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**SUBSTITUTE SENATE BILL 5595**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Billig, Litzow, Darneille, Fain, Hargrove, McAuliffe, Harper, Nelson, Hobbs, Mullet, Frockt, Cleveland, Rolfes, Kohl-Welles, Shin, Kline, and Conway)

READ FIRST TIME 02/21/13.

1       AN ACT Relating to child care reform; reenacting and amending RCW  
2 43.215.010; adding new sections to chapter 43.215 RCW; creating new  
3 sections; and providing an expiration date.

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

5       **Sec. 1.** RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are  
6 each reenacted and amended to read as follows:

7       The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9       (1) "Agency" means any person, firm, partnership, association,  
10 corporation, or facility that provides child care and early learning  
11 services outside a child's own home and includes the following  
12 irrespective of whether there is compensation to the agency:

13       (a) "Child day care center" means an agency that regularly provides  
14 child day care and early learning services for a group of children for  
15 periods of less than twenty-four hours;

16       (b) "Early learning" includes but is not limited to programs and  
17 services for child care; state, federal, private, and nonprofit  
18 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional  
2 development for early learning professionals;

3 (c) "Family day care provider" means a child day care provider who  
4 regularly provides child day care and early learning services for not  
5 more than twelve children in the provider's home in the family living  
6 quarters;

7 (d) "Nongovernmental private-public partnership" means an entity  
8 registered as a nonprofit corporation in Washington state with a  
9 primary focus on early learning, school readiness, and parental  
10 support, and an ability to raise a minimum of five million dollars in  
11 contributions;

12 (e) "Service provider" means the entity that operates a community  
13 facility.

14 (2) "Agency" does not include the following:

15 (a) Persons related to the child in the following ways:

16 (i) Any blood relative, including those of half-blood, and  
17 including first cousins, nephews or nieces, and persons of preceding  
18 generations as denoted by prefixes of grand, great, or great-great;

19 (ii) Stepfather, stepmother, stepbrother, and stepsister;

20 (iii) A person who legally adopts a child or the child's parent as  
21 well as the natural and other legally adopted children of such persons,  
22 and other relatives of the adoptive parents in accordance with state  
23 law; or

24 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this  
25 subsection (~~((2)(a))~~), even after the marriage is terminated;

26 (b) Persons who are legal guardians of the child;

27 (c) Persons who care for a neighbor's or friend's child or  
28 children, with or without compensation, where the person providing care  
29 for periods of less than twenty-four hours does not conduct such  
30 activity on an ongoing, regularly scheduled basis for the purpose of  
31 engaging in business, which includes, but is not limited to,  
32 advertising such care;

33 (d) Parents on a mutually cooperative basis exchange care of one  
34 another's children;

35 (e) Nursery schools or kindergartens that are engaged primarily in  
36 educational work with preschool children and in which no child is  
37 enrolled on a regular basis for more than four hours per day;

1 (f) Schools, including boarding schools, that are engaged primarily  
2 in education, operate on a definite school year schedule, follow a  
3 stated academic curriculum, accept only school-age children, and do not  
4 accept custody of children;

5 (g) Seasonal camps of three months' or less duration engaged  
6 primarily in recreational or educational activities;

7 (h) Facilities providing child care for periods of less than  
8 twenty-four hours when a parent or legal guardian of the child remains  
9 on the premises of the facility for the purpose of participating in:

10 (i) Activities other than employment; or

11 (ii) Employment of up to two hours per day when the facility is  
12 operated by a nonprofit entity that also operates a licensed child care  
13 program at the same facility in another location or at another  
14 facility;

15 (i) Any agency having been in operation in this state ten years  
16 before June 8, 1967, and not seeking or accepting moneys or assistance  
17 from any state or federal agency, and is supported in part by an  
18 endowment or trust fund;

19 (j) An agency operated by any unit of local, state, or federal  
20 government or an agency, located within the boundaries of a federally  
21 recognized Indian reservation, licensed by the Indian tribe;

22 (k) An agency located on a federal military reservation, except  
23 where the military authorities request that such agency be subject to  
24 the licensing requirements of this chapter;

25 (l) An agency that offers early learning and support services, such  
26 as parent education, and does not provide child care services on a  
27 regular basis.

28 (3) "Applicant" means a person who requests or seeks employment in  
29 an agency.

30 (4) "Conviction information" means criminal history record  
31 information relating to an incident which has led to a conviction or  
32 other disposition adverse to the applicant.

33 (5) "Department" means the department of early learning.

34 (6) "Director" means the director of the department.

35 (7) "Early achievers" means a program designed to accomplish the  
36 following goals:

37 (a) Provide parents clear and easily accessible information about  
38 quality child care and early education programs;

- 1 (b) Improve early learning programs throughout Washington state;  
2 (c) Increase school readiness for children;  
3 (d) Close the disparity between segments of the population with  
4 regard to access to quality child care; and  
5 (e) Establish a uniform set of expectations and standards that  
6 define, measure, and improve the quality of the early learning  
7 environments.

8 (8) "Employer" means a person or business that engages the services  
9 of one or more people, especially for wages or salary to work in an  
10 agency.

11 ~~((+8))~~ (9) "Enforcement action" means denial, suspension,  
12 revocation, modification, or nonrenewal of a license pursuant to RCW  
13 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW  
14 43.215.300(3).

15 ~~((+9))~~ (10) "Negative action" means a court order, court judgment,  
16 or an adverse action taken by an agency, in any state, federal, tribal,  
17 or foreign jurisdiction, which results in a finding against the  
18 applicant reasonably related to the individual's character,  
19 suitability, and competence to care for or have unsupervised access to  
20 children in child care. This may include, but is not limited to:

21 (a) A decision issued by an administrative law judge;

22 (b) A final determination, decision, or finding made by an agency  
23 following an investigation;

24 (c) An adverse agency action, including termination, revocation, or  
25 denial of a license or certification, or if pending adverse agency  
26 action, the voluntary surrender of a license, certification, or  
27 contract in lieu of the adverse action;

28 (d) A revocation, denial, or restriction placed on any professional  
29 license; or

30 (e) A final decision of a disciplinary board.

31 ~~((+10))~~ (11) "Nonconviction information" means arrest, founded  
32 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
33 or other negative action adverse to the applicant.

34 ~~((+11))~~ (12) "Probationary license" means a license issued as a  
35 disciplinary measure to an agency that has previously been issued a  
36 full license but is out of compliance with licensing standards.

37 ~~((+12))~~ (13) "Requirement" means any rule, regulation, or standard  
38 of care to be maintained by an agency.

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

3           (1) An applicant may be eligible for working connections child care  
4 benefits for the following additional educational activities:

- 5           (a) Four-year bachelor's degree programs;
- 6           (b) Vocational and training programs;
- 7           (c) Two-year associate degree programs; and
- 8           (d) Worker retraining programs.

9           (2) The department shall draft rules in accordance with this  
10 section.

11           NEW SECTION.   **Sec. 3.** A new section is added to chapter 43.215 RCW  
12 to read as follows:

13           (1) All licensed and certified child care programs may enroll in  
14 the early achievers program. Child care programs may voluntarily  
15 decide whether to participate.

16           (2) There are five quality levels to the early achievers program:

17           (a) Level one is licensing or certification that includes all  
18 licensed child care centers and family child care, military, tribal  
19 head start and early childhood education and assistance programs, and  
20 other state funded programs.

21           (b) Level two focuses on ensuring that program leaders understand  
22 the quality rating and improvement system, the program standards and  
23 requirements and the child outcome and readiness goals of the system.  
24 To attain level two, programs must complete a self-assessment and  
25 attend trainings that support program improvements and policy  
26 development. Programs must also participate in the department's  
27 statewide professional development registry by creating program  
28 profiles and ensuring all employees have an active record of their  
29 educational achievements.

30           (c) Levels three through five are points-based ratings based on  
31 four program standards:

- 32           (i) Child outcomes;
- 33           (ii) Curriculum, learning, environments, and training;
- 34           (iii) Professional development and training; and
- 35           (iv) Family engagement and partnership.

36           (3) The department shall develop rules consistent with this  
37 section.

1           NEW SECTION.   **Sec. 4.** A new section is added to chapter 43.215 RCW  
2 to read as follows:

3           (1) This section may be known as the "child care consumer and  
4 provider bill of rights."

5           (a) The department shall return all calls from consumers within  
6 two business days of receiving them.

7           (b) Departmental employees working with child care consumers shall  
8 receive training on professionalism.

9           (c) As soon as practicable, the department shall develop a process  
10 by which consumers can submit required forms and information  
11 electronically.

12           (d) The department shall provide consumers with a document that  
13 explains in detail and in easily understood language what services they  
14 are eligible for, how they can appeal an adverse decision, the  
15 consumers' responsibilities in obtaining and maintaining eligibility  
16 for working connections child care, and their rights as a consumer.  
17 The department shall work collaboratively with the parent and provider  
18 oversight board to develop the document required by this subsection.

19           (2)(a) The department shall convene a parent and provider oversight  
20 board.

21           (b) The board must consist of ten members from across the state,  
22 five representing consumers and five representing providers. There  
23 must be geographic representation.

24           (c) The board shall meet at least three times a year.

25           (d) The purpose of the board is to listen to issues raised by  
26 consumers and providers and provide feedback to the department on  
27 recommended policy changes to address the issues raised.

28           (e) The department is not responsible for any of the expenses  
29 incurred by the board members.

30           (3) For the purposes of this section, "department" means both the  
31 department of early learning and the department of social and health  
32 services.

33           (4) Nothing in this section is intended to create any right or  
34 benefit, substantive or procedural, enforceable at law. Nothing in  
35 this section creates any defense on the part of any consumer or  
36 provider in any prosecution.

1        NEW SECTION.    **Sec. 5.**    (1)(a) A legislative task force on child  
2 care improvements for the future is established with members as  
3 provided in this subsection.

4        (i) The president of the senate shall appoint two members from each  
5 of the two largest caucuses of the senate.

6        (ii) The speaker of the house of representatives shall appoint two  
7 members from each of the two largest caucuses in the house of  
8 representatives.

9        (iii) The president of the senate and the speaker of the house of  
10 representatives shall appoint thirteen members representing the  
11 following interests:

12        (A) The department of early learning;

13        (B) The department of social and health services;

14        (C) The early learning advisory committee;

15        (D) Thrive by five;

16        (E) Private pay child care consumers;

17        (F) Child care consumers receiving a subsidy;

18        (G) Family child care providers;

19        (H) Child care center providers;

20        (I) Exempt child care providers;

21        (J) The collective bargaining unit representing child care  
22 providers;

23        (K) School-age child care providers;

24        (L) Child care aware; and

25        (M) The Washington state association of head start and the early  
26 childhood education and assistance program.

27        (b) The task force shall choose its cochairs from among its  
28 legislative leadership. The members of the majority party in each  
29 house shall convene the first meeting.

30        (2) The task force shall address the following issues:

31        (a) The creation of a tiered reimbursement model that works for  
32 both consumers and providers and provides incentives for quality child  
33 care across communities;

34        (b) The long-term administrative changes that will help consumers  
35 enroll their children in child care accurately and efficiently;

36        (c) The expansion of outreach to consumers of child care;

37        (d) Administrative improvements and structural changes to the  
38 payment system;

1 (e) Increased and stable child care funding as a pivotal early  
2 learning tool;

3 (f) An increase in reimbursement rates to increase low-income  
4 families' access to high-quality providers;

5 (g) An increase in the eligibility threshold to achieve cross-  
6 subsidies and allow parents to grow professionally without losing  
7 affordable child care; and

8 (h) A further graduation of the copay scale to eliminate the cliff  
9 that occurs at subsidy cut off.

10 (3) Staff support for the task force must be provided by the senate  
11 committee services and the house of representatives office of program  
12 research.

13 (4) The task force shall report its findings and recommendations to  
14 the governor and the appropriate committees of the legislature no later  
15 than December 31, 2013.

16 (5) This section expires July 1, 2014.

17 NEW SECTION. **Sec. 6.** (1) The legislature finds that the Aclara  
18 group report on the eligibility requirements for working connections  
19 child care which came from the pedagogy of lean management and focused  
20 on identifying and eliminating nonvalue added work should be followed.  
21 The legislature further finds that, following some of the  
22 recommendations in the report, would result in simplifying and  
23 streamlining the child care system to improve access and customer  
24 service without decreasing the program's integrity.

25 (2) By December 1, 2013, the department and the department of  
26 social and health services shall accomplish the following:

27 (a) Eliminate the current custody/visitation policy and design a  
28 subsidy system that is flexible and accounts for small fluctuations in  
29 family circumstances;

30 (b) Create broad authorization categories so that relatively minor  
31 changes in parents' work schedule does not require changes in  
32 authorization;

33 (c) Eliminate the activity schedule and reduce the number of minor  
34 changes that families are required to report; and

35 (d) Clarify and simplify the requirement to count child support as



1 income.

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