meetings of  
5 those meetings in locations east of the crest of the Cascade  
6 mountains.

7 (b) The work group must consist of the following twelve voting  
8 members:

9 (i) Three licensed family home child care providers selected by a  
10 statewide organization representing the interests of family child  
11 care providers. At least one family home child care provider must  
12 provide child care for children of agricultural workers, speak  
13 Spanish as a first language, or be located east of the crest of the  
14 Cascade mountains;

15 (ii) Three licensed child care center providers selected by a  
16 statewide organization representing the interests of licensed child  
17 care centers. At least one child care center provider must provide  
18 child care for children of agricultural workers, speak Spanish as a  
19 first language, or be located east of the crest of the Cascade  
20 mountains;

21 (iii) Two foster parents selected by a statewide organization  
22 solely focused on supporting foster parents. At least one foster  
23 parent must reside east of the crest of the Cascade mountains; and

24 (iv) Four legislators, consisting of two members of the house of  
25 representatives and two members of the senate. The speaker of the  
26 house of representatives shall appoint one member to the work group  
27 from each of the two largest caucuses in the house of  
28 representatives. The president of the senate shall appoint one member  
29 to the work group from each of the two largest caucuses in the  
30 senate.

31 (3) The work group shall elect its cochair, one from among the  
32 legislative members and one from among the citizen members.

33 (4) The work group may seek input or collaborate with other  
34 parties as it deems necessary. The work group may contract with  
35 additional persons who have specific technical expertise if such  
36 expertise is necessary to carry out the mandates of the study. The  
37 work group may enter into such a contract only if an appropriation is  
38 specifically provided for this purpose.

39 (5) Legislative members of the work group are reimbursed for  
40 travel expenses in accordance with RCW 44.04.120. Nonlegislative

1 members must be reimbursed for travel expenses according to chapter  
2 43.03 RCW.

3 (6) Staff support for the work group shall be provided by the  
4 department.

5 (7) By December 31, 2019, the work group must submit its findings  
6 and recommendations to the governor and the appropriate committees of  
7 the legislature.

8 (8) This section expires January 10, 2020.

9 **Sec. 12.** RCW 43.216.089 and 2015 3rd sp.s. c 7 s 18 are each  
10 amended to read as follows:

11 (1) Beginning December 15, 2015, and each December 15th  
12 thereafter, the department, in collaboration with the statewide child  
13 care resource and referral organization, and the early achievers  
14 review subcommittee of the early learning advisory council, shall  
15 submit, in compliance with RCW 43.01.036, a progress report to the  
16 governor and the legislature regarding providers' progress in the  
17 early achievers program. Each progress report must include the  
18 following elements:

19 (a) The number, and relative percentage, of family child care and  
20 center providers who have enrolled in the early achievers program and  
21 who have:

22 (i) Completed the level 2 activities;

23 (ii) Completed rating readiness consultation and are waiting to  
24 be rated;

25 (iii) Achieved the required rating level to remain eligible for  
26 state-funded support under the early childhood education and  
27 assistance program or a subsidy under the working connections child  
28 care program;

29 (iv) Not achieved the required rating level initially but  
30 qualified for and are working through intensive targeted support in  
31 preparation for a partial rerate outside the standard rating cycle;

32 (v) Not achieved the required rating level initially and engaged  
33 in remedial activities before successfully achieving the required  
34 rating level;

35 (vi) Not achieved the required rating level after completing  
36 remedial activities; or

37 (vii) Received an extension from the department based on  
38 exceptional circumstances pursuant to RCW (~~43.215.100~~) 43.216.085;

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

3 (c) An examination of the effectiveness of efforts to increase  
4 successful participation by providers serving children and families  
5 from diverse cultural and linguistic backgrounds and providers who  
6 serve children from low-income households;

7 (d) A description of the primary obstacles and challenges faced  
8 by providers who have not achieved the required rating level to  
9 remain eligible to receive:

10 (i) A subsidy under the working connections child care program;  
11 or

12 (ii) State-funded support under the early childhood education and  
13 assistance program;

14 (e) A summary of the types of exceptional circumstances for which  
15 the department has granted an extension pursuant to RCW  
16 (~~(43.215.100)~~) 43.216.085;

17 (f) The average amount of time required for providers to achieve  
18 local level milestones within each level of the early achievers  
19 program;

20 (g) To the extent data is available, an analysis of the  
21 distribution of early achievers program-rated facilities in relation  
22 to child and provider demographics, including but not limited to race  
23 and ethnicity, home language, and geographical location;

24 (h) Recommendations for improving access for children from  
25 diverse cultural backgrounds to providers rated at a level 3 or  
26 higher in the early achievers program;

27 (i) Recommendations for improving the early achievers program  
28 standards;

29 (j) An analysis of any impact from quality strengthening efforts  
30 on the availability and quality of infant and toddler care;

31 (k) The number of contracted slots that use both early childhood  
32 education and assistance program funding and working connections  
33 child care program funding; and

34 (l) A description of the early childhood education and assistance  
35 program implementation to include the following:

36 (i) Progress on early childhood education and assistance program  
37 implementation as required pursuant to RCW (~~(43.215.415, 43.215.425,~~  
38 ~~and 43.215.455)~~) 43.216.515, 43.216.525, and 43.216.555;

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

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

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

5 (v) An analysis of any impact of extended day early care and  
6 education opportunities directives;

7 (vi) An examination of any identified barriers for providers to  
8 offer extended day early care and education opportunities;

9 (vii) An analysis of the demand for full-day programming for  
10 early childhood education and assistance program providers required  
11 under RCW (~~(43.215.415)~~) 43.216.515; and

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

15 (2) The first annual report due under subsection (1) of this  
16 section also shall include a description of the early achievers  
17 program extension protocol required under RCW (~~(43.215.100)~~)  
18 43.216.085.

19 (3) The elements required to be reported under subsection (1)(a)  
20 of this section must be reported at the county level, and for those  
21 counties with a population of five hundred thousand and higher, the  
22 data must be reported at the zip code level.

23 (4) If, based on information in an annual report submitted in  
24 2018 or later under this section, fifteen percent or more of the  
25 licensed or contracted providers who are participating in the early  
26 achievers program in a county or in a single zip code have not  
27 achieved the rating levels under RCW (~~(43.215.135)~~) 43.216.135 and  
28 (~~(43.215.415)~~) 43.216.515, the department must:

29 (a) Analyze the reasons providers in the affected counties or zip  
30 codes have not attained the required rating levels; and

31 (b) Develop a plan to mitigate the effect on the children and  
32 families served by these providers. The plan must be submitted to the  
33 legislature as part of the annual progress report along with any  
34 recommendations for legislative action to address the needs of the  
35 providers and the children and families they serve.

36 **Sec. 13.** RCW 43.216.100 and 2016 c 72 s 701 are each amended to  
37 read as follows:

38 The department, in collaboration with the office of the  
39 superintendent of public instruction, shall create a community

1 information and involvement plan to inform home-based, tribal, and  
2 family early learning providers of the early achievers program under  
3 RCW ((~~43.215.100~~)) 43.216.085.

4 NEW SECTION. **Sec. 14.** If specific funding for the purposes of  
5 this act, referencing this act by bill or chapter number, is not  
6 provided by June 30, 2019, in the omnibus appropriations act, this  
7 act is null and void.

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