

2SHB 1491 - H AMD 205

By Representative Kagi

ADOPTED 3/9/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that
4 quality early care and education builds the foundation for a child's
5 success in school and in life. The legislature acknowledges that a
6 quality framework is necessary for the early care and education
7 system in Washington. The legislature recognizes that empirical
8 evidence supports the conclusion that high quality programs
9 consistently yield more positive outcomes for children, with the
10 strongest positive impacts on the most vulnerable children. The
11 legislature acknowledges that critical developmental windows exist in
12 early childhood, and low quality child care has damaging effects for
13 children. The legislature further understands that the proper dosage,
14 duration of programming, and stability of care are critical to
15 enhancing program quality and improving child outcomes. The
16 legislature acknowledges that the early care and education system
17 should strive to address the needs of Washington's culturally and
18 linguistically diverse populations. The legislature understands that
19 parental choice and provider diversity are guiding principles for
20 early learning programs.

21 (2) The legislature intends to prioritize the integration of
22 child care and preschool in an effort to promote full day
23 programming. The legislature further intends to reward quality and
24 create incentives for providers to participate in a quality rating
25 and improvement system that will also provide valuable information to
26 parents regarding the quality of care available in their communities.

27 **Sec. 2.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to
28 read as follows:

29 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)
30 (~~(Subject to the availability of amounts appropriated for this~~
31 ~~specific purpose,)) The department, in collaboration with tribal
32 governments and community and statewide partners, shall implement a~~

1 (~~voluntary~~) quality rating and improvement system, called the early
2 achievers program(~~, that~~). The early achievers program provides a
3 foundation of quality for the early care and education system. The
4 early achievers program is applicable to licensed or certified child
5 care centers and homes and early (~~education~~) learning programs such
6 as working connections child care and early childhood education and
7 assistance programs.

8 (2) The (~~purpose~~) objectives of the early achievers program
9 (~~is~~) are to:

10 (a) (~~To~~) Improve short-term and long-term educational outcomes
11 for children as measured by assessments including, but not limited
12 to, the Washington kindergarten inventory of developing skills in RCW
13 28A.655.080;

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

16 (c) Support improvement in early learning and child care programs
17 throughout the state(~~)~~;

18 (d) Increase the readiness of children for school(~~and~~);

19 (e) Close the (~~disparity~~) disparities in access to quality
20 care;

21 (f) Provide professional development and coaching opportunities
22 to early child care and education providers; and (~~b to~~)

23 (g) Establish a common set of expectations and standards that
24 define, measure, and improve the quality of early learning and child
25 care settings.

26 (3)(a) Licensed or certified child care centers and homes serving
27 nonschool age children and receiving state subsidy payments must
28 participate in the early achievers program by the required deadlines
29 established in RCW 43.215.135.

30 (b) Approved early childhood education and assistance program
31 providers receiving state-funded support must participate in the
32 early achievers program by the required deadlines established in RCW
33 43.215.415.

34 (c) Participation in the early achievers program is voluntary for
35 licensed or certified child care centers and homes not receiving
36 state subsidy payments.

37 (d) School age child care providers are exempt from participating
38 in the early achievers program. By July 1, 2017, the department shall
39 design a plan to incorporate school age child care providers into the
40 early achievers program. To test implementation of the early

1 achievers system for school age child care providers the department
2 shall implement a pilot program.

3 ~~(4) ((By fiscal year 2015, Washington state preschool programs~~
4 ~~receiving state funds must enroll in the early achievers program and~~
5 ~~maintain a minimum score level.~~

6 ~~(5) Before final implementation of the early achievers program,~~
7 ~~the department shall report on program progress, as defined within~~
8 ~~the race to the top federal grant award, and expenditures to the~~
9 ~~appropriate policy and fiscal committees of the legislature.)) There~~
10 are five levels in the early achievers program. Participants are
11 expected to actively engage and continually advance within the
12 program.

13 (5) The department has the authority to determine the rating
14 cycle for the early achievers program.

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

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

21 (c) The first rating is free for early achievers program
22 participants.

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

25 (6)(a) Early achievers program participants may request to be
26 rerated outside the established rating cycle.

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

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

33 (7)(a) The department must create a single source of information
34 for parents and caregivers to access details on a provider's early
35 achievers program rating level, licensing history, and other
36 indicators of quality and safety that will help parents and
37 caregivers make informed choices.

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

1 (i) By August 1, 2015, early achievers program rating levels 1
2 through 5 for all child care programs that receive state subsidy,
3 early childhood education and assistance programs, and federal head
4 start programs in Washington; and

5 (ii) New early achievers program ratings within thirty days after
6 a program becomes licensed or certified, or receives a rating.

7 (c) The early achievers program rating levels shall be published
8 in a manner that is easily accessible to parents and caregivers and
9 takes into account the linguistic needs of parents and caregivers.

10 (d) The department must publish early achievers program rating
11 levels for child care programs that do not receive state subsidy but
12 have voluntarily joined the early achievers program.

13 (e) Early achievers program participants who have published
14 rating levels on the department's web site or on a link on the
15 department's web site may include a brief description of their
16 program, contingent upon the review and approval by the department,
17 as determined by established marketing standards.

18 (8)(a) The department shall create a professional development
19 pathway for early achievers program participants to obtain a high
20 school diploma or equivalency or higher education credential in early
21 childhood education, early childhood studies, child development, or
22 an academic field related to early care and education.

23 (b) The professional development pathway must include
24 opportunities for scholarships and grants to assist early achievers
25 program participants with the costs associated with obtaining an
26 educational degree.

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

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

33 (10) In collaboration with tribal governments, community and
34 statewide partners, and the early achievers review subcommittee
35 created in RCW 43.215.090, the department shall develop a protocol
36 for granting early achievers program participants an extension in
37 meeting rating level requirement timelines outlined for the working
38 connections child care program and the early childhood education and
39 assistance program.

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

4 (b) Extensions shall not exceed six months, and early achievers
5 program participants are only eligible for one extension in meeting
6 rating level requirement timelines.

7 (c) Extensions may only be granted to early achievers program
8 participants who have demonstrated engagement in the early achievers
9 program.

10 (d) A report outlining the early achievers program extension
11 protocol shall be delivered to the appropriate committees of
12 legislature by December 31, 2015.

13 (11)(a) The department shall accept national accreditation that
14 meets the requirements of this subsection (11) as a qualification for
15 the early achievers program ratings.

16 (b) Each national accreditation agency will be allowed to submit
17 its most current standards of accreditation to establish potential
18 credit earned in the early achievers program. The department shall
19 grant credit to accreditation bodies that can demonstrate that their
20 standards meet or exceed the current early achievers program
21 standards.

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

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

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

38 (b) Tribal child care facilities and early learning programs are
39 not required to have their early achievers program rating level

1 published to the department's web site or through a link on the
2 department's web site; and

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

8 (13) The department shall consult with the early achievers review
9 subcommittee on all substantial policy changes to the early achievers
10 program.

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

16 NEW SECTION. Sec. 3. A new section is added to chapter 43.215
17 RCW to read as follows:

18 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
19 ACHIEVERS. (1)(a) Subject to the amounts appropriated for this
20 specific purpose, the department shall, in collaboration with tribal
21 governments and community and statewide partners, implement a
22 protocol to maximize and encourage participation in the early
23 achievers program for culturally diverse and low-income center and
24 family home child care providers.

25 (b) During the first thirty months of implementation of the early
26 achievers program the department shall prioritize the resources
27 authorized in this section to assist providers rating at a level 2 in
28 the early achievers program to help them reach a level 3 rating
29 wherever access to subsidized care is at risk.

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

32 (a) The creation of a substitute pool;

33 (b) The development of needs-based grants for providers at level
34 2 in the early achievers program to assist with purchasing curriculum
35 development, instructional materials, supplies, and equipment to
36 improve program quality. Priority for the needs-based grants shall be
37 given to culturally diverse and low-income providers;

1 (c) The development of materials and assessments in a timely
2 manner, and to the extent feasible, in the provider and family home
3 languages; and

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

7 **Sec. 4.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to
8 read as follows:

9 WORKING CONNECTIONS CHILD CARE. (1) The department shall
10 establish and implement policies in the working connections child
11 care program to promote stability and quality of care for children
12 from low-income households. These policies shall focus on supporting
13 school readiness for young learners. Policies for the expenditure of
14 funds constituting the working connections child care program must be
15 consistent with the outcome measures defined in RCW 74.08A.410 and
16 the standards established in this section intended to promote
17 ~~((continuity of care for children))~~ stability, quality, and
18 continuity of early care and education programming.

19 (2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public
20 Law 113-186, authorizations for the working connections child care
21 subsidy shall be effective for twelve months ~~((unless a change in~~
22 ~~circumstances necessitates reauthorization sooner than twelve months.~~
23 ~~The twelve-month certification applies only if the enrollments in the~~
24 ~~child care subsidy or working connections child care program are~~
25 ~~eapped.~~

26 ~~(3) Subject to the availability of amounts appropriated for this~~
27 ~~specific purpose, beginning September 1, 2013, working connections~~
28 ~~child care providers shall receive a five percent increase in the~~
29 ~~subsidy rate for enrolling in level 2 in the early achievers~~
30 ~~programs. Providers must complete level 2 and advance to level 3~~
31 ~~within thirty months in order to maintain this increase))~~ beginning
32 January 1, 2016.

33 (3) Existing child care providers serving nonschool age children
34 and receiving state subsidy payments must complete the following
35 requirements to be eligible for a state subsidy under this section:

36 (a) Enroll in the early achievers program by August 1, 2016;

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

1 (c) Rate at a level 3 or higher in the early achievers program by
2 February 1, 2019. If a child care provider rates below a level 3 by
3 February 1, 2019, the provider must complete remedial activities with
4 the department, and rate at a level 3 or higher no later than August
5 1, 2019.

6 (4) Effective July 1, 2016, a new child care provider serving
7 nonschool age children and receiving state subsidy payments must
8 complete the following activities to be eligible to receive a state
9 subsidy under this section:

10 (a) Enroll in the early achievers program within thirty days;

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

13 (c) Rate at a level 3 or higher in the early achievers program
14 within thirty months of enrollment. If a child care provider rates
15 below a level 3 within thirty months from enrollment into the early
16 achievers program, the provider must complete remedial activities
17 with the department, and rate at a level 3 or higher within six
18 months.

19 (5) If a child care provider does not rate at a level 3 or higher
20 following the remedial period, the provider is no longer eligible to
21 receive state subsidy under this section.

22 (6) If a child care provider serving nonschool age children and
23 receiving state subsidy payments has successfully completed all level
24 2 activities and is waiting to be rated by the deadline provided in
25 this section, the provider may continue to receive a state subsidy
26 pending the successful completion of the level 3 rating activity.

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

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

33 **Sec. 5.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
34 read as follows:

35 WORKING CONNECTIONS CHILD CARE. When an applicant or recipient
36 applies for or receives working connections child care benefits, (~~he~~
37 ~~or she~~) the applicant or recipient is required to(~~+~~

38 ~~+~~) notify the department of social and health services, within
39 five days, of any change in providers(~~+~~and

1 ~~(2) Notify the department of social and health services, within~~
2 ~~ten days, about any significant change related to the number of child~~
3 ~~care hours the applicant or recipient needs, cost sharing, or~~
4 ~~eligibility)).~~

5 **Sec. 6.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
6 read as follows:

7 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
8 department shall adopt rules under chapter 34.05 RCW for the
9 administration of the early childhood education and assistance
10 program. Approved early childhood education and assistance programs
11 shall conduct needs assessments of their service area(~~(7)~~) and
12 identify any targeted groups of children, to include but not be
13 limited to children of seasonal and migrant farmworkers and native
14 American populations living either on or off reservation(~~(7, and)~~).
15 Approved early childhood education and assistance programs shall
16 provide to the department a service delivery plan, to the extent
17 practicable, that addresses these targeted populations.

18 (2) The department, in developing rules for the early childhood
19 education and assistance program, shall consult with the early
20 learning advisory ((committee)) council, and shall consider such
21 factors as coordination with existing head start and other early
22 childhood programs, the preparation necessary for instructors,
23 qualifications of instructors, adequate space and equipment, and
24 special transportation needs. The rules shall specifically require
25 the early childhood programs to provide for parental involvement in
26 participation with their child's program, in local program policy
27 decisions, in development and revision of service delivery systems,
28 and in parent education and training.

29 (3)(a) The department shall adopt rules pertaining to the early
30 childhood education and assistance program that outline allowable
31 periods of child absences, required contact with parents or
32 caregivers to discuss child absences and encourage regular
33 attendance, and a de-enrollment procedure when allowable child
34 absences are exceeded.

35 (b) Rules pertaining to child absences and de-enrollment
36 procedures shall be adopted no later than July 31, 2016.

37 (4) The department shall adopt rules requiring early childhood
38 education and assistance program employees who have access to
39 children to submit to a fingerprint background check. Fingerprint

1 background check procedures for the early childhood education and
2 assistance program shall be the same as the background check
3 procedures in RCW 43.215.215.

4 **Sec. 7.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
5 read as follows:

6 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
7 early childhood education and assistance programs shall receive
8 state-funded support through the department. Public or private
9 ((nonsectarian)) organizations, including, but not limited to school
10 districts, educational service districts, community and technical
11 colleges, local governments, or nonprofit organizations, are eligible
12 to participate as providers of the state early childhood education
13 and assistance program. ((Funds appropriated for the state program
14 shall be used to continue to operate existing programs or to
15 establish new or expanded early childhood programs, and shall not be
16 used to supplant federally supported head start programs.))

17 (2) Funds obtained by providers through voluntary grants or
18 contributions from individuals, agencies, corporations, or
19 organizations may be used to expand or enhance preschool programs so
20 long as program standards established by the department are
21 maintained((, but shall not be used to supplant federally supported
22 head start programs or state-supported early childhood programs)).

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

29 (4) Existing early childhood education and assistance program
30 providers must complete the following requirements to be eligible to
31 receive state-funded support under the early childhood education and
32 assistance program:

33 (a) Enroll in the early achievers program by August 1, 2015;

34 (b) Rate at a level 4 or 5 in the early achievers program by
35 January 1, 2016. If an early childhood education and assistance
36 program provider rates below a level 4 by January 1, 2016, the
37 provider must complete remedial activities with the department, and
38 rate at a level 4 or 5 within six months.

1 (5) Effective August 1, 2015, a new early childhood education and
2 assistance program provider must complete the requirements in this
3 subsection (5) to be eligible to receive state-funded support under
4 the early childhood education and assistance program:

5 (a) Enroll in the early achievers program within thirty days;

6 (b) Rate at a level 4 or 5 in the early achievers program within
7 twelve months of enrollment. If an early childhood education and
8 assistance program provider rates below a level 4 within twelve
9 months of enrollment, the provider must complete remedial activities
10 with the department, and rate at a level 4 or 5 within six months.

11 (6)(a) If an early childhood education and assistance program
12 provider has successfully completed all of the required early
13 achievers program activities and is waiting to be rated by the
14 deadline provided in this section, the provider may continue to
15 participate in the early achievers program as an approved early
16 childhood education and assistance program provider and receive state
17 subsidy pending the successful completion of a level 4 or 5 rating.

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

23 (7) The department shall collect data to determine the demand for
24 full-day programming for early childhood education and assistance
25 program providers. The department shall analyze this demand by
26 geographic region and report the findings to the appropriate
27 committees of the legislature by January 1, 2016.

28 (8) By December 1, 2015, the department shall develop a pathway
29 for family home providers to administer an early childhood education
30 and assistance program.

31 **Sec. 8.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to
32 read as follows:

33 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
34 September 1, 2011, an early learning program to provide voluntary
35 preschool opportunities for children three and four years of age
36 shall be implemented according to the funding and implementation plan
37 in RCW ((43.215.142)) 43.215.456. The program must ((be)) offer a
38 comprehensive program ((providing)) of early childhood education and
39 family support, ((options for)) including parental involvement((,))

1 and health information, screening, and referral services, ~~((as))~~
2 based on family need ~~((is determined))~~. Participation in the program
3 is voluntary. On a space available basis, the program may allow
4 enrollment of children who are not otherwise eligible by assessing a
5 fee.

6 (2) The ~~((first phase of the))~~ program shall be implemented by
7 utilizing the program standards and eligibility criteria in the early
8 childhood education and assistance program in RCW 43.215.400 through
9 43.215.450.

10 (3)(a) Beginning in the 2015-16 school year, the program
11 implementation in this section shall prioritize early childhood
12 education and assistance programs located in low-income neighborhoods
13 within high-need geographical areas.

14 (b) Following the priority in (a) of this subsection, preference
15 shall be given to programs meeting at least one of the following
16 characteristics:

17 (i) Programs offering extended day early care and education
18 programming;

19 (ii) Programs offering services to children diagnosed with a
20 special need; or

21 (iii) Programs offering services to children involved in the
22 child welfare system.

23 (4) The director shall adopt rules for the following program
24 components, as appropriate and necessary during the phased
25 implementation of the program, consistent with early achievers
26 program standards established in RCW 43.215.100:

27 (a) Minimum program standards ~~((, including lead teacher,~~
28 ~~assistant teacher, and staff qualifications));~~

29 (b) Approval of program providers; and

30 (c) Accountability and adherence to performance standards.

31 ~~((4))~~ (5) The department has administrative responsibility for:

32 (a) Approving and contracting with providers according to rules
33 developed by the director under this section;

34 (b) In partnership with school districts, monitoring program
35 quality and assuring the program is responsive to the needs of
36 eligible children;

37 (c) Assuring that program providers work cooperatively with
38 school districts to coordinate the transition from preschool to
39 kindergarten so that children and their families are well-prepared
40 and supported; and

1 (d) Providing technical assistance to contracted providers.

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

4 PROGRAM DATA COLLECTION AND EVALUATION. (1) The education data
5 center established in RCW 43.41.400 must collect longitudinal,
6 student-level data on all children attending a working connections
7 child care program or an early childhood education and assistance
8 program. Data collected should capture at a minimum the following
9 characteristics:

10 (a) Daily program attendance;

11 (b) Identification of classroom and teacher;

12 (c) Early achievers program quality level rating;

13 (d) Program hours;

14 (e) Program duration;

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

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

20 (2) The department shall provide child care and early learning
21 providers student-level data collected pursuant to this section that
22 are specific to the child care provider's or the early learning
23 provider's program.

24 (3) Every four years, the department in collaboration with the
25 early achievers review subcommittee shall review the data collected
26 on the achievement of the early achievers program standards and
27 provide a report to the appropriate committees of the legislature.
28 The report shall include, but not be limited to, the following:

29 (a) Recommendations for improving the early achievers program
30 standards;

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

33 (c) Recommendations for improving access to providers rated at a
34 level 3 or higher in the early achievers program by children from
35 diverse cultural backgrounds; and

36 (d) To the extent data is available, an analysis of the
37 distribution of early achievers program rated facilities in relation
38 to child and provider demographics, including but not limited to race
39 and ethnicity, home language, and geographical location.

1 (4)(a) The department shall review available research and best
2 practices literature on cultural competency in early learning
3 settings. The department shall review the K-12 components for
4 cultural competency developed by the professional educator standards
5 board and identify components appropriate for early learning
6 professional development.

7 (b) By July 31, 2016, the department shall provide
8 recommendations to the appropriate committees of the legislature and
9 the early learning advisory council on research-based cultural
10 competency standards for early learning professional training.

11 (5)(a) The Washington state institute for public policy shall
12 conduct a longitudinal analysis examining relationships between the
13 early achievers program quality ratings levels and outcomes for
14 children participating in subsidized early care and education
15 programs.

16 (b) The institute shall submit the first report to the
17 appropriate committees of the legislature and the early learning
18 advisory council by December 31, 2018. The institute shall submit
19 subsequent reports annually to the appropriate committees of the
20 legislature and the early learning advisory council by December 31st,
21 with the final report due December 31, 2021. The final report shall
22 include a cost-benefit analysis.

23 (6)(a) The department shall complete an annual early learning
24 program implementation report on the early childhood education and
25 assistance program and the working connections child care program.

26 (b) The early learning program implementation report must be
27 posted annually on the department's web site and delivered to the
28 appropriate committees of the legislature. The first report is due by
29 December 31, 2015, and the final report is due by December 31, 2019.

30 (c) The early learning program implementation report must address
31 the following:

32 (i) Progress on early childhood education and assistance program
33 implementation as required pursuant to RCW 43.215.415, 43.215.425,
34 and 43.215.455;

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

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

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

1 (v) An analysis of any impact from quality strengthening efforts
2 on the availability and quality of infant and toddler care;

3 (vi) An analysis of any impact of extended day early care and
4 education opportunities directives;

5 (vii) An examination of any identified barriers for providers to
6 offer extended day early care and education opportunities; and

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

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

12 CONTRACTED CHILD CARE SLOTS AND VOUCHERS. (1) The department
13 shall employ a combination of vouchers and contracted slots for the
14 subsidized child care programs in RCW 43.215.135 and 43.215.415.
15 Child care vouchers preserve parental choice. Child care contracted
16 slots promote access to continuous quality care for children, provide
17 parents and caregivers stable child care that supports employment,
18 and allow providers to have predictable funding.

19 (2) Only child care providers who participate in the early
20 achievers program and rate at a level 3, 4, or 5 are eligible to be
21 awarded a contracted slot.

22 (3)(a) The department is required to use data to calculate a set
23 number of targeted contracted slots. In calculating the number, the
24 department must take into account a balance of family home and center
25 child care programs and the overall geographic distribution of child
26 care programs in the state and the distribution of slots between ages
27 zero and five.

28 (b) The targeted contracted slots are reserved for programs
29 meeting both of the following conditions:

30 (i) Programs in low-income neighborhoods; and

31 (ii) Programs that consist of at least fifty percent of children
32 receiving subsidy pursuant to RCW 43.215.135.

33 (c) Until August 1, 2017, the department shall award at least
34 fifty percent of the contracted slots for children birth to age
35 three.

36 (4) The department shall award the remaining contracted slots via
37 a competitive process and prioritize child care programs with at
38 least one of the following characteristics:

39 (a) Programs located in a high-need geographic area;

1 (b) Programs partnering with elementary schools to offer
2 transitional planning and support to children as they advance to
3 kindergarten;

4 (c) Programs serving children involved in the child welfare
5 system; or

6 (d) Programs serving children diagnosed with a special need.

7 (5)(a) The department shall adopt rules pertaining to the working
8 connections child care program for both contracted slots and child
9 care vouchers that outline the following:

10 (i) Allowable periods of child absences;

11 (ii) Required contact with parents or caregivers to discuss child
12 absences and encourage regular program attendance; and

13 (iii) A de-enrollment procedure when allowable child absences are
14 exceeded.

15 (b) Rules pertaining to child absences and de-enrollment
16 procedures shall be adopted no later than July 31, 2016.

17 (6) The department shall pay a provider for each contracted slot,
18 unless a contracted slot is not used for thirty days.

19 (7)(a) By December 31, 2015, the department shall provide a
20 report to the appropriate committees of the legislature on the number
21 of contracted slots that use both early childhood education
22 assistance program funding and working connections child care program
23 funding.

24 (b) The report must be provided annually, with the last report
25 due December 31, 2018.

26 **Sec. 11.** RCW 43.215.020 and 2013 c 323 s 5 are each amended to
27 read as follows:

28 DEPARTMENT OF EARLY LEARNING DUTIES. (1) The department of early
29 learning is created as an executive branch agency. The department is
30 vested with all powers and duties transferred to it under this
31 chapter and such other powers and duties as may be authorized by law.

32 (2) The primary duties of the department are to implement state
33 early learning policy and to coordinate, consolidate, and integrate
34 child care and early learning programs in order to administer
35 programs and funding as efficiently as possible. The department's
36 duties include, but are not limited to, the following:

37 (a) To support both public and private sectors toward a
38 comprehensive and collaborative system of early learning that serves

1 parents, children, and providers and to encourage best practices in
2 child care and early learning programs;

3 (b) To make early learning resources available to parents and
4 caregivers;

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

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

10 (e) To apply data already collected comparing the following
11 factors and make biennial recommendations to the legislature
12 regarding working connections subsidy and state-funded preschool
13 rates and compensation models that would attract and retain high
14 quality early learning professionals:

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

17 (ii) State-funded early learning subsidy rates and market rates
18 of licensed child care homes and centers that serve children ages
19 birth to three;

20 (iii) Compensation of early learning educators in licensed
21 centers and homes and early learning teachers at state higher
22 education institutions;

23 ~~((iii))~~ (iv) State-funded preschool program compensation rates
24 and Washington state head start program compensation rates; and

25 ~~((iv))~~ (v) State-funded preschool program compensation to
26 compensation in similar comprehensive programs in other states;

27 (f) To serve as the state lead agency for Part C of the federal
28 individuals with disabilities education act (IDEA);

29 (g) To standardize internal financial audits, oversight visits,
30 performance benchmarks, and licensing criteria, so that programs can
31 function in an integrated fashion;

32 (h) To support the implementation of the nongovernmental private-
33 public partnership and cooperate with that partnership in pursuing
34 its goals including providing data and support necessary for the
35 successful work of the partnership;

36 (i) To work cooperatively and in coordination with the early
37 learning council;

38 (j) To collaborate with the K-12 school system at the state and
39 local levels to ensure appropriate connections and smooth transitions
40 between early learning and K-12 programs;

1 (k) To develop and adopt rules for administration of the program
2 of early learning established in RCW ((43.215.141)) 43.215.455;

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

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

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

20 (4) Home visiting services must include programs that serve
21 families involved in the child welfare system.

22 (5) Subject to the availability of amounts appropriated for this
23 specific purpose, the legislature shall fund the expansion in the
24 Washington state preschool program pursuant to RCW ((43.215.142))
25 43.215.456 in fiscal year 2014.

26 (6) The department's programs shall be designed in a way that
27 respects and preserves the ability of parents and legal guardians to
28 direct the education, development, and upbringing of their children,
29 and that recognizes and honors cultural and linguistic diversity. The
30 department shall include parents and legal guardians in the
31 development of policies and program decisions affecting their
32 children.

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

35 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2016,
36 the department shall implement a single set of licensing standards
37 for child care and the early childhood education and assistance
38 program. The new licensing standards must:

- 1 (1) Provide minimum health and safety standards for child care
2 and preschool programs;
- 3 (2) Rely on the standards established in the early achievers
4 program to address quality issues in participating early childhood
5 programs;
- 6 (3) Take into account the separate needs of family care providers
7 and child care centers; and
- 8 (4) Promote the continued safety of child care settings.

9 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.215
10 RCW to read as follows:

11 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
12 quality in the early care and education system in Washington is the
13 quality rating and improvement system entitled the early achievers
14 program. In an effort to build on the existing quality framework,
15 enhance access to quality care for children, and strengthen the
16 entire early care and education systems in the state, it is important
17 to integrate the efforts of state and local governments.

18 (2) Local governments are encouraged to collaborate with the
19 department when establishing early learning programs for residents.

20 (3) Local governments may contribute funds to the department for
21 the following purposes:

22 (a) Initial investments to build capacity and quality in local
23 early care and education programming; and

24 (b) Reductions in copayments charged to parents or caregivers.

25 (4) Funds contributed to the department by local governments must
26 be deposited in the early start account established in section 15 of
27 this act.

28 **Sec. 14.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to
29 read as follows:

30 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
31 council is established to advise the department on statewide early
32 learning issues that would build a comprehensive system of quality
33 early learning programs and services for Washington's children and
34 families by assessing needs and the availability of services,
35 aligning resources, developing plans for data collection and
36 professional development of early childhood educators, and
37 establishing key performance measures.

1 (2) The council shall work in conjunction with the department to
2 develop a statewide early learning plan that guides the department in
3 promoting alignment of private and public sector actions, objectives,
4 and resources, and ensuring school readiness.

5 (3) The council shall include diverse, statewide representation
6 from public, nonprofit, and for-profit entities. Its membership shall
7 reflect regional, racial, and cultural diversity to adequately
8 represent the needs of all children and families in the state.

9 (4) Councilmembers shall serve two-year terms. However, to
10 stagger the terms of the council, the initial appointments for twelve
11 of the members shall be for one year. Once the initial one-year to
12 two-year terms expire, all subsequent terms shall be for two years,
13 with the terms expiring on June 30th of the applicable year. The
14 terms shall be staggered in such a way that, where possible, the
15 terms of members representing a specific group do not expire
16 simultaneously.

17 (5) The council shall consist of not more than twenty-three
18 members, as follows:

19 (a) The governor shall appoint at least one representative from
20 each of the following: The department, the office of financial
21 management, the department of social and health services, the
22 department of health, the student achievement council, and the state
23 board for community and technical colleges;

24 (b) One representative from the office of the superintendent of
25 public instruction, to be appointed by the superintendent of public
26 instruction;

27 (c) The governor shall appoint seven leaders in early childhood
28 education, with at least one representative with experience or
29 expertise in one or more of the areas such as the following: The K-12
30 system, family day care providers, and child care centers with four
31 of the seven governor's appointees made as follows:

32 (i) The head start state collaboration office director or the
33 director's designee;

34 (ii) A representative of a head start, early head start, migrant/
35 seasonal head start, or tribal head start program;

36 (iii) A representative of a local education agency; and

37 (iv) A representative of the state agency responsible for
38 programs under section 619 or part C of the federal individuals with
39 disabilities education act;

1 (d) Two members of the house of representatives, one from each
2 caucus, and two members of the senate, one from each caucus, to be
3 appointed by the speaker of the house of representatives and the
4 president of the senate, respectively;

5 (e) Two parents, one of whom serves on the department's parent
6 advisory group, to be appointed by the governor;

7 (f) One representative of the private-public partnership created
8 in RCW 43.215.070, to be appointed by the partnership board;

9 (g) One representative designated by sovereign tribal
10 governments; and

11 (h) One representative from the Washington federation of
12 independent schools.

13 (6) The council shall be cochaired by one representative of a
14 state agency and one nongovernmental member, to be elected by the
15 council for two-year terms.

16 (7) The council shall appoint two members and stakeholders with
17 expertise in early learning to sit on the technical working group
18 created in section 2, chapter 234, Laws of 2010.

19 (8) Each member of the board shall be compensated in accordance
20 with RCW 43.03.240 and reimbursed for travel expenses incurred in
21 carrying out the duties of the board in accordance with RCW 43.03.050
22 and 43.03.060.

23 (9)(a) The council shall convene an early achievers review
24 subcommittee to provide feedback and guidance on strategies to
25 improve the quality of instruction and environment for early learning
26 and provide input and recommendations on the implementation and
27 refinement of the early achievers program. At a minimum the review
28 shall address the following:

29 (i) Adequacy of data collection procedures;

30 (ii) Coaching and technical assistance standards;

31 (iii) Progress in reducing barriers to participation for low-
32 income providers and providers from diverse cultural backgrounds;

33 (iv) Strategies in response to data on the effectiveness of early
34 achievers program standards in relation to providers and children
35 from diverse cultural backgrounds;

36 (v) Status of the life circumstance exemption protocols; and

37 (vi) Analysis of early achievers program data trends.

38 (b) The subcommittee must include consideration of cultural
39 linguistic responsiveness when analyzing the areas for review
40 required by (a) of this subsection.

1 (c) Beginning January 1, 2016, the subcommittee shall provide an
2 annual report of the review findings and recommendations to the
3 department and the appropriate committees of the legislature.

4 (d) The subcommittee shall include representatives from child
5 care centers, family child care, the early childhood education and
6 assistance program, contractors for early achievers program technical
7 assistance and coaching, the organization responsible for conducting
8 early achiever program ratings, and parents of children participating
9 in early learning programs. The subcommittee shall include
10 representatives from diverse cultural and linguistic backgrounds.

11 (10) The department shall provide staff support to the council.

12 NEW SECTION. Sec. 15. A new section is added to chapter 43.215
13 RCW to read as follows:

14 EARLY START ACCOUNT. The early start account is created in the
15 state treasury. Revenues in the account shall consist of
16 appropriations by the legislature and all other sources deposited
17 into the account. Moneys in the account may only be used after
18 appropriation. Expenditures from the account may be used only to
19 improve the quality of early care and education programming. The
20 department oversees the account.

21 **Sec. 16.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1
22 are each reenacted and amended to read as follows:

23 DEFINITIONS. The definitions in this section apply throughout
24 this chapter unless the context clearly requires otherwise.

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

29 (a) "Child day care center" means an agency that regularly
30 provides early childhood education and early learning services for a
31 group of children for periods of less than twenty-four hours;

32 (b) "Early learning" includes but is not limited to programs and
33 services for child care; state, federal, private, and nonprofit
34 preschool; child care subsidies; child care resource and referral;
35 parental education and support; and training and professional
36 development for early learning professionals;

37 (c) "Family day care provider" means a child care provider who
38 regularly provides early childhood education and early learning

1 services for not more than twelve children in the provider's home in
2 the family living quarters;

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

8 (e) "Service provider" means the entity that operates a community
9 facility.

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

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

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

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

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

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

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

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

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

31 (e) Nursery schools that are engaged primarily in early childhood
32 education with preschool children and in which no child is enrolled
33 on a regular basis for more than four hours per day;

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

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

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

5 (i) Activities other than employment; or

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

10 (i) Any entity that provides recreational or educational
11 programming for school((-))age((@)) children only and the entity
12 meets all of the following requirements:

13 (i) The entity utilizes a drop-in model for programming, where
14 children are able to attend during any or all program hours without a
15 formal reservation;

16 (ii) The entity does not assume responsibility in lieu of the
17 parent, unless for coordinated transportation;

18 (iii) The entity is a local affiliate of a national nonprofit;
19 and

20 (iv) The entity is in compliance with all safety and quality
21 standards set by the associated national agency;

22 (j) A program operated by any unit of local, state, or federal
23 government or an agency, located within the boundaries of a federally
24 recognized Indian reservation, licensed by the Indian tribe;

25 (k) A program located on a federal military reservation, except
26 where the military authorities request that such agency be subject to
27 the licensing requirements of this chapter;

28 (l) A program that offers early learning and support services,
29 such as parent education, and does not provide child care services on
30 a regular basis.

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

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

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

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

38 (7) "Early achievers" means a program that improves the quality
39 of early learning programs and supports and rewards providers for
40 their participation.

1 (8) "Early start" means an integrated high quality continuum of
2 early learning programs for children birth-to-five years of age.
3 Components of early start include, but are not limited to, the
4 following:

5 (a) Home visiting and parent education and support programs;

6 (b) The early achievers program described in RCW 43.215.100;

7 (c) Integrated full-day and part-day high quality early learning
8 programs; and

9 (d) High quality preschool for children whose family income is at
10 or below one hundred ten percent of the federal poverty level.

11 (9) "Education data center" means the education data center
12 established in RCW 43.41.400, commonly referred to as the education
13 research and data center.

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

17 (~~(10)~~) (11) "Enforcement action" means denial, suspension,
18 revocation, modification, or nonrenewal of a license pursuant to RCW
19 43.215.300(1) or assessment of civil monetary penalties pursuant to
20 RCW 43.215.300(3).

21 (~~(11)~~) (12) "Extended day program" means an early childhood
22 education and assistance program that offers child care for at least
23 ten hours per day, five days per week, year round.

24 (13) "Full day program" means an early childhood education and
25 assistance program that offers child care for at least six hours per
26 day, a minimum of one thousand hours per year, and at least four days
27 per week.

28 (14) "Low-income child care provider" means a person who
29 administers a child care program that consists of at least eighty
30 percent of children receiving working connections child care subsidy.

31 (15) "Low-income neighborhood" means a district or community
32 where more than twenty percent of households are below the federal
33 poverty level.

34 (16) "Negative action" means a court order, court judgment, or an
35 adverse action taken by an agency, in any state, federal, tribal, or
36 foreign jurisdiction, which results in a finding against the
37 applicant reasonably related to the individual's character,
38 suitability, and competence to care for or have unsupervised access
39 to children in child care. This may include, but is not limited to:

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

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

3 (c) An adverse agency action, including termination, revocation,
4 or denial of a license or certification, or if pending adverse agency
5 action, the voluntary surrender of a license, certification, or
6 contract in lieu of the adverse action;

7 (d) A revocation, denial, or restriction placed on any
8 professional license; or

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

10 ~~((12))~~ (17) "Nonconviction information" means arrest, founded
11 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
12 or other negative action adverse to the applicant.

13 ~~((13))~~ (18) "Non-school age child" means a child birth through
14 six years of age who has yet to enter kindergarten or school.

15 (19) "Part day program" means an early childhood education and
16 assistance program that offers child care for at least two and one-
17 half hours per class session, at least three hundred twenty hours per
18 year, for a minimum of thirty weeks per year.

19 (20) "Probationary license" means a license issued as a
20 disciplinary measure to an agency that has previously been issued a
21 full license but is out of compliance with licensing standards.

22 ~~((14))~~ (21) "Requirement" means any rule, regulation, or
23 standard of care to be maintained by an agency.

24 ~~((15))~~ (22) "School age child" means a child not less than five
25 years of age through twelve years of age and who is attending
26 kindergarten or school.

27 (23) "Washington state preschool program" means an education
28 program for children three-to-five years of age who have not yet
29 entered kindergarten, such as the early childhood education and
30 assistance program.

31 NEW SECTION. Sec. 17. REPEALER. 2013 2nd sp.s. c 16 s 2
32 (uncodified) is repealed.

33 NEW SECTION. Sec. 18. A new section is added to chapter 43.215
34 RCW to read as follows:

35 SHORT TITLE. Chapter . . ., Laws of 2015 (this act) may be known
36 and cited as the early start act.

1 NEW SECTION. **Sec. 19.** NULL AND VOID. If specific funding for
2 the purposes of this act, referencing this act by bill or chapter
3 number, is not provided by June 30, 2015, in the omnibus
4 appropriations act, this act is null and void."

5 Correct the title.

EFFECT: Retains the provisions of the underlying second substitute with the following changes:

Replaces the requirement that participants continually advance from level 1 to level 5 in the Early Achievers program with the requirement that participants continually advance within the Early Achievers program.

Allows but does not require the Department of Early Learning (DEL) to charge a fee for optional reratings of Early Achievers program participants conducted outside the established rating cycle.

Requires the DEL to consult with the Early Achievers Review Subcommittee on all substantial policy changes to the Early Achievers program.

Extends the deadlines by one year for existing child care providers serving nonschool age children and receiving Working Connections Child Care subsidy payments.

Requires the DEL to review available research and best practices literature on cultural competency in early learning settings.

Requires the DEL to award 50 percent of the contracted slots for children birth to age three until August 1, 2017.

--- END ---