
SUBSTITUTE HOUSE BILL 2787

State of Washington

66th Legislature

2020 Regular Session

By House Human Services & Early Learning (originally sponsored by Representatives Callan, Harris, Eslick, Senn, Stonier, Santos, Tharinger, and Pollet; by request of Office of Financial Management)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to completing the transfer of the early support
2 for infants and toddlers program from the office of the
3 superintendent of public instruction to the department of children,
4 youth, and families; amending RCW 28A.155.065, 28A.150.390,
5 43.216.020, 43.216.576, 28A.225.225, 28A.225.270, and 43.216.015;
6 adding a new section to chapter 43.216 RCW; creating a new section;
7 recodifying RCW 28A.155.065; providing an effective date; and
8 providing an expiration date.

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

10 **Sec. 1.** RCW 28A.155.065 and 2017 3rd sp.s. c 6 s 216 are each
11 amended to read as follows:

12 (1) (~~Each school district shall provide or contract for~~) The
13 department is the state lead agency for Part C of the federal
14 individuals with disabilities education act. The department shall
15 administer the early support for infants and toddlers program, to
16 provide early intervention services to all eligible children with
17 disabilities from birth to three years of age. Eligibility shall be
18 determined according to Part C of the federal individuals with
19 disabilities education act or other applicable federal and state
20 laws, and as specified in the Washington Administrative Code adopted
21 by the (~~state lead agency, which is the~~) department (~~of children,~~

1 youth, and families. School districts shall provide or contract, or
2 both, for early intervention services in partnership with local
3 birth-to-three lead agencies and birth-to-three providers)). Services
4 provided under this section shall not supplant services or funding
5 currently provided in the state for early intervention services to
6 eligible children with disabilities from birth to three years of age.
7 ((The state-designated birth-to-three lead agency shall be))

8 (2) (a) Funding for the early support for infants and toddlers
9 program shall be appropriated to the department based on the annual
10 average headcount of children ages birth to three who are eligible
11 for and receiving early intervention services, multiplied by the
12 total statewide allocation generated by the distribution formula
13 under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation
14 under RCW 28A.150.415, per the statewide full-time equivalent
15 enrollment in common schools, multiplied by 1.15.

16 (b) The department shall distribute funds to early intervention
17 services providers, and, when appropriate, to county lead agencies.

18 (c) For the purposes of this subsection (2), a child is receiving
19 early intervention services if the child has received services within
20 a month prior to the monthly count day.

21 (3) Federal funds associated with Part C of the federal
22 individuals with disabilities education act shall be subject to payor
23 of last resort requirements pursuant to 34 C.F.R. Sec. 303.510 (2020)
24 for birth-to-three early intervention services provided under this
25 section.

26 ~~((2) (a) By October 1, 2016, the office of the superintendent of~~
27 ~~public instruction shall provide the department of early learning, in~~
28 ~~its role as state lead agency, with a full accounting of the school~~
29 ~~district expenditures from the 2013-14 and 2014-15 school years,~~
30 ~~disaggregated by district, for birth-to-three early intervention~~
31 ~~services provided under this section.~~

32 ~~(b) The reported expenditures must include, but are not limited~~
33 ~~to per student allocations, per student expenditures, the number of~~
34 ~~children served, detailed information on services provided by school~~
35 ~~districts and contracted for by school districts, coordination and~~
36 ~~transition services, and administrative costs.~~

37 ~~(3))~~ (4) The services in this section are not part of the
38 state's program of basic education pursuant to Article IX of the
39 state Constitution.

1 NEW SECTION. **Sec. 2.** RCW 28A.155.065 is recodified as a section
2 in chapter 43.216 RCW.

3 **Sec. 3.** RCW 28A.150.390 and 2019 c 387 s 4 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction shall submit to each
6 regular session of the legislature during an odd-numbered year a
7 programmed budget request for special education programs for students
8 with disabilities. Funding for programs operated by local school
9 districts shall be on an excess cost basis from appropriations
10 provided by the legislature for special education programs for
11 students with disabilities and shall take account of state funds
12 accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and
13 28A.150.415.

14 (2) The excess cost allocation to school districts shall be based
15 on the following:

16 (a) A district's annual average headcount enrollment of students
17 ages (~~(birth through)~~) three and four and those five year olds not
18 yet enrolled in kindergarten who are eligible for and receiving
19 special education, multiplied by the district's base allocation per
20 full-time equivalent student, multiplied by 1.15;

21 (b)(i) Subject to the limitation in (b)(ii) of this subsection
22 (2), a district's annual average enrollment of resident students who
23 are eligible for and receiving special education, excluding students
24 ages (~~(birth through)~~) three and four and those five year olds not
25 yet enrolled in kindergarten, multiplied by the district's base
26 allocation per full-time equivalent student, multiplied by the
27 special education cost multiplier rate of:

28 (A) In the 2019-20 school year, 0.995 for students eligible for
29 and receiving special education.

30 (B) Beginning in the 2020-21 school year, either:

31 (I) 1.0075 for students eligible for and receiving special
32 education and reported to be in the general education setting for
33 eighty percent or more of the school day; or

34 (II) 0.995 for students eligible for and receiving special
35 education and reported to be in the general education setting for
36 less than eighty percent of the school day.

37 (ii) If the enrollment percent exceeds thirteen and five-tenths
38 percent, the excess cost allocation calculated under (b)(i) of this

1 subsection must be adjusted by multiplying the allocation by thirteen
2 and five-tenths percent divided by the enrollment percent.

3 (3) As used in this section:

4 (a) "Base allocation" means the total state allocation to all
5 schools in the district generated by the distribution formula under
6 RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under
7 RCW 28A.150.415, to be divided by the district's full-time equivalent
8 enrollment.

9 (b) "Basic education enrollment" means enrollment of resident
10 students including nonresident students enrolled under RCW
11 28A.225.225 and students from nonhigh districts enrolled under RCW
12 28A.225.210 and excluding students residing in another district
13 enrolled as part of an interdistrict cooperative program under RCW
14 28A.225.250.

15 (c) "Enrollment percent" means the district's resident annual
16 average enrollment of students who are eligible for and receiving
17 special education, excluding students ages (~~(birth through)~~) three
18 and four and those five year olds not yet enrolled in kindergarten
19 and students enrolled in institutional education programs, as a
20 percent of the district's annual average full-time equivalent basic
21 education enrollment.

22 **Sec. 4.** RCW 43.216.020 and 2017 3rd sp.s. c 6 s 202 are each
23 amended to read as follows:

24 (1) The department shall implement state early learning policy
25 and coordinate, consolidate, and integrate child care and early
26 learning programs in order to administer programs and funding as
27 efficiently as possible. The department's duties include, but are not
28 limited to, the following:

29 (a) To support both public and private sectors toward a
30 comprehensive and collaborative system of early learning that serves
31 parents, children, and providers and to encourage best practices in
32 child care and early learning programs;

33 (b) To make early learning resources available to parents and
34 caregivers;

35 (c) To carry out activities, including providing clear and easily
36 accessible information about quality and improving the quality of
37 early learning opportunities for young children, in cooperation with
38 the nongovernmental private-public partnership;

39 (d) To administer child care and early learning programs;

1 (e) To safeguard and promote the health, safety, and well-being
2 of children receiving child care and early learning assistance, which
3 is paramount over the right of any person to provide such care;

4 (f) To apply data already collected comparing the following
5 factors and make biennial recommendations to the legislature
6 regarding working connections subsidy and state-funded preschool
7 rates and compensation models that would attract and retain high
8 quality early learning professionals:

9 (i) State-funded early learning subsidy rates and market rates of
10 licensed early learning homes and centers;

11 (ii) Compensation of early learning educators in licensed centers
12 and homes and early learning teachers at state higher education
13 institutions;

14 (iii) State-funded preschool program compensation rates and
15 Washington state head start program compensation rates; and

16 (iv) State-funded preschool program compensation to compensation
17 in similar comprehensive programs in other states;

18 (g) To administer the early support for infants and toddlers
19 program in RCW 28A.155.065 (as recodified by this act), serve as the
20 state lead agency for Part C of the federal individuals with
21 disabilities education act (IDEA), and ~~((to))~~ develop and adopt rules
22 that establish minimum requirements for the services offered through
23 Part C programs, including allowable allocations and expenditures for
24 transition into Part B of the federal individuals with disabilities
25 education act (IDEA);

26 (h) To standardize internal financial audits, oversight visits,
27 performance benchmarks, and licensing criteria, so that programs can
28 function in an integrated fashion;

29 (i) To support the implementation of the nongovernmental private-
30 public partnership and cooperate with that partnership in pursuing
31 its goals including providing data and support necessary for the
32 successful work of the partnership;

33 (j) To work cooperatively and in coordination with the early
34 learning council;

35 (k) To collaborate with the K-12 school system at the state and
36 local levels to ensure appropriate connections and smooth transitions
37 between early learning and K-12 programs;

38 (l) To develop and adopt rules for administration of the program
39 of early learning established in RCW 43.216.555;

1 (m) To develop a comprehensive birth-to-three plan to provide
2 education and support through a continuum of options including, but
3 not limited to, services such as: Home visiting; quality incentives
4 for infant and toddler child care subsidies; quality improvements for
5 family home and center-based child care programs serving infants and
6 toddlers; professional development; early literacy programs; and
7 informal supports for family, friend, and neighbor caregivers; and

8 (n) Upon the development of an early learning information system,
9 to make available to parents timely inspection and licensing action
10 information and provider comments through the internet and other
11 means.

12 (2) When additional funds are appropriated for the specific
13 purpose of home visiting and parent and caregiver support, the
14 department must reserve at least eighty percent for home visiting
15 services to be deposited into the home visiting services account and
16 up to twenty percent of the new funds for other parent or caregiver
17 support.

18 (3) Home visiting services must include programs that serve
19 families involved in the child welfare system.

20 (4) The department's programs shall be designed in a way that
21 respects and preserves the ability of parents and legal guardians to
22 direct the education, development, and upbringing of their children,
23 and that recognizes and honors cultural and linguistic diversity. The
24 department shall include parents and legal guardians in the
25 development of policies and program decisions affecting their
26 children.

27 **Sec. 5.** RCW 43.216.576 and 1992 c 198 s 16 are each amended to
28 read as follows:

29 (~~State agencies providing or paying for early intervention~~
30 ~~services~~) The department shall enter into formal interagency
31 agreements, where appropriate, with (~~each other and where~~
32 ~~appropriate, with~~) school districts, counties, and other providers,
33 to define their relationships and financial and service
34 responsibilities. Local agencies or entities, including local school
35 districts, counties, and service providers receiving public money for
36 providing or paying for early intervention services shall enter into
37 formal interagency agreements with each other that define their
38 relationships and financial responsibilities to provide services
39 within each county. In establishing priorities, school districts,

1 counties, and other service providers shall give due regard to the
2 needs of children birth to three years of age and shall ensure that
3 they continue to participate in providing services and collaborate
4 with each other. The interagency agreements shall include procedures
5 for resolving disputes, provisions for establishing maintenance
6 requirements, and all additional components necessary to ensure
7 collaboration and coordination.

8 **Sec. 6.** RCW 28A.225.225 and 2013 2nd sp.s. c 18 s 511 are each
9 amended to read as follows:

10 (1) Except for students who reside out-of-state and students
11 under RCW 28A.225.217, a district shall accept applications from
12 nonresident students who are the children of full-time certificated
13 and classified school employees, and those children shall be
14 permitted to enroll:

15 (a) At the school to which the employee is assigned;

16 (b) At a school forming the district's K through 12 continuum
17 which includes the school to which the employee is assigned; or

18 (c) At a school in the district that provides early intervention
19 services pursuant to RCW 28A.155.065 (as recodified by this act) or
20 preschool services pursuant to RCW 28A.155.070, if the student is
21 eligible for such services.

22 (2) A district may reject applications under this section if:

23 (a) The student's disciplinary records indicate a history of
24 convictions for offenses or crimes, violent or disruptive behavior,
25 or gang membership;

26 (b) The student has been expelled or suspended from a public
27 school for more than ten consecutive days. Any policy allowing for
28 readmission of expelled or suspended students under this subsection
29 (2)(b) must apply uniformly to both resident and nonresident
30 applicants;

31 (c) Enrollment of a child under this section would displace a
32 child who is a resident of the district, except that if a child is
33 admitted under subsection (1) of this section, that child shall be
34 permitted to remain enrolled at that school, or in that district's
35 kindergarten through twelfth grade continuum, until he or she has
36 completed his or her schooling; or

37 (d) The student has repeatedly failed to comply with requirements
38 for participation in an online school program, such as participating

1 in weekly direct contact with the teacher or monthly progress
2 evaluations.

3 (3) A nonhigh district that is participating in an innovation
4 academy cooperative may not accept an application from a high school
5 student that conflicts with RCW 28A.340.080.

6 (4) Except as provided in subsection (1) of this section, all
7 districts accepting applications from nonresident students or from
8 students receiving home-based instruction for admission to the
9 district's schools shall consider equally all applications received.
10 Each school district shall adopt a policy establishing rational,
11 fair, and equitable standards for acceptance and rejection of
12 applications by June 30, 1990. The policy may include rejection of a
13 nonresident student if:

14 (a) Acceptance of a nonresident student would result in the
15 district experiencing a financial hardship;

16 (b) The student's disciplinary records indicate a history of
17 convictions for offenses or crimes, violent or disruptive behavior,
18 or gang membership;

19 (c) Accepting of the nonresident student would conflict with RCW
20 28A.340.080; or

21 (d) The student has been expelled or suspended from a public
22 school for more than ten consecutive days. Any policy allowing for
23 readmission of expelled or suspended students under this subsection
24 (4)(d) must apply uniformly to both resident and nonresident
25 applicants.

26 For purposes of subsections (2)(a) and (4)(b) of this section,
27 "gang" means a group which: (i) Consists of three or more persons;
28 (ii) has identifiable leadership; and (iii) on an ongoing basis,
29 regularly conspires and acts in concert mainly for criminal purposes.

30 (5) The district shall provide to applicants written notification
31 of the approval or denial of the application in a timely manner. If
32 the application is rejected, the notification shall include the
33 reason or reasons for denial and the right to appeal under RCW
34 28A.225.230(3).

35 **Sec. 7.** RCW 28A.225.270 and 2008 c 192 s 2 are each amended to
36 read as follows:

37 (1) Each school district in the state shall adopt and implement a
38 policy allowing intradistrict enrollment options no later than June
39 30, 1990. Each district shall establish its own policy establishing

1 standards on how the intradistrict enrollment options will be
2 implemented.

3 (2) A district shall permit the children of full-time
4 certificated and classified school employees to enroll at:

5 (a) The school to which the employee is assigned;

6 (b) A school forming the district's K through 12 continuum which
7 includes the school to which the employee is assigned; or

8 (c) A school in the district that provides early intervention
9 services pursuant to RCW 28A.155.065 (as recodified by this act) or
10 preschool services pursuant to RCW 28A.155.070, if the student is
11 eligible for such services.

12 (3) For the purposes of this section, "full-time employees" means
13 employees who are employed for the full number of hours and days for
14 their job description.

15 NEW SECTION. **Sec. 8.** Between September 1, 2020, and September
16 1, 2021, contracts for the provision of early intervention services
17 are exempt from the requirements for performance-based contracts in
18 RCW 43.216.015.

19 **Sec. 9.** RCW 43.216.015 and 2019 c 429 s 1 are each amended to
20 read as follows:

21 (1)(a) The department of children, youth, and families is created
22 as an executive branch agency. The department is vested with all
23 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
24 sp. sess. and such other powers and duties as may be authorized by
25 law. The vision for the department is that Washington state's
26 children and youth grow up safe and healthy—thriving physically,
27 emotionally, and academically, nurtured by family and community.

28 (b) The department, in partnership with state and local agencies,
29 tribes, and communities, shall protect children and youth from harm
30 and promote healthy development with effective, high quality
31 prevention, intervention, and early education services delivered in
32 an equitable manner. An important role for the department shall be to
33 provide preventative services to help secure and preserve families in
34 crisis. The department shall partner with the federally recognized
35 Indian tribes to develop effective services for youth and families
36 while respecting the sovereignty of those tribes and the government-
37 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
38 sp. sess. alters the duties, requirements, and policies of the

1 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
2 as amended, or the Indian child welfare act, chapter 13.38 RCW.

3 (2) Beginning July 1, 2018, the department must develop
4 definitions for, work plans to address, and metrics to measure the
5 outcomes for children, youth, and families served by the department
6 and must work with state agencies to ensure services for children,
7 youth, and families are science-based, outcome-driven, data-informed,
8 and collaborative.

9 (3)(a) Beginning July 1, 2018, the department must establish
10 short and long-term population level outcome measure goals, including
11 metrics regarding reducing disparities by family income, race, and
12 ethnicity in each outcome.

13 (b) The department must report to the legislature on outcome
14 measures, actions taken, progress toward these goals, and plans for
15 the future year, no less than annually, beginning December 1, 2018.

16 (c) The outcome measures must include, but are not limited to:

17 (i) Improving child development and school readiness through
18 voluntary, high quality early learning opportunities as measured by:

19 (A) Increasing the number and proportion of children kindergarten-
20 ready as measured by the Washington kindergarten inventory of
21 developing skills (WAKids) assessment including mathematics; (B)
22 increasing the proportion of children in early learning programs that
23 have achieved the level 3 or higher early achievers quality standard;
24 and (C) increasing the available supply of licensed child care in
25 both child care centers and family homes, including providers not
26 receiving state subsidy;

27 (ii) Preventing child abuse and neglect;

28 (iii) Improving child and youth safety, permanency, and well-
29 being as measured by: (A) Reducing the number of children entering
30 out-of-home care; (B) reducing a child's length of stay in out-of-
31 home care; (C) reducing maltreatment of youth while in out-of-home
32 care; (D) licensing more foster homes than there are children in
33 foster care; (E) reducing the number of children that reenter out-of-
34 home care within twelve months; (F) increasing the stability of
35 placements for children in out-of-home care; and (G) developing
36 strategies to demonstrate to foster families that their service and
37 involvement is highly valued by the department, as demonstrated by
38 the development of strategies to consult with foster families
39 regarding future placement of a foster child currently placed with a
40 foster family;

1 (iv) Improving reconciliation of children and youth with their
2 families as measured by: (A) Increasing family reunification; and (B)
3 increasing the number of youth who are reunified with their family of
4 origin;

5 (v) In collaboration with county juvenile justice programs,
6 improving adolescent outcomes including reducing multisystem
7 involvement and homelessness; and increasing school graduation rates
8 and successful transitions to adulthood for youth involved in the
9 child welfare and juvenile justice systems;

10 (vi) Reducing future demand for mental health and substance use
11 disorder treatment for youth involved in the child welfare and
12 juvenile justice systems;

13 (vii) In collaboration with county juvenile justice programs,
14 reducing criminal justice involvement and recidivism as measured by:
15 (A) An increase in the number of youth who successfully complete the
16 terms of diversion or alternative sentencing options; (B) a decrease
17 in the number of youth who commit subsequent crimes; and (C)
18 eliminating the discharge of youth from institutional settings into
19 homelessness; and

20 (viii) Reducing racial and ethnic disproportionality and
21 disparities in system involvement and across child and youth outcomes
22 in collaboration with other state agencies.

23 (4) Beginning July 1, 2018, the department must:

24 (a) Lead ongoing collaborative work to minimize or eliminate
25 systemic barriers to effective, integrated services in collaboration
26 with state agencies serving children, youth, and families;

27 (b) Identify necessary improvements and updates to statutes
28 relevant to their responsibilities and proposing legislative changes
29 to the governor no less than biennially;

30 (c) Help create a data-focused environment in which there are
31 aligned outcomes and shared accountability for achieving those
32 outcomes, with shared, real-time data that is accessible to
33 authorized persons interacting with the family, child, or youth to
34 identify what is needed and which services would be effective;

35 (d) Lead the provision of state services to adolescents, focusing
36 on key transition points for youth, including exiting foster care and
37 institutions, and coordinating with the office of homeless youth
38 prevention and protection programs to address the unique needs of
39 homeless youth; and

1 (e) Create and annually update a list of the rights and
2 responsibilities of foster parents in partnership with foster parent
3 representatives. The list of foster parent rights and
4 responsibilities must be posted on the department's web site,
5 provided to individuals participating in a foster parent orientation
6 before licensure, provided to foster parents in writing at the time
7 of licensure, and provided to foster parents applying for license
8 renewal.

9 (5) The department is accountable to the public. To ensure
10 transparency, beginning December 30, 2018, agency performance data
11 for the services provided by the department, including outcome data
12 for contracted services, must be available to the public, consistent
13 with confidentiality laws, federal protections, and individual rights
14 to privacy. Publicly available data must include budget and funding
15 decisions, performance-based contracting data, including data for
16 contracted services, and performance data on metrics identified in
17 this section. The board must work with the secretary and director to
18 develop the most effective and cost-efficient ways to make department
19 data available to the public, including making this data readily
20 available on the department's web site.

21 (6) (~~The~~) Except as provided in section 8 of this act, the
22 department shall ensure that all new and renewed contracts for
23 services are performance-based.

24 (7) The department must execute all new and renewed contracts for
25 services in accordance with this section and consistent with RCW
26 74.13B.020. When contracted services are managed through a network
27 administrator or other third party, the department must execute data-
28 sharing agreements with the entities managing the contracts to track
29 provider performance measures. Contracts with network administrators
30 or other third parties must provide the contract administrator the
31 ability to shift resources from one provider to another, to evaluate
32 individual provider performance, to add or delete services in
33 consultation with the department, and to reinvest savings from
34 increased efficiencies into new or improved services in their
35 catchment area. Whenever possible, contractor performance data must
36 be made available to the public, consistent with confidentiality laws
37 and individual rights to privacy.

38 (8)(a) The board shall begin its work and call the first meeting
39 of the board on or after July 1, 2018. The board shall immediately
40 assume the duties of the legislative children's oversight committee,

1 as provided for in RCW 74.13.570 and assume the full functions of the
2 board as provided for in this section by July 1, 2019. The office of
3 innovation, alignment, and accountability shall provide quarterly
4 updates regarding the implementation of the department to the board
5 between July 1, 2018, and July 1, 2019.

6 (b) The office of the family and children's ombuds shall
7 establish the board. The board is authorized for the purpose of
8 monitoring and ensuring that the department achieves the stated
9 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with
10 administrative acts, relevant statutes, rules, and policies
11 pertaining to early learning, juvenile rehabilitation, juvenile
12 justice, and children and family services.

13 (9) (a) The board shall consist of the following members:

14 (i) Two senators and two representatives from the legislature
15 with one member from each major caucus;

16 (ii) One nonvoting representative from the governor's office;

17 (iii) One subject matter expert in early learning;

18 (iv) One subject matter expert in child welfare;

19 (v) One subject matter expert in juvenile rehabilitation and
20 justice;

21 (vi) One subject matter expert in reducing disparities in child
22 outcomes by family income and race and ethnicity;

23 (vii) One tribal representative from west of the crest of the
24 Cascade mountains;

25 (viii) One tribal representative from east of the crest of the
26 Cascade mountains;

27 (ix) One current or former foster parent representative;

28 (x) One representative of an organization that advocates for the
29 best interest of the child;

30 (xi) One parent stakeholder group representative;

31 (xii) One law enforcement representative;

32 (xiii) One child welfare caseworker representative;

33 (xiv) One early childhood learning program implementation
34 practitioner;

35 (xv) One current or former foster youth under age twenty-five;

36 (xvi) One individual under age twenty-five with current or
37 previous experience with the juvenile justice system;

38 (xvii) One physician with experience working with children or
39 youth; and

1 (xviii) One judicial representative presiding over child welfare
2 court proceedings or other children's matters.

3 (b) The senate members of the board shall be appointed by the
4 leaders of the two major caucuses of the senate. The house of
5 representatives members of the board shall be appointed by the
6 leaders of the two major caucuses of the house of representatives.
7 Members shall be appointed before the close of each regular session
8 of the legislature during an odd-numbered year.

9 (c) The remaining board members shall be nominated by the
10 governor, subject to the approval of the appointed legislators by
11 majority vote, and serve four-year terms. When nominating and
12 approving members after July 28, 2019, the governor and appointed
13 legislators must ensure that at least five of the board members
14 reside east of the crest of the Cascade mountains.

15 (10) The board has the following powers, which may be exercised
16 by majority vote of the board:

17 (a) To receive reports of the office of the family and children's
18 ombuds;

19 (b) To obtain access to all relevant records in the possession of
20 the office of the family and children's ombuds, except as prohibited
21 by law;

22 (c) To select its officers and adoption of rules for orderly
23 procedure;

24 (d) To request investigations by the office of the family and
25 children's ombuds of administrative acts;

26 (e) To request and receive information, outcome data, documents,
27 materials, and records from the department relating to children and
28 family welfare, juvenile rehabilitation, juvenile justice, and early
29 learning;

30 (f) To determine whether the department is achieving the
31 performance measures;

32 (g) If final review is requested by a licensee, to review whether
33 department licensors appropriately and consistently applied agency
34 rules in child care facility licensing compliance agreements as
35 defined in RCW 43.216.395 that do not involve a violation of health
36 and safety standards as defined in RCW 43.216.395 in cases that have
37 already been reviewed by the internal review process described in RCW
38 43.216.395 with the authority to overturn, change, or uphold such
39 decisions;

1 (h) To conduct annual reviews of a sample of department contracts
2 for services from a variety of program and service areas to ensure
3 that those contracts are performance-based and to assess the measures
4 included in each contract; and

5 (i) Upon receipt of records or data from the office of the family
6 and children's ombuds or the department, the board is subject to the
7 same confidentiality restrictions as the office of the family and
8 children's ombuds is under RCW 43.06A.050. The provisions of RCW
9 43.06A.060 also apply to the board.

10 (11) The board has general oversight over the performance and
11 policies of the department and shall provide advice and input to the
12 department and the governor.

13 (12) The board must no less than twice per year convene
14 stakeholder meetings to allow feedback to the board regarding
15 contracting with the department, departmental use of local, state,
16 private, and federal funds, and other matters as relating to carrying
17 out the duties of the department.

18 (13) The board shall review existing surveys of providers,
19 customers, parent groups, and external services to assess whether the
20 department is effectively delivering services, and shall conduct
21 additional surveys as needed to assess whether the department is
22 effectively delivering services.

23 (14) The board is subject to the open public meetings act,
24 chapter 42.30 RCW, except to the extent disclosure of records or
25 information is otherwise confidential under state or federal law.

26 (15) Records or information received by the board is confidential
27 to the extent permitted by state or federal law. This subsection does
28 not create an exception for records covered by RCW 13.50.100.

29 (16) The board members shall receive no compensation for their
30 service on the board, but shall be reimbursed for travel expenses
31 incurred while conducting business of the board when authorized by
32 the board and within resources allocated for this purpose, except
33 appointed legislators who shall be reimbursed for travel expenses in
34 accordance with RCW 43.03.050 and 43.03.060.

35 (17) The board shall select, by majority vote, an executive
36 director who shall be the chief administrative officer of the board
37 and shall be responsible for carrying out the policies adopted by the
38 board. The executive director is exempt from the provisions of the
39 state civil service law, chapter 41.06 RCW, and shall serve at the
40 pleasure of the board established in this section.

1 (18) The board shall maintain a staff not to exceed one full-time
2 equivalent employee. The board-selected executive director of the
3 board is responsible for coordinating staff appointments.

4 (19) The board shall issue an annual report to the governor and
5 legislature by December 1st of each year with an initial report
6 delivered by December 1, 2019. The report must review the
7 department's progress towards meeting stated performance measures and
8 desired performance outcomes, and must also include a review of the
9 department's strategic plan, policies, and rules.

10 (20) The definitions in this subsection apply throughout this
11 section unless the context clearly requires otherwise.

12 (a) "Board" means the oversight board for children, youth, and
13 families established in subsection (8) of this section.

14 (b) "Director" means the director of the office of innovation,
15 alignment, and accountability.

16 (c) "Performance-based contract" means results-oriented
17 contracting that focuses on the quality or outcomes that tie at least
18 a portion of the contractor's payment, contract extensions, or
19 contract renewals to the achievement of specific measurable
20 performance standards and requirements.

21 NEW SECTION. **Sec. 10.** This act takes effect September 1, 2020.

22 NEW SECTION. **Sec. 11.** Sections 8 and 9 of this act expire
23 December 31, 2021.

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