

1 strongest positive impacts on the most vulnerable children. The
2 legislature acknowledges that critical developmental windows exist in
3 early childhood, and low quality child care has damaging effects for
4 children. The legislature further understands that the proper dosage,
5 duration of programming, and stability of care are critical to
6 enhancing program quality and improving child outcomes. The
7 legislature acknowledges that the early care and education system
8 should strive to address the needs of Washington's culturally and
9 linguistically diverse populations. The legislature understands that
10 parental choice and provider diversity are guiding principles for
11 early learning programs.

12 (2) The legislature intends to prioritize the integration of
13 child care and preschool in an effort to promote full day
14 programming. The legislature further intends to reward quality and
15 create incentives for providers to participate in a quality rating
16 and improvement system that will also provide valuable information to
17 parents regarding the quality of care available in their communities.

18 **Sec. 102.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to
19 read as follows:

20 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)
21 (~~Subject to the availability of amounts appropriated for this~~
22 ~~specific purpose,~~) The department, in collaboration with tribal
23 governments and community and statewide partners, shall implement a
24 ((voluntary)) quality rating and improvement system, called the early
25 achievers program((, that)). The early achievers program provides a
26 foundation of quality for the early care and education system. The
27 early achievers program is applicable to licensed or certified child
28 care centers and homes and early ((education)) learning programs such
29 as working connections child care and early childhood education and
30 assistance programs.

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

33 (a) ~~((To))~~ Improve short-term and long-term educational outcomes
34 for children as measured by assessments including, but not limited
35 to, the Washington kindergarten inventory of developing skills in RCW
36 28A.655.080;

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

1 (c) Support improvement in early learning and child care programs
2 throughout the state((τ))i

3 (d) Increase the readiness of children for school((τ—and))i

4 (e) Close the ((disparity)) disparities in access to quality
5 care;

6 (f) Provide professional development and coaching opportunities
7 to early child care and education providers; and ((b—to))

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

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

15 (b) Approved early childhood education and assistance program
16 providers receiving state-funded support must participate in the
17 early achievers program by the required deadlines established in RCW
18 43.215.415.

19 (c) Participation in the early achievers program is voluntary
20 for:

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

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

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

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

35 (5) Before final implementation of the early achievers program,
36 the department shall report on program progress, as defined within
37 the race to the top federal grant award, and expenditures to the
38 appropriate policy and fiscal committees of the legislature.)) There
39 are five levels in the early achievers program. Participants are

1 expected to actively engage and continually advance within the
2 program.

3 (5) The department has the authority to determine the rating
4 cycle for the early achievers program. The department shall
5 streamline and eliminate duplication between early achievers
6 standards and state child care rules in order to reduce costs
7 associated with the early achievers rating cycle and child care
8 licensing.

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

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

15 (c) The first rating is free for early achievers program
16 participants.

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

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

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

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

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

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

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

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

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

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

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

12 (8)(a) The department shall create a professional development
13 pathway for early achievers program participants to obtain a high
14 school diploma or equivalency or higher education credential in early
15 childhood education, early childhood studies, child development, or
16 an academic field related to early care and education.

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

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

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

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

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

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

1 (c) Extensions may only be granted to early achievers program
2 participants who have demonstrated engagement in the early achievers
3 program.

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

7 (b) Each national accreditation agency will be allowed to submit
8 its most current standards of accreditation to establish potential
9 credit earned in the early achievers program. The department shall
10 grant credit to accreditation bodies that can demonstrate that their
11 standards meet or exceed the current early achievers program
12 standards.

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

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

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

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

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

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

1 (14) The department shall consult with the early achievers review
2 subcommittee on all substantial policy changes to the early achievers
3 program.

4 (15) Nothing in this section changes the department's
5 responsibility to collectively bargain over mandatory subjects or
6 limits the legislature's authority to make programmatic modifications
7 to licensed child care and early learning programs under RCW
8 41.56.028(4)(d).

9 NEW SECTION. Sec. 103. A new section is added to chapter 43.215
10 RCW to read as follows:

11 SINGLE SET OF LICENSING STANDARDS. (1) No later than November 1,
12 2016, the department shall implement a single set of licensing
13 standards for child care and the early childhood education and
14 assistance program. The department shall produce the single set of
15 licensing standards within the department's available appropriations.
16 The new licensing standards must:

17 (a) Provide minimum health and safety standards for child care
18 and preschool programs;

19 (b) Rely on the standards established in the early achievers
20 program to address quality issues in participating early childhood
21 programs;

22 (c) Take into account the separate needs of family care providers
23 and child care centers; and

24 (d) Promote the continued safety of child care settings.

25 (2) Private schools that operate early learning programs and do
26 not receive state subsidy payments shall be subject only to the
27 minimum health and safety standards in subsection (1)(a) of this
28 section and the requirements necessary to assure a sufficient early
29 childhood education to meet usual requirements needed for transition
30 into elementary school. The state, and any agency thereof, shall not
31 restrict or dictate any specific educational or other programs for
32 early learning programs operated by private schools except for
33 programs that receive state subsidy payments.

34 **Sec. 104.** RCW 43.215.200 and 2011 c 359 s 2 and 2011 c 253 s 3
35 are each reenacted and amended to read as follows:

36 DIRECTOR'S LICENSING DUTIES. It shall be the director's duty with
37 regard to licensing:

1 (1) In consultation and with the advice and assistance of persons
2 representative of the various type agencies to be licensed, to
3 designate categories of child care facilities for which separate or
4 different requirements shall be developed as may be appropriate
5 whether because of variations in the ages and other characteristics
6 of the children served, variations in the purposes and services
7 offered or size or structure of the agencies to be licensed, or
8 because of any other factor relevant thereto;

9 (2)(a) In consultation with the state fire marshal's office, the
10 director shall use an interagency process to address health and
11 safety requirements for child care programs that serve school age
12 children and are operated in buildings that contain public or private
13 schools that safely serve children during times in which school is in
14 session;

15 (b) Any requirements in (a) of this subsection as they relate to
16 the physical facility, including outdoor playgrounds, do not apply to
17 before-school and after-school programs that serve only school age
18 children and operate in the same facilities used by public or private
19 schools;

20 (3) In consultation and with the advice and assistance of parents
21 or guardians, and persons representative of the various type agencies
22 to be licensed, to adopt and publish minimum requirements for
23 licensing applicable to each of the various categories of agencies to
24 be licensed under this chapter;

25 (4) In consultation with law enforcement personnel, the director
26 shall investigate the conviction record or pending charges of each
27 agency and its staff seeking licensure or relicensure, and other
28 persons having unsupervised access to children in care;

29 (5) To satisfy the shared background check requirements provided
30 for in RCW 43.215.215 and 43.20A.710, the department of early
31 learning and the department of social and health services shall share
32 federal fingerprint-based background check results as permitted under
33 the law. The purpose of this provision is to allow both departments
34 to fulfill their joint background check responsibility of checking
35 any individual who may have unsupervised access to vulnerable adults,
36 children, or juveniles. Neither department may share the federal
37 background check results with any other state agency or person;

38 (6) To issue, revoke, or deny licenses to agencies pursuant to
39 this chapter. Licenses shall specify the category of care that an

1 agency is authorized to render and the ages and number of children to
2 be served;

3 (7) To prescribe the procedures and the form and contents of
4 reports necessary for the administration of this chapter and to
5 require regular reports from each licensee;

6 (8) To inspect agencies periodically to determine whether or not
7 there is compliance with this chapter and the requirements adopted
8 under this chapter;

9 (9) To review requirements adopted under this chapter at least
10 every two years and to adopt appropriate changes after consultation
11 with affected groups for child day care requirements; and

12 (10) To consult with public and private agencies in order to help
13 them improve their methods and facilities for the care and early
14 learning of children.

15 NEW SECTION. **Sec. 105.** A new section is added to chapter 43.215
16 RCW to read as follows:

17 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
18 ACHIEVERS. (1)(a) The department shall, in collaboration with tribal
19 governments and community and statewide partners, implement a
20 protocol to maximize and encourage participation in the early
21 achievers program for culturally diverse and low-income center and
22 family home child care providers. Amounts appropriated for the
23 encouragement of culturally diverse and low-income center and family
24 home child care provider participation shall be appropriated
25 separately from the other funds appropriated for the department, are
26 the only funds that may be used for the protocol, and may not be used
27 for any other purposes. Funds appropriated for the protocol shall be
28 considered an ongoing program for purposes of future departmental
29 budget requests.

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

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

37 (a) The creation of a substitute pool;

38 (b) The development of needs-based grants for providers at level
39 2 in the early achievers program to assist with purchasing curriculum

1 development, instructional materials, supplies, and equipment to
2 improve program quality. Priority for the needs-based grants shall be
3 given to culturally diverse and low-income providers;

4 (c) The development of materials and assessments in a timely
5 manner, and to the extent feasible, in the provider and family home
6 languages; and

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

10 **Sec. 106.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to
11 read as follows:

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

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

29 ~~(3) Subject to the availability of amounts appropriated for this~~
30 ~~specific purpose, beginning September 1, 2013, working connections~~
31 ~~child care providers shall receive a five percent increase in the~~
32 ~~subsidy rate for enrolling in level 2 in the early achievers~~
33 ~~programs. Providers must complete level 2 and advance to level 3~~
34 ~~within thirty months in order to maintain this increase))~~ beginning
35 June 30, 2016, unless an earlier date is provided in the omnibus
36 appropriations act.

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

1 (a) Enroll in the early achievers program by August 1, 2016;
2 (b) Complete level 2 activities in the early achievers program by
3 August 1, 2017; and
4 (c) Rate at a level 3 or higher in the early achievers program by
5 December 31, 2019. If a child care provider rates below a level 3 by
6 December 31, 2019, the provider must complete remedial activities
7 with the department, and rate at a level 3 or higher no later than
8 June 30, 2020.

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

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

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

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

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

26 (6) If a child care provider serving nonschool age children and
27 receiving state subsidy payments has successfully completed all level
28 2 activities and is waiting to be rated by the deadline provided in
29 this section, the provider may continue to receive a state subsidy
30 pending the successful completion of the level 3 rating activity.

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

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

37 **Sec. 107.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
38 read as follows:

1 WORKING CONNECTIONS CHILD CARE. Beginning June 30, 2016, or
2 earlier if a different date is provided in the omnibus appropriations
3 act, when an applicant or recipient applies for or receives working
4 connections child care benefits, ((he or she)) the applicant or
5 recipient is required to((+
6 (1)) notify the department of social and health services, within
7 five days, of any change in providers((+and
8 (2) ~~Notify the department of social and health services, within~~
9 ten days, about any significant change related to the number of child
10 care hours the applicant or recipient needs, cost sharing, or
11 eligibility)).

12 **Sec. 108.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
13 read as follows:

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

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

36 (3) By January 1, 2016, the department shall adopt rules
37 requiring early childhood education and assistance program employees
38 who have access to children to submit to a fingerprint background
39 check. Fingerprint background check procedures for the early

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

3 **Sec. 109.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
4 read as follows:

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

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

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

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

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

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

38 (5) Effective October 1, 2015, a new early childhood education
39 and assistance program provider must complete the requirements in

1 this subsection (5) to be eligible to receive state-funded support
2 under the early childhood education and assistance program:

3 (a) Enroll in the early achievers program within thirty days of
4 the start date of the early childhood education and assistance
5 program contract;

6 (b)(i) Except as provided in (b)(ii) of this subsection, rate at
7 a level 4 or 5 in the early achievers program within twelve months of
8 enrollment. If an early childhood education and assistance program
9 provider rates below a level 4 within twelve months of enrollment,
10 the provider must complete remedial activities with the department,
11 and rate at a level 4 or 5 within six months of beginning remedial
12 activities.

13 (ii) Licensed or certified child care centers and homes that
14 administer an early childhood education and assistance program shall
15 rate at a level 4 or 5 in the early achievers program within eighteen
16 months of the start date of the early childhood education and
17 assistance program contract. If an early childhood education and
18 assistance program provider rates below a level 4 within eighteen
19 months, the provider must complete remedial activities with the
20 department, and rate at a level 4 or 5 within six months of beginning
21 remedial activities.

22 (6)(a) If an early childhood education and assistance program
23 provider has successfully completed all of the required early
24 achievers program activities and is waiting to be rated by the
25 deadline provided in this section, the provider may continue to
26 participate in the early achievers program as an approved early
27 childhood education and assistance program provider and receive state
28 subsidy pending the successful completion of a level 4 or 5 rating.

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

34 (7) The department shall collect data periodically to determine
35 the demand for full-day programming for early childhood education and
36 assistance program providers. The department shall analyze this
37 demand by geographic region and shall include the findings in the
38 annual report required under section 117 of this act.

39 (8) By December 1, 2015, the department shall develop a pathway
40 for licensed or certified child care centers and homes to administer

1 an early childhood education and assistance program. The pathway
2 shall include an accommodation for these providers to rate at a level
3 4 or 5 in the early achievers program according to the timelines and
4 standards established in subsection (5)(b)(ii) of this section.

5 **Sec. 110.** RCW 43.215.430 and 2013 c 323 s 7 are each amended to
6 read as follows:

7 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. The department
8 shall review applications from public or private (~~(nonsectarian)~~)
9 organizations for state funding of early childhood education and
10 assistance programs. The department shall consider local community
11 needs, demonstrated capacity, and the need to support a mixed
12 delivery system of early learning that includes alternative models
13 for delivery including licensed centers and licensed family child
14 care providers when reviewing applications.

15 **Sec. 111.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to
16 read as follows:

17 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
18 September 1, 2011, an early learning program to provide voluntary
19 preschool opportunities for children three and four years of age
20 shall be implemented according to the funding and implementation plan
21 in RCW (~~(43.215.142)~~) 43.215.456. The program must (~~(be)~~) offer a
22 comprehensive program (~~(providing)~~) of early childhood education and
23 family support, (~~(options for)~~) including parental involvement(~~(r)~~)
24 and health information, screening, and referral services, (~~(as)~~)
25 based on family need (~~(is determined)~~). Participation in the program
26 is voluntary. On a space available basis, the program may allow
27 enrollment of children who are not otherwise eligible by assessing a
28 fee.

29 (2) The (~~(first phase of the)~~) program shall be implemented by
30 utilizing the program standards and eligibility criteria in the early
31 childhood education and assistance program in RCW 43.215.400 through
32 43.215.450.

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

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

4 (i) Programs offering an extended day program for early care and
5 education;

6 (ii) Programs offering services to children diagnosed with a
7 special need; or

8 (iii) Programs offering services to children involved in the
9 child welfare system.

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

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

16 (b) Approval of program providers; and

17 (c) Accountability and adherence to performance standards.

18 ~~((+4))~~ (5) The department has administrative responsibility for:

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

21 (b) In partnership with school districts, monitoring program
22 quality and assuring the program is responsive to the needs of
23 eligible children;

24 (c) Assuring that program providers work cooperatively with
25 school districts to coordinate the transition from preschool to
26 kindergarten so that children and their families are well-prepared
27 and supported; and

28 (d) Providing technical assistance to contracted providers.

29 NEW SECTION. Sec. 112. A new section is added to chapter 43.215
30 RCW to read as follows:

31 PROGRAM DATA COLLECTION AND EVALUATION. (1) The education data
32 center established in RCW 43.41.400 must collect longitudinal,
33 student-level data on all children attending an early childhood
34 education and assistance program. Upon completion of an electronic
35 time and attendance record system, the education data center must
36 collect longitudinal, student-level data on all children attending a
37 working connections child care program. Data collected should capture
38 at a minimum the following characteristics:

39 (a) Daily program attendance;

- 1 (b) Identification of classroom and teacher;
- 2 (c) Early achievers program quality level rating;
- 3 (d) Program hours;
- 4 (e) Program duration;
- 5 (f) Developmental results from the Washington kindergarten
- 6 inventory of developing skills in RCW 28A.655.080; and
- 7 (g) To the extent data is available, the distinct ethnic
- 8 categories within racial subgroups of children and providers that
- 9 align with categories recognized by the education data center.

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

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

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

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

32 (b) The institute shall submit the first report to the
33 appropriate committees of the legislature and the early learning
34 advisory council by December 31, 2019. The institute shall submit
35 subsequent reports annually to the appropriate committees of the
36 legislature and the early learning advisory council by December 31st,
37 with the final report due December 31, 2022. The final report shall
38 include a cost-benefit analysis.

39 (5)(a) By December 1, 2015, the department shall provide
40 recommendations to the appropriate committees of the legislature on

1 child attendance policies pertaining to the working connections child
2 care program and the early childhood education and assistance
3 program. The recommendations shall include the following:

4 (i) Allowable periods of child absences;

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

7 (iii) A de-enrollment procedure when allowable child absences are
8 exceeded.

9 (b) The department shall develop recommendations on child
10 absences and attendance within the department's appropriations.

11 NEW SECTION. **Sec. 113.** A new section is added to chapter 43.215
12 RCW to read as follows:

13 CONTRACTED CHILD CARE SLOTS AND VOUCHERS. (1) The department may
14 employ a combination of vouchers and contracted slots for the
15 subsidized child care programs in RCW 43.215.135. Child care vouchers
16 preserve parental choice. Child care contracted slots promote access
17 to continuous quality care for children, provide parents and
18 caregivers stable child care that supports employment, and allow
19 providers to have predictable funding. Any contracted slots the
20 department may create under this section must meet the requirements
21 in subsections (2) through (6) of this section.

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

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

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

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

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

36 (c) Until August 1, 2017, the department shall assure an even
37 distribution of contracted slots for children birth to age five.

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

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

5 (b) Programs partnering with elementary schools to offer
6 transitional planning and support to children as they advance to
7 kindergarten;

8 (c) Programs serving children involved in the child welfare
9 system; or

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

11 (5) The department shall pay a provider for each contracted slot,
12 unless a contracted slot is not used for thirty days.

13 (6) The department shall include the number of contracted slots
14 that use both early childhood education and assistance program
15 funding and working connections child care program funding in the
16 annual report to the legislature required under section 117 of this
17 act.

18 NEW SECTION. **Sec. 114.** A new section is added to chapter 43.215
19 RCW to read as follows:

20 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
21 quality in the early care and education system in Washington is the
22 quality rating and improvement system entitled the early achievers
23 program. In an effort to build on the existing quality framework,
24 enhance access to quality care for children, and strengthen the
25 entire early care and education systems in the state, it is important
26 to integrate the efforts of state and local governments.

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

29 (3) Local governments may contribute funds to the department for
30 the following purposes:

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

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

34 (4) Funds contributed to the department by local governments must
35 be deposited in the early start account established in section 116 of
36 this act.

37 **Sec. 115.** RCW 43.215.090 and 2012 c 229 s 589 are each amended
38 to read as follows:

1 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
2 council is established to advise the department on statewide early
3 learning issues that would build a comprehensive system of quality
4 early learning programs and services for Washington's children and
5 families by assessing needs and the availability of services,
6 aligning resources, developing plans for data collection and
7 professional development of early childhood educators, and
8 establishing key performance measures.

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

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

17 (4) Councilmembers shall serve two-year terms. However, to
18 stagger the terms of the council, the initial appointments for twelve
19 of the members shall be for one year. Once the initial one-year to
20 two-year terms expire, all subsequent terms shall be for two years,
21 with the terms expiring on June 30th of the applicable year. The
22 terms shall be staggered in such a way that, where possible, the
23 terms of members representing a specific group do not expire
24 simultaneously.

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

27 (a) The governor shall appoint at least one representative from
28 each of the following: The department, the office of financial
29 management, the department of social and health services, the
30 department of health, the student achievement council, and the state
31 board for community and technical colleges;

32 (b) One representative from the office of the superintendent of
33 public instruction, to be appointed by the superintendent of public
34 instruction;

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

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

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

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

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

9 (d) Two members of the house of representatives, one from each
10 caucus, and two members of the senate, one from each caucus, to be
11 appointed by the speaker of the house of representatives and the
12 president of the senate, respectively;

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

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

17 (g) One representative designated by sovereign tribal
18 governments; and

19 (h) One representative from the Washington federation of
20 independent schools.

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

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

27 (8) Each member of the board shall be compensated in accordance
28 with RCW 43.03.240 and reimbursed for travel expenses incurred in
29 carrying out the duties of the board in accordance with RCW 43.03.050
30 and 43.03.060.

31 (9)(a) The council shall convene an early achievers review
32 subcommittee to provide feedback and guidance on strategies to
33 improve the quality of instruction and environment for early learning
34 and provide input and recommendations on the implementation and
35 refinement of the early achievers program. The review conducted by
36 the subcommittee shall be a part of the annual progress report
37 required in section 117 of this act. At a minimum the review shall
38 address the following:

39 (i) Adequacy of data collection procedures;

40 (ii) Coaching and technical assistance standards;

1 (iii) Progress in reducing barriers to participation for low-
2 income providers and providers from diverse cultural backgrounds,
3 including a review of the early achievers program's rating tools,
4 quality standard areas, and components, and how they are applied;

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

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

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

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

13 (c) The subcommittee shall include representatives from child
14 care centers, family child care, the early childhood education and
15 assistance program, contractors for early achievers program technical
16 assistance and coaching, tribal governments, the organization
17 responsible for conducting early achiever program ratings, and
18 parents of children participating in early learning programs,
19 including working connections child care and early childhood
20 education and assistance programs. The subcommittee shall include
21 representatives from diverse cultural and linguistic backgrounds.

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

23 NEW SECTION. Sec. 116. A new section is added to chapter 43.215
24 RCW to read as follows:

25 EARLY START ACCOUNT. The early start account is created in the
26 state treasury. Revenues in the account shall consist of
27 appropriations by the legislature and all other sources deposited
28 into the account. Moneys in the account may only be used after
29 appropriation. Expenditures from the account may be used only to
30 improve the quality of early care and education programming. The
31 department oversees the account.

32 NEW SECTION. Sec. 117. A new section is added to chapter 43.215
33 RCW to read as follows:

34 ANNUAL PROGRESS REPORT. (1) Beginning December 15, 2015, and each
35 December 15th thereafter, the department, in collaboration with the
36 statewide child care resource and referral organization, and the
37 early achievers review subcommittee of the early learning advisory
38 council, shall submit, in compliance with RCW 43.01.036, a progress

1 report to the governor and the legislature regarding providers'
2 progress in the early achievers program. Each progress report must
3 include the following elements:

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

7 (i) Completed the level 2 activities;

8 (ii) Completed rating readiness consultation and are waiting to
9 be rated;

10 (iii) Achieved the required rating level to remain eligible for
11 state-funded support under the early childhood education and
12 assistance program or a subsidy under the working connections child
13 care program;

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

17 (v) Not achieved the required rating level initially and engaged
18 in remedial activities before successfully achieving the required
19 rating level;

20 (vi) Not achieved the required rating level after completing
21 remedial activities; or

22 (vii) Received an extension from the department based on
23 exceptional circumstances pursuant to RCW 43.215.100;

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

26 (c) An examination of the effectiveness of efforts to increase
27 successful participation by providers serving children and families
28 from diverse cultural and linguistic backgrounds and providers who
29 serve children from low-income households;

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

33 (i) A subsidy under the working connections child care program;
34 or

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

37 (e) A summary of the types of exceptional circumstances for which
38 the department has granted an extension pursuant to RCW 43.215.100;

1 (f) The average amount of time required for providers to achieve
2 local level milestones within each level of the early achievers
3 program;

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

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

11 (i) Recommendations for improving the early achievers program
12 standards;

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

15 (k) The number of contracted slots that use both early childhood
16 education and assistance program funding and working connections
17 child care program funding; and

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

20 (i) Progress on early childhood education and assistance program
21 implementation as required pursuant to RCW 43.215.415, 43.215.425,
22 and 43.215.455;

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

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

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

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

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

33 (vii) An analysis of the demand for full-day programming for
34 early childhood education and assistance program providers required
35 under RCW 43.215.415; and

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

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

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

8 (4) If, based on information in an annual report submitted in
9 2018 or later under this section, fifteen percent or more of the
10 licensed or contracted providers who are participating in the early
11 achievers program in a county or in a single zip code have not
12 achieved the rating levels under RCW 43.215.135 and 43.215.415, the
13 department must:

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

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

21 **Sec. 118.** 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 childhood education and assistance program contractor"
2 means an organization that provides early childhood education and
3 assistance program services under a signed contract with the
4 department.

5 (9) "Early childhood education and assistance program provider"
6 means an organization that provides site level, direct, and high
7 quality early childhood education and assistance program services
8 under the direction of an early childhood education and assistance
9 program contractor.

10 (10) "Early start" means an integrated high quality continuum of
11 early learning programs for children birth-to-five years of age.
12 Components of early start include, but are not limited to, the
13 following:

- 14 (a) Home visiting and parent education and support programs;
- 15 (b) The early achievers program described in RCW 43.215.100;
- 16 (c) Integrated full-day and part-day high quality early learning
17 programs; and
- 18 (d) High quality preschool for children whose family income is at
19 or below one hundred ten percent of the federal poverty level.

20 ~~((9))~~ (11) "Education data center" means the education data
21 center established in RCW 43.41.400, commonly referred to as the
22 education research and data center.

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

26 ~~((10))~~ (13) "Enforcement action" means denial, suspension,
27 revocation, modification, or nonrenewal of a license pursuant to RCW
28 43.215.300(1) or assessment of civil monetary penalties pursuant to
29 RCW 43.215.300(3).

30 ~~((11))~~ (14) "Extended day program" means an early childhood
31 education and assistance program that offers early learning education
32 for at least ten hours per day, a minimum of two thousand hours per
33 year, at least four days per week, and operates year round.

34 (15) "Full day program" means an early childhood education and
35 assistance program that offers early learning education for a minimum
36 of one thousand hours per year.

37 (16) "Low-income child care provider" means a person who
38 administers a child care program that consists of at least eighty
39 percent of children receiving working connections child care subsidy.

1 (17) "Low-income neighborhood" means a district or community
2 where more than twenty percent of households are below the federal
3 poverty level.

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

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

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

13 (c) An adverse agency action, including termination, revocation,
14 or denial of a license or certification, or if pending adverse agency
15 action, the voluntary surrender of a license, certification, or
16 contract in lieu of the adverse action;

17 (d) A revocation, denial, or restriction placed on any
18 professional license; or

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

20 ~~((12))~~ (19) "Nonconviction information" means arrest, founded
21 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
22 or other negative action adverse to the applicant.

23 ~~((13))~~ (20) "Nonschool age child" means a child who is age six
24 years or younger and who is not enrolled in a public or private
25 school.

26 (21) "Part day program" means an early childhood education and
27 assistance program that offers early learning education for at least
28 two and one-half hours per class session, at least three hundred
29 twenty hours per year, for a minimum of thirty weeks per year.

30 (22) "Private school" means a private school approved by the
31 state under chapter 28A.195 RCW.

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

35 ~~((14))~~ (24) "Requirement" means any rule, regulation, or
36 standard of care to be maintained by an agency.

37 ~~((15))~~ (25) "School age child" means a child who is between the
38 ages of five years and twelve years and is attending a public or
39 private school or is receiving home-based instruction under chapter
40 28A.200 RCW.

1 (26) "Washington state preschool program" means an education
2 program for children three-to-five years of age who have not yet
3 entered kindergarten, such as the early childhood education and
4 assistance program.

5 NEW SECTION. **Sec. 119.** A new section is added to chapter 43.215
6 RCW to read as follows:

7 JOINT SELECT COMMITTEE ON THE EARLY ACHIEVERS PROGRAM. (1)(a) A
8 joint select committee on the early achievers program is established
9 with members as provided in this subsection.

10 (i) Chair and ranking minority member of the house of
11 representatives appropriations committee, or his or her designee who
12 must be a member of the house of representatives appropriations
13 committee;

14 (ii) Chair and ranking minority member of the senate ways and
15 means committee, or his or her designee who must be a member of the
16 senate ways and means committee;

17 (iii) Chair and ranking minority member of the house of
18 representatives early learning and human services committee, or his
19 or her designee who must be a member of the house of representatives
20 early learning and human services committee; and

21 (iv) Chair and ranking minority member of the senate early
22 learning and K-12 education committee, or his or her designee who
23 must be a member of the senate early learning and K-12 education
24 committee.

25 (b) The committee shall choose its chair or cochairs from among
26 its legislative membership. The chair of the house of representatives
27 early learning and human services committee, or his or her designee,
28 and the chair of the senate early learning and K-12 education
29 committee, or his or her designee, shall convene the initial meeting
30 of the committee.

31 (2) Between July 1, 2018, and December 1, 2018, the early
32 achievers joint select committee shall review the demand and
33 availability of licensed or certified child care family homes and
34 centers, approved early childhood education and assistance programs,
35 head start programs, and family, friend, and neighbor caregivers by
36 geographic region, including rural and low-income neighborhoods. This
37 review shall specifically look at the following:

1 (a) The geographic distribution of these child care programs by
2 type of program, programs that accept state subsidy, enrollment in
3 the early achievers program, and early achievers rating levels; and

4 (b) The demand and availability of these child care programs for
5 major ethnic populations.

6 (3) By December 1, 2018, the early achievers joint select
7 committee shall make recommendations to the legislature on the
8 following:

9 (a) The sufficiency of funding provided for the early achievers
10 program;

11 (b) The need for targeted funding for specific geographic regions
12 or major ethnic populations; and

13 (c) Whether to modify the deadlines established in RCW 43.215.135
14 for purposes of the early achievers program mandate established in
15 RCW 43.215.100.

16 (4) Staff support for the committee must be provided by the
17 senate committee services and the house of representatives office of
18 program research.

19 (5) Legislative members of the committee must be reimbursed for
20 travel expenses in accordance with RCW 44.04.120.

21 (6) The expenses of the committee must be paid jointly by the
22 senate and the house of representatives. Committee expenditures are
23 subject to approval by the senate facilities and operations committee
24 and the house of representatives executive rules committee, or their
25 successor committees.

26 (7) The committee shall report its findings and recommendations
27 to the appropriate committees of the legislature by December 1, 2018.

28 (8) This section expires December 1, 2019.

29 NEW SECTION. **Sec. 120.** REPEALER. 2013 2nd sp.s. c 16 s 2
30 (uncodified) is repealed.

31 NEW SECTION. **Sec. 121.** A new section is added to chapter 43.215
32 RCW to read as follows:

33 SHORT TITLE. Sections 101 through 119 of this act may be known
34 and cited as the early start act.

35 NEW SECTION. **Sec. 122.** EFFECTIVE DATE. Section 104 of this act
36 takes effect July 1, 2016.

1 (c) Additional support for parent involvement coordinators to
2 increase family engagement;

3 (d) The reduction of class sizes in high school laboratory
4 science classes to meet the new requirements for a more rigorous high
5 school diploma;

6 (e) Additional support for the transitional bilingual instruction
7 program for students learning English as a second language; and

8 (f) Remediation through the learning assistance program for
9 struggling students to ensure that third grade students are reading
10 at grade level.

11 **Sec. 202.** RCW 28A.150.260 and 2015 c 2 s 2 (Initiative Measure
12 No. 1351) and 2014 c 217 s 206 are each reenacted and amended to read
13 as follows:

14 The purpose of this section is to provide for the allocation of
15 state funding that the legislature deems necessary to support school
16 districts in offering the minimum instructional program of basic
17 education under RCW 28A.150.220. The allocation shall be determined
18 as follows:

19 (1) The governor shall and the superintendent of public
20 instruction may recommend to the legislature a formula for the
21 distribution of a basic education instructional allocation for each
22 common school district.

23 (2) The distribution formula under this section shall be for
24 allocation purposes only. Except as required for class size reduction
25 funding provided under subsection (4)((~~f~~))(e) of this section and
26 as may be required under chapter 28A.155, 28A.165, 28A.180, or
27 28A.185 RCW, or federal laws and regulations, nothing in this section
28 requires school districts to use basic education instructional funds
29 to implement a particular instructional approach or service. Nothing
30 in this section requires school districts to maintain a particular
31 classroom teacher-to-student ratio or other staff-to-student ratio or
32 to use allocated funds to pay for particular types or classifications
33 of staff. Nothing in this section entitles an individual teacher to a
34 particular teacher planning period.

35 (3)(a) To the extent the technical details of the formula have
36 been adopted by the legislature and except when specifically provided
37 as a school district allocation, the distribution formula for the
38 basic education instructional allocation shall be based on minimum
39 staffing and nonstaff costs the legislature deems necessary to

1 support instruction and operations in prototypical schools serving
 2 high, middle, and elementary school students as provided in this
 3 section. The use of prototypical schools for the distribution formula
 4 does not constitute legislative intent that schools should be
 5 operated or structured in a similar fashion as the prototypes.
 6 Prototypical schools illustrate the level of resources needed to
 7 operate a school of a particular size with particular types and grade
 8 levels of students using commonly understood terms and inputs, such
 9 as class size, hours of instruction, and various categories of school
 10 staff. It is the intent that the funding allocations to school
 11 districts be adjusted from the school prototypes based on the actual
 12 number of annual average full-time equivalent students in each grade
 13 level at each school in the district and not based on the grade-level
 14 configuration of the school to the extent that data is available. The
 15 allocations shall be further adjusted from the school prototypes with
 16 minimum allocations for small schools and to reflect other factors
 17 identified in the omnibus appropriations act.

18 (b) For the purposes of this section, prototypical schools are
 19 defined as follows:

20 (i) A prototypical high school has six hundred average annual
 21 full-time equivalent students in grades nine through twelve;

22 (ii) A prototypical middle school has four hundred thirty-two
 23 average annual full-time equivalent students in grades seven and
 24 eight; and

25 (iii) A prototypical elementary school has four hundred average
 26 annual full-time equivalent students in grades kindergarten through
 27 six.

28 (4)(a)(i) The minimum allocation for each level of prototypical
 29 school shall be based on the number of full-time equivalent classroom
 30 teachers needed to provide instruction over the minimum required
 31 annual instructional hours under RCW 28A.150.220 and provide at least
 32 one teacher planning period per school day, and based on the
 33 following general education average class size of full-time
 34 equivalent students per teacher:

	General education average class size
35 Grades K-3.	17.0
36 Grade 4.	((25.0)) <u>27.00</u>

1	Grades 5-6.	((25.0))	<u>27.00</u>
2	Grades 7-8.	((25.0))	<u>28.53</u>
3	Grades 9-12.	((25.0))	<u>28.74</u>

4 (ii) The minimum class size allocation for each prototypical high
5 school shall also provide for enhanced funding for class size
6 reduction for two laboratory science classes within grades nine
7 through twelve per full-time equivalent high school student
8 multiplied by a laboratory science course factor of 0.0833, based on
9 the number of full-time equivalent classroom teachers needed to
10 provide instruction over the minimum required annual instructional
11 hours in RCW 28A.150.220, and providing at least one teacher planning
12 period per school day:

13		Laboratory science	
14		average class size	
15	Grades 9-12.		19.98

16 (b) (~~During the 2011-2013 biennium and beginning with schools~~
17 ~~with the highest percentage of students eligible for free and~~
18 ~~reduced price meals in the prior school year, the general education~~
19 ~~average class size for grades K-3 shall be reduced until the average~~
20 ~~class size funded under this subsection (4) is no more than 17.0~~
21 ~~full-time equivalent students per teacher beginning in the 2017-18~~
22 ~~school year.~~

23 (c)) The minimum allocation for each prototypical middle and
24 high school shall also provide for full-time equivalent classroom
25 teachers based on the following number of full-time equivalent
26 students per teacher in career and technical education:

27		Career and technical	
28		education average	
29		class size	
30	Approved career and technical education offered at		
31	the middle school and high school level.	((19.0))	<u>26.57</u>
32	Skill center programs meeting the standards established		
33	by the office of the superintendent of public		
34	instruction.	((16.0))	<u>22.76</u>

35 ((d)) (c) In addition, the omnibus appropriations act shall at
36 a minimum specify a specialty average class size for advanced
37 placement and international baccalaureate courses.

1 ~~((e))~~ (d) For each level of prototypical school at which more
 2 than fifty percent of the students were eligible for free and
 3 reduced-price meals in the prior school year, the superintendent
 4 shall allocate funding based on the following average class size of
 5 full-time equivalent students per teacher:

6		General education average
7		class size in
8		high poverty
9	Grades K-3.	((15.0)) <u>17.00</u>
10	Grade 4.	((22.0)) <u>27.00</u>
11	Grades 5-6.	((23.0)) <u>27.00</u>
12	Grades 7-8.	((23.0)) <u>28.53</u>
13	Grades 9-12.	((23.0)) <u>28.74</u>

14 ~~((f))~~ (e)(i) Funding for average kindergarten through third
 15 grade class sizes in this subsection (4) shall be provided only to
 16 the extent of, and proportionate to, the school district's
 17 demonstrated actual kindergarten through third grade average class
 18 size, up to the funded class sizes.

19 (ii) ~~((Districts that demonstrate capital facility needs that~~
 20 ~~prevent them from reducing actual class sizes to funded levels, may~~
 21 ~~use funding in this subsection (4) for school-based personnel who~~
 22 ~~provide direct services to students. Districts that use this funding~~
 23 ~~for purposes other than reducing actual class sizes must annually~~
 24 ~~report the number and dollar value for each type of personnel funded~~
 25 ~~by school and grade level.~~

26 ~~((iii))~~) The office of the superintendent of public instruction
 27 shall develop rules to implement this subsection (4).

28 (5) The minimum allocation for each level of prototypical school
 29 shall include allocations necessary for the safe and effective
 30 operation of a school, to meet individual student needs, and to
 31 ensure all required school functions can be performed by
 32 appropriately trained personnel, for the following types of staff in
 33 addition to classroom teachers:

34		Elementary	Middle	High
35		School	School	School
36	Principals, assistant principals, and other certificated building-level			
37	administrators.	((1.3))	((1.4))	((1.9))
38		<u>1.253</u>	<u>1.353</u>	<u>1.880</u>

1	Teacher librarians, a function that includes information literacy, technology,			
2	and media to support school library media programs.	((1-0))	((1-0))	((1-0))
3		<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
4	Health and social services:			
5	School nurses.	((0.585))	((0.888))	((0.824))
6		<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
7	Social workers.	((0.311))	((0.088))	((0.127))
8		<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
9	Psychologists.	((0.104))	((0.024))	((0.049))
10		<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
11	Guidance counselors, a function that includes parent outreach and graduation			
12	advising.	((0.50))	((2.0))	((3.5))
13		<u>0.493</u>	<u>1.216</u>	<u>2.539</u>
14	Teaching assistance, including any aspect of educational instructional services			
15	provided by classified employees.	((2.0))	((1.0))	((1.0))
16		<u>0.936</u>	<u>0.700</u>	<u>0.652</u>
17	Office support and other noninstructional aides.	((3.0))	((3.5))	((3.5))
18		<u>2.012</u>	<u>2.325</u>	<u>3.269</u>
19	Custodians.	((1.7))	((2.0))	((3.0))
20		<u>1.657</u>	<u>1.942</u>	<u>2.965</u>
21	Classified staff providing student and staff safety.	((0.0))	((0.7))	((1.3))
22		<u>0.079</u>	<u>0.092</u>	<u>0.141</u>
23	Parent involvement coordinators.	((1.0))	((1.0))	((1.0))
24		<u>0.0825</u>	<u>0.00</u>	<u>0.00</u>

25 (6)(a) The minimum staffing allocation for each school district
26 to provide district-wide support services shall be allocated per one
27 thousand annual average full-time equivalent students in grades K-12
28 as follows:

29		Staff per 1,000
30		K-12 students
31	Technology.	((2.8)) <u>0.628</u>
32	Facilities, maintenance, and grounds.	((4.0)) <u>1.813</u>
33	Warehouse, laborers, and mechanics.	((1.9)) <u>0.332</u>

34 (b) The minimum allocation of staff units for each school
35 district to support certificated and classified staffing of central
36 administration shall be 5.30 percent of the staff units generated

1 under subsections (4)(a) and (~~(b)~~) (d) and (5) of this section and
2 (a) of this subsection.

3 (7) The distribution formula shall include staffing allocations
4 to school districts for career and technical education and skill
5 center administrative and other school-level certificated staff, as
6 specified in the omnibus appropriations act.

7 (8)(a) Except as provided in (b) and (c) of this subsection, the
8 minimum allocation for each school district shall include allocations
9 per annual average full-time equivalent student for the following
10 materials, supplies, and operating costs, to be adjusted for
11 inflation from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
15 Technology.	\$54.43
16 Utilities and insurance.	\$147.90
17 Curriculum and textbooks.	\$58.44
18 Other supplies and library materials.	\$124.07
19 Instructional professional development for certified and 20 classified staff.	\$9.04
21 Facilities maintenance.	\$73.27
22 Security and central office.	\$50.76

23 (b) During the 2011-2013 biennium, the minimum allocation for
24 maintenance, supplies, and operating costs shall be increased as
25 specified in the omnibus appropriations act. The following
26 allocations, adjusted for inflation from the 2007-08 school year, are
27 provided in the 2015-16 school year, after which the allocations
28 shall be adjusted annually for inflation as specified in the omnibus
29 appropriations act:

	Per annual average full-time equivalent student in grades K-12
33 Technology.	\$113.80
34 Utilities and insurance.	\$309.21
35 Curriculum and textbooks.	\$122.17
36 Other supplies and library materials.	\$259.39
37 Instructional professional development for certificated and 38 classified staff.	\$18.89
39 Facilities maintenance.	\$153.18

1 Security and central office administration. \$106.12

2 (c) In addition to the amounts provided in (a) and (b) of this
3 subsection, beginning in the 2014-15 school year, the omnibus
4 appropriations act shall provide the following minimum allocation for
5 each annual average full-time equivalent student in grades nine
6 through twelve for the following materials, supplies, and operating
7 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
8 Technology.	\$36.35
9 Curriculum and textbooks.	\$39.02
10 Other supplies and library materials.	\$82.84
11 Instructional professional development for certificated and 12 classified staff.	\$6.04

13 (9) In addition to the amounts provided in subsection (8) of this
14 section, the omnibus appropriations act shall provide an amount based
15 on full-time equivalent student enrollment in each of the following:

- 16 (a) Exploratory career and technical education courses for
17 students in grades seven through twelve;
- 18 (b) Preparatory career and technical education courses for
19 students in grades nine through twelve offered in a high school; and
- 20 (c) Preparatory career and technical education courses for
21 students in grades eleven and twelve offered through a skill center.

22 (10) In addition to the allocations otherwise provided under this
23 section, amounts shall be provided to support the following programs
24 and services:

25 (a) To provide supplemental instruction and services for
26 underachieving students through the learning assistance program under
27 RCW 28A.165.005 through 28A.165.065, allocations shall be based on
28 the district percentage of students in grades K-12 who were eligible
29 for free or reduced-price meals in the prior school year. The minimum
30 allocation for the program shall provide for each level of
31 prototypical school resources to provide, on a statewide average,
32 ~~((1.5156))~~ 2.3975 hours per week in extra instruction with a class
33 size of fifteen learning assistance program students per teacher.

34 (b)(i) To provide supplemental instruction and services for
35 students whose primary language is other than English~~((τ))~~:

1 (A) Allocations shall be based on the head count number of
2 students in each school who are eligible for and enrolled in the
3 transitional bilingual instruction program under RCW 28A.180.010
4 through 28A.180.080. The minimum allocation for each level of
5 prototypical school shall provide resources to provide, on a
6 statewide average, 4.7780 hours per week in extra instruction with
7 fifteen transitional bilingual instruction program students per
8 teacher.

9 (B) Allocations shall be provided for exited pupils, as defined
10 in RCW 28A.180.030, for up to two years of instructional support
11 immediately after the pupils exit the program. Instructional support
12 includes assistance reaching grade-level performance in academic
13 subjects even though the pupils have achieved English proficiency for
14 purposes of the transitional bilingual instruction program. The
15 minimum allocation for each level of prototypical school shall
16 provide resources to provide, on a statewide average, 3.0 hours per
17 week in extra instruction with fifteen transitional bilingual
18 instruction program students per teacher based on the head count of
19 students who exited the program within the prior two years based on
20 their performance on the English proficiency assessment.

21 (ii) Notwithstanding other provisions of this subsection (10),
22 the actual per-student allocation may be scaled to provide a larger
23 allocation for students needing more intensive intervention and a
24 commensurate reduced allocation for students needing less intensive
25 intervention, as detailed in the omnibus appropriations act.

26 (c) To provide additional allocations to support programs for
27 highly capable students under RCW 28A.185.010 through 28A.185.030,
28 allocations shall be based on two and ~~((three hundred fourteen one~~
29 ~~thousandths))~~ one-half percent of each school district's full-time
30 equivalent basic education enrollment. The minimum allocation for the
31 programs shall provide resources to provide, on a statewide average,
32 ~~((2.1590))~~ 2.35 hours per week in extra instruction with fifteen
33 highly capable program students per teacher.

34 (11) The allocations under subsections (4)(a) and ~~((+b))~~ (d),
35 (5), (6), and (8) of this section shall be enhanced as provided under
36 RCW 28A.150.390 on an excess cost basis to provide supplemental
37 instructional resources for students with disabilities.

38 (12)(a) For the purposes of allocations for prototypical high
39 schools and middle schools under subsections (4) and (10) of this
40 section that are based on the percent of students in the school who

1 are eligible for free and reduced-price meals, the actual percent of
2 such students in a school shall be adjusted by a factor identified in
3 the omnibus appropriations act to reflect underreporting of free and
4 reduced-price meal eligibility among middle and high school students.

5 (b) Allocations or enhancements provided under subsections (4),
6 (7), and (9) of this section for exploratory and preparatory career
7 and technical education courses shall be provided only for courses
8 approved by the office of the superintendent of public instruction
9 under chapter 28A.700 RCW.

10 (13)(a) This formula for distribution of basic education funds
11 shall be reviewed biennially by the superintendent and governor. The
12 recommended formula shall be subject to approval, amendment or
13 rejection by the legislature.

14 (b) In the event the legislature rejects the distribution formula
15 recommended by the governor, without adopting a new distribution
16 formula, the distribution formula for the previous school year shall
17 remain in effect.

18 (c) The enrollment of any district shall be the annual average
19 number of full-time equivalent students and part-time students as
20 provided in RCW 28A.150.350, enrolled on the first school day of each
21 month, including students who are in attendance pursuant to RCW
22 28A.335.160 and 28A.225.250 who do not reside within the servicing
23 school district. The definition of full-time equivalent student shall
24 be determined by rules of the superintendent of public instruction
25 and shall be included as part of the superintendent's biennial budget
26 request. The definition shall be based on the minimum instructional
27 hour offerings required under RCW 28A.150.220. Any revision of the
28 present definition shall not take effect until approved by the house
29 ways and means committee and the senate ways and means committee.

30 (d) The office of financial management shall make a monthly
31 review of the superintendent's reported full-time equivalent students
32 in the common schools in conjunction with RCW 43.62.050.

33 **Sec. 203.** RCW 28A.150.261 and 2015 c 2 s 3 (Initiative Measure
34 No. 1351) are each amended to read as follows:

35 In order to make measurable progress toward implementing the
36 provisions of section 2, chapter 2, Laws of 2015, as amended by
37 section 202, chapter . . ., Laws of 2015 2nd sp. sess. (section 202
38 of this act), by September 1, 2017, the legislature shall increase

1 state funding allocations under RCW 28A.150.260 according to the
2 following schedule:

3 (1) For the 2015-2017 biennium, funding allocations shall be no
4 less than fifty percent of the difference between the funding
5 necessary to support the numerical values under RCW 28A.150.260 as of
6 September 1, 2013, and the funding necessary to support the numerical
7 values under section 2, chapter 2, Laws of 2015, as amended by
8 section 202, chapter . . . , Laws of 2015 2nd sp. sess. (section 202
9 of this act), with priority for additional funding provided during
10 this biennium for the highest poverty schools and school districts;

11 (2) By the end of the 2017-2019 biennium and thereafter, funding
12 allocations shall be no less than the funding necessary to support
13 the numerical values under section 2, chapter 2, Laws of 2015, as
14 amended by section 202, chapter . . . , Laws of 2015 2nd sp. sess.
15 (section 202 of this act).

16 NEW SECTION. Sec. 204. (1) As provided in the 2015-2017 omnibus
17 appropriations act, school district employees shall be provided a
18 one-time salary bonus of 3.753 percent of annual salary to be paid in
19 one payment on August 31, 2015, in addition to the salary provided to
20 school districts and educational service districts in Part V, chapter
21 4, Laws of 2013 2nd sp. sess. This bonus is not part of the program
22 of basic education.

23 (2) The one-time salary bonus shall be calculated by applying the
24 rate in subsection (1) of this section to any state-funded salary
25 base used in state funding formulas for teachers and other school
26 district employees.

27 (3) A school district shall distribute its bonus allocation for
28 salaries and salary-related benefits in accordance with the
29 district's salary schedules and compensation policies. No later than
30 the end of the school year, each school district shall certify to the
31 superintendent of public instruction that it has spent the funds
32 provided for this bonus on salaries and salary-related benefits.

33 **PART III**
34 **HIGHER EDUCATION**

35 **Sec. 301.** RCW 28B.15.031 and 2012 c 230 s 6 are each amended to
36 read as follows:

1 (1) The term "operating fees" as used in this chapter shall
2 include the fees, other than building fees, charged all students
3 registering at the state's colleges and universities but shall not
4 include fees for short courses, self-supporting degree credit
5 programs and courses, marine station work, experimental station work,
6 correspondence or extension courses, and individual instruction and
7 student deposits or rentals, disciplinary and library fines, which
8 colleges and universities shall have the right to impose, laboratory,
9 gymnasium, health, technology and student activity fees, or fees,
10 charges, rentals, and other income derived from any or all revenue
11 producing lands, buildings and facilities of the colleges or
12 universities heretofore or hereafter acquired, constructed or
13 installed, including but not limited to income from rooms,
14 dormitories, dining rooms, hospitals, infirmaries, housing or student
15 activity buildings, vehicular parking facilities, land, or the
16 appurtenances thereon, or such other special fees as may be
17 established by any college or university board of trustees or regents
18 from time to time. All moneys received as operating fees at any
19 institution of higher education shall be deposited in a local account
20 containing only operating fees revenue and related interest:
21 PROVIDED, That (~~a minimum of five percent of operating fees shall be~~
22 ~~retained by the four-year institutions of higher education that~~
23 ~~increase tuition for resident undergraduate students above assumed~~
24 ~~tuition increases in the omnibus appropriations act,~~) a minimum of
25 four percent of operating fees shall be retained by four-year
26 institutions of higher education (~~that do not increase tuition for~~
27 ~~resident undergraduates above assumed increases in the omnibus~~
28 ~~appropriations act,~~) and a minimum of three and one-half percent of
29 operating fees shall be retained by the community and technical
30 colleges for the purposes of RCW 28B.15.820. At least thirty percent
31 of operating fees required to be retained by the four-year
32 institutions for purposes of RCW 28B.15.820 shall be used only for
33 the purposes of RCW 28B.15.820(10).

34 (2) In addition to the three and one-half percent of operating
35 fees retained by the institutions under subsection (1) of this
36 section, up to three percent of operating fees charged to students at
37 community and technical colleges shall be transferred to the
38 community and technical college innovation account for the
39 implementation of the college board's strategic technology plan in
40 RCW 28B.50.515. The percentage to be transferred to the community and

1 technical college innovation account shall be determined by the
2 college board each year but shall not exceed three percent of the
3 operating fees collected each year.

4 (3) Local operating fee accounts shall not be subject to
5 appropriation by the legislature but shall be subject to allotment
6 procedures by budget program and fiscal year under chapter 43.88 RCW.

7 **Sec. 302.** RCW 28B.15.066 and 2003 c 232 s 3 are each amended to
8 read as follows:

9 ~~((It is the intent of the legislature that:~~

10 ~~In making appropriations from the state's general fund to~~
11 ~~institutions of higher education, each appropriation shall conform to~~
12 ~~the following:~~

13 ~~(1) The appropriation shall not be reduced by the amount of~~
14 ~~operating fees revenue estimated to be collected from students~~
15 ~~enrolled at the state-funded enrollment level specified in the~~
16 ~~omnibus biennial operating appropriations act;~~

17 ~~(2) The appropriation shall not be reduced by the amount of~~
18 ~~operating fees revenue collected from students enrolled above the~~
19 ~~state-funded level specified in the omnibus biennial operating~~
20 ~~appropriations act; and~~

21 ~~(3) The general fund state appropriation shall not be reduced by~~
22 ~~the amount of operating fees revenue collected as a result of waiving~~
23 ~~less operating fees revenue than the amounts authorized under RCW~~
24 ~~28B.15.910. State general fund appropriations shall not be provided~~
25 ~~for revenue foregone as a result of or for waivers granted under RCW~~
26 ~~28B.15.915-))~~ (1) Beginning with the 2015-2017 omnibus appropriations
27 act, the legislature shall appropriate to the state board for
28 community and technical colleges and to each of the four-year
29 institutions of higher education an amount that is at least equal to
30 the total state funds appropriated in the 2013-2015 biennium and the
31 net revenue loss from resident undergraduate tuition operating fees
32 based on budgeted full-time equivalent enrollment received for the
33 2015-2017 fiscal biennium under RCW 28B.15.067 (3) and (6). The net
34 revenue loss shall be adjusted for inflation in subsequent biennia.

35 (2) As used in this section and RCW 28B.15.069, "inflation" shall
36 be based on the consumer price index, using the official current
37 base, compiled by the bureau of labor statistics, United States
38 department of labor for the state of Washington. If the bureau of
39 labor statistics develops more than one consumer price index for

1 areas within the state, the index covering the greatest number of
2 people and covering areas exclusively within the boundaries of the
3 state shall be used.

4 **Sec. 303.** RCW 28B.15.067 and 2015 c 55 s 211 are each amended to
5 read as follows:

6 (1) Tuition fees shall be established under the provisions of
7 this chapter.

8 (2) Beginning in the 2011-12 academic year and through the
9 2014-15 academic year, reductions or increases in full-time tuition
10 fees shall be as provided in the omnibus appropriations act for
11 resident undergraduate students at community and technical colleges.

12 (3)(a) In the 2015-16 academic year, tuition operating fees for
13 resident undergraduates at community and technical colleges excluding
14 applied baccalaureate degrees as defined in RCW 28B.50.030, shall be
15 two percent less than the 2014-15 academic year tuition operating
16 fee.

17 (b) Beginning in the 2016-17 academic year, tuition operating
18 fees for resident undergraduates at community and technical colleges
19 excluding applied baccalaureate degrees as defined in RCW 28B.50.030,
20 may increase by no more than the average annual percentage growth
21 rate in the median hourly wage for Washington for the previous
22 fourteen years as the wage is determined by the federal bureau of
23 labor statistics.

24 (4) The governing boards of the state universities, regional
25 universities, and The Evergreen State College; and the state board
26 for community and technical colleges may reduce or increase full-time
27 tuition fees for all students other than resident undergraduates,
28 including nonresident students, summer school students, and students
29 in other self-supporting degree programs. Percentage increases in
30 full-time tuition may exceed the fiscal growth factor. Except during
31 the 2013-2015 fiscal biennium, the state board for community and
32 technical colleges may pilot or institute differential tuition
33 models. The board may define scale, scope, and rationale for the
34 models.

35 ~~((+3))~~ (5)(a) Beginning with the 2011-12 academic year and
36 through the end of the 2014-15 academic year, the governing boards of
37 the state universities, the regional universities, and The Evergreen
38 State College may reduce or increase full-time tuition fees for all
39 students, including summer school students and students in other

1 self-supporting degree programs. Percentage increases in full-time
2 tuition fees may exceed the fiscal growth factor. Reductions or
3 increases may be made for all or portions of an institution's
4 programs, campuses, courses, or students; however, during the
5 2013-2015 fiscal biennium, reductions or increases in tuition must be
6 uniform among resident undergraduate students.

7 (b) Prior to reducing or increasing tuition for each academic
8 year, the governing boards of the state universities, the regional
9 universities, and The Evergreen State College shall consult with
10 existing student associations or organizations with student
11 undergraduate and graduate representatives regarding the impacts of
12 potential tuition increases. Each governing board shall make public
13 its proposal for tuition and fee increases twenty-one days before the
14 governing board of the institution considers adoption and allow
15 opportunity for public comment. However, the requirement to make
16 public a proposal for tuition and fee increases twenty-one days
17 before the governing board considers adoption shall not apply if the
18 omnibus appropriations act has not passed the legislature by May
19 15th. Governing boards shall be required to provide data regarding
20 the percentage of students receiving financial aid, the sources of
21 aid, and the percentage of total costs of attendance paid for by aid.

22 (c) Prior to reducing or increasing tuition for each academic
23 year, the state board for community and technical college system
24 shall consult with existing student associations or organizations
25 with undergraduate student representation regarding the impacts of
26 potential tuition increases. The state board for community and
27 technical colleges shall provide data regarding the percentage of
28 students receiving financial aid, the sources of aid, and the
29 percentage of total costs of attendance paid for by aid.

30 ~~((4) Beginning with)) (6)(a) In the 2015-16 academic year~~
31 ~~((through the 2018-19 academic year, the governing boards of the~~
32 ~~state universities, regional universities, and The Evergreen State~~
33 ~~College may set tuition for resident undergraduates as follows:~~

34 ~~(a) If state funding for a college or university falls below the~~
35 ~~state funding provided in the operating budget for fiscal year 2011,~~
36 ~~the governing board may increase tuition up to the limits set in (d)~~
37 ~~of this subsection, reduce enrollments, or both;~~

38 ~~(b) If state funding for a college or university is at least at~~
39 ~~the level of state funding provided in the operating budget for~~
40 ~~fiscal year 2011, the governing board may increase tuition up to the~~

1 ~~limits set in (d) of this subsection and shall continue to at least~~
2 ~~maintain the actual enrollment levels for fiscal year 2011 or~~
3 ~~increase enrollments as required in the omnibus appropriations act;~~

4 ~~(c) If state funding is increased so that combined with resident~~
5 ~~undergraduate tuition the sixtieth percentile of the total per-~~
6 ~~student funding at similar public institutions of higher education in~~
7 ~~the global challenge states under RCW 28B.15.068 is exceeded, the~~
8 ~~governing board shall decrease tuition by the amount needed for the~~
9 ~~total per student funding to be at the sixtieth percentile under RCW~~
10 ~~28B.15.068; and~~

11 ~~(d) The amount of tuition set by the governing board for an~~
12 ~~institution under this subsection (4) may not exceed the sixtieth~~
13 ~~percentile of the resident undergraduate tuition of similar public~~
14 ~~institutions of higher education in the global challenge states.~~

15 ~~(5))~~, full-time tuition operating fees for resident
16 undergraduates for:

17 (i) State universities shall be twenty-five percent less than
18 2014-15 academic year tuition operating fee; and

19 (ii) Regional universities, The Evergreen State College, and
20 applied baccalaureate degrees as defined in RCW 28B.50.030 shall be
21 twenty-five percent less than the 2014-15 academic year tuition
22 operating fee.

23 (b) Beginning with the 2016-17 academic year, full-time tuition
24 operating fees for resident undergraduates in (a) of this subsection
25 may increase by no more than the average annual percentage growth
26 rate in the median hourly wage for Washington for the previous
27 fourteen years as the wage is determined by the federal bureau of
28 labor statistics.

29 (7) The tuition fees established under this chapter shall not
30 apply to high school students enrolling in participating institutions
31 of higher education under RCW 28A.600.300 through 28A.600.400.

32 ~~((6))~~ (8) The tuition fees established under this chapter shall
33 not apply to eligible students enrolling in a dropout reengagement
34 program through an interlocal agreement between a school district and
35 a community or technical college under RCW 28A.175.100 through
36 28A.175.110.

37 ~~((7) Beginning in the 2019-20 academic year, reductions or~~
38 ~~increases in full-time tuition fees for resident undergraduates at~~
39 ~~four-year institutions of higher education shall be as provided in~~
40 ~~the omnibus appropriations act.~~

1 ~~(8))~~ (9) The legislative advisory committee to the committee on
2 advanced tuition payment established in RCW 28B.95.170 shall:

3 (a) Review the impact of ~~((differential))~~ decreasing tuition
4 rates on the funded status and future unit price of the Washington
5 advanced college tuition payment program; ~~((and))~~

6 (b) Review the feasibility of establishing a college savings
7 program as described in RCW 28B.95.150; and

8 (c) No later than January ~~((14, 2013))~~ 8, 2016, make a
9 recommendation to the appropriate policy and fiscal committees of the
10 legislature regarding how ~~((differential))~~ tuition rates should be
11 addressed in order to maintain the ongoing solvency of the Washington
12 advanced college tuition payment program and whether a college
13 savings program shall be implemented.

14 (10) As a result of any changes in tuition under section 303,
15 chapter . . ., Laws of 2015 2nd sp. sess. (this section), the
16 governing boards of the state universities, the regional
17 universities, and The Evergreen State College shall not reduce
18 resident undergraduate enrollment below the 2014-15 academic year
19 levels.

20 NEW SECTION. Sec. 304. A new section is added to chapter 28B.92
21 RCW to read as follows:

22 Beginning with the 2015-2017 omnibus appropriations act and each
23 biennium thereafter, reductions in tuition levels resulting from
24 section 303, chapter . . ., Laws of 2015 2nd sp. sess. (section 303
25 of this act) will allow the legislature to reduce state need grant
26 appropriations by an equal amount from the 2013-2015 fiscal biennium
27 amounts. The legislature does not intend to reduce award levels for
28 private colleges and universities below the 2014-15 academic year
29 levels.

30 By reducing the overall cost of tuition, the legislature in
31 future biennia is better able and intends to serve those students
32 currently eligible but unserved in the state need grant.

33 Sec. 305. RCW 28B.15.069 and 2015 c 55 s 212 are each amended to
34 read as follows:

35 (1) The building fee for each academic year shall be a percentage
36 of total tuition fees. This percentage shall be calculated by the
37 office of financial management and be based on the actual percentage
38 the building fee is of total tuition for each tuition category in the

1 1994-95 academic year, rounded up to the nearest half percent. After
2 the effective date of this section, the dollar value of the building
3 fee shall not be reduced below the level in the 2014-15 academic year
4 adjusted for inflation. As used in this subsection, "inflation" has
5 the meaning in RCW 28B.15.066(2).

6 (2) The governing boards of each institution of higher
7 education((7)) shall charge to and collect from each student a
8 services and activities fee. A governing board may increase the
9 existing fee annually, consistent with budgeting procedures set forth
10 in RCW 28B.15.045, by a percentage not to exceed the annual
11 percentage increase in student tuition fees for resident
12 undergraduate students: PROVIDED, That such percentage increase shall
13 not apply to that portion of the services and activities fee
14 previously committed to the repayment of bonded debt. These rate
15 adjustments may exceed the fiscal growth factor. For the 2013-2015
16 fiscal biennium, each governing board is authorized to increase the
17 services and activities fees by amounts judged reasonable and
18 necessary by the services and activities fee committee and the
19 governing board consistent with the budgeting procedures set forth in
20 RCW 28B.15.045. The services and activities fee committee provided
21 for in RCW 28B.15.045 may initiate a request to the governing board
22 for a fee increase.

23 (3) Tuition and services and activities fees consistent with
24 subsection (2) of this section shall be set by the state board for
25 community and technical colleges for community and technical college
26 summer school students unless the college charges fees in accordance
27 with RCW 28B.15.515.

28 (4) Subject to the limitations of RCW 28B.15.910, each governing
29 board of a community or technical college may charge such fees for
30 ungraded courses, noncredit courses, community services courses, and
31 self-supporting courses as it, in its discretion, may determine,
32 consistent with the rules of the state board for community and
33 technical colleges.

34 (5) The governing board of a college offering an applied
35 baccalaureate degree program under RCW 28B.50.810 may charge tuition
36 fees for those courses above the associate degree level at rates
37 consistent with rules adopted by the state board for community and
38 technical colleges, not to exceed tuition fee rates at the regional
39 universities.

1 **Sec. 306.** RCW 28B.95.020 and 2015 c 202 s 5 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter,
4 unless the context clearly requires otherwise.

5 (1) "Academic year" means the regular nine-month, three-quarter,
6 or two-semester period annually occurring between August 1st and July
7 31st.

8 (2) "Account" means the Washington advanced college tuition
9 payment program account established for the deposit of all money
10 received by the office from eligible purchasers and interest earnings
11 on investments of funds in the account, as well as for all
12 expenditures on behalf of eligible beneficiaries for the redemption
13 of tuition units and for the development of any authorized college
14 savings program pursuant to RCW 28B.95.150.

15 (3) "Committee on advanced tuition payment" or "committee" means
16 a committee of the following members: The state treasurer, the
17 director of the office of financial management, the director of the
18 office, or their designees, and two members to be appointed by the
19 governor, one representing program participants and one private
20 business representative with marketing, public relations, or
21 financial expertise.

22 (4) "Contractual obligation" means a legally binding contract of
23 the state with the purchaser and the beneficiary establishing that
24 purchases of tuition units will be worth the same number of tuition
25 units at the time of redemption as they were worth at the time of the
26 purchase, except as provided in RCW 28B.95.030(7).

27 (5) "Dual credit fees" means any fees charged to a student for
28 participation in college in the high school under RCW 28A.600.290 or
29 running start under RCW 28A.600.310.

30 (6) "Eligible beneficiary" means the person for whom the tuition
31 unit will be redeemed for attendance at an institution of higher
32 education, participation in college in the high school under RCW
33 28A.600.290, or participation in running start under RCW 28A.600.310.
34 The beneficiary is that person named by the purchaser at the time
35 that a tuition unit contract is accepted by the governing body.
36 Qualified organizations, as allowed under section 529 of the federal
37 internal revenue code, purchasing tuition unit contracts as future
38 scholarships need not designate a beneficiary at the time of
39 purchase.

1 (7) "Eligible purchaser" means an individual or organization that
2 has entered into a tuition unit contract with the governing body for
3 the purchase of tuition units for an eligible beneficiary. The state
4 of Washington may be an eligible purchaser for purposes of purchasing
5 tuition units to be held for granting Washington college bound
6 scholarships.

7 (8) "Full-time tuition charges" means resident tuition charges at
8 a state institution of higher education for enrollments between ten
9 credits and eighteen credit hours per academic term.

10 (9) "Governing body" means the committee empowered by the
11 legislature to administer the Washington advanced college tuition
12 payment program.

13 (10) "Institution of higher education" means an institution that
14 offers education beyond the secondary level and is recognized by the
15 internal revenue service under chapter 529 of the internal revenue
16 code.

17 (11) "Investment board" means the state investment board as
18 defined in chapter 43.33A RCW.

19 (12) "Office" means the office of student financial assistance as
20 defined in chapter 28B.76 RCW.

21 (13) "State institution of higher education" means institutions
22 of higher education as defined in RCW 28B.10.016.

23 (14) "Tuition and fees" means undergraduate tuition and services
24 and activities fees as defined in RCW 28B.15.020 and 28B.15.041
25 rounded to the nearest whole dollar. For purposes of this chapter,
26 services and activities fees do not include fees charged for the
27 payment of bonds heretofore or hereafter issued for, or other
28 indebtedness incurred to pay, all or part of the cost of acquiring,
29 constructing, or installing any lands, buildings, or facilities.

30 (15) "Tuition unit contract" means a contract between an eligible
31 purchaser and the governing body, or a successor agency appointed for
32 administration of this chapter, for the purchase of tuition units for
33 a specified beneficiary that may be redeemed at a later date for an
34 equal number of tuition units, except as provided in RCW
35 28B.95.030(7).

36 (16) "Unit purchase price" means the minimum cost to purchase one
37 tuition unit for an eligible beneficiary. Generally, the minimum
38 purchase price is one percent of the undergraduate tuition and fees
39 for the current year, rounded to the nearest whole dollar, adjusted
40 for the costs of administration and adjusted to ensure the actuarial

1 soundness of the account. The analysis for price setting shall also
2 include, but not be limited to consideration of past and projected
3 patterns of tuition increases, program liability, past and projected
4 investment returns, and the need for a prudent stabilization reserve.

5 **Sec. 307.** RCW 28B.95.030 and 2015 c 202 s 6 are each amended to
6 read as follows:

7 (1) The Washington advanced college tuition payment program shall
8 be administered by the committee on advanced tuition payment which
9 shall be chaired by the director of the office. The committee shall
10 be supported by staff of the office.

11 (2)(a) The Washington advanced college tuition payment program
12 shall consist of the sale of tuition units, which may be redeemed by
13 the beneficiary at a future date for an equal number of tuition units
14 regardless of any increase in the price of tuition, that may have
15 occurred in the interval, except as provided in subsection (7) of
16 this section.

17 (b) Each purchase shall be worth a specific number of or fraction
18 of tuition units at each state institution of higher education as
19 determined by the governing body, except as provided in subsection
20 (7) of this section.

21 (c) The number of tuition units necessary to pay for a full
22 year's, full-time undergraduate tuition and fee charges at a state
23 institution of higher education shall be set by the governing body at
24 the time a purchaser enters into a tuition unit contract, except as
25 provided in subsection (7) of this section.

26 (d) The governing body may limit the number of tuition units
27 purchased by any one purchaser or on behalf of any one beneficiary,
28 however, no limit may be imposed that is less than that necessary to
29 achieve four years of full-time, undergraduate tuition charges at a
30 state institution of higher education. The governing body also may,
31 at its discretion, limit the number of participants, if needed, to
32 ensure the actuarial soundness and integrity of the program.

33 (e) While the Washington advanced college tuition payment program
34 is designed to help all citizens of the state of Washington, the
35 governing body may determine residency requirements for eligible
36 purchasers and eligible beneficiaries to ensure the actuarial
37 soundness and integrity of the program.

38 (3)(a) No tuition unit may be redeemed until two years after the
39 purchase of the unit.

1 (b) Units may be redeemed for enrollment at any institution of
2 higher education that is recognized by the internal revenue service
3 under chapter 529 of the internal revenue code. Units may also be
4 redeemed to pay for dual credit fees.

5 ~~((b))~~ (c) Units redeemed at a nonstate institution of higher
6 education or for graduate enrollment shall be redeemed at the rate
7 for state public institutions in effect at the time of redemption.

8 (4) The governing body shall determine the conditions under which
9 the tuition benefit may be transferred to another family member. In
10 permitting such transfers, the governing body may not allow the
11 tuition benefit to be bought, sold, bartered, or otherwise exchanged
12 for goods and services by either the beneficiary or the purchaser.

13 (5) The governing body shall administer the Washington advanced
14 college tuition payment program in a manner reasonably designed to be
15 actuarially sound, such that the assets of the trust will be
16 sufficient to defray the obligations of the trust including the costs
17 of administration. The governing body may, at its discretion,
18 discount the minimum purchase price for certain kinds of purchases
19 such as those from families with young children, as long as the
20 actuarial soundness of the account is not jeopardized.

21 (6) The governing body shall annually determine current value of
22 a tuition unit.

23 (7) For the 2015-16 and 2016-17 academic years, the committee and
24 the governing body shall make such one-time adjustments to all
25 unredeemed tuition units purchased before the effective date of this
26 section as may be necessary to ensure that the total payout value of
27 each account at the effective date of this section is not decreased
28 or diluted as a result of the initial application of any changes in
29 tuition under section 303, chapter . . ., Laws of 2015 2nd sp. sess.
30 (section 303 of this act). The first notification to holders of
31 tuition units after the adjustment in this subsection is made must
32 include a statement concerning the adjustment. For accounts that are
33 opened prior to the effective date of this section, the committee and
34 the governing body shall make such adjustments to the number of
35 tuition units that may be redeemed in one year as may be necessary to
36 ensure that any change in tuition policy under section 303,
37 chapter . . ., Laws of 2015 2nd sp. sess. (section 303 of this act)
38 does not result in the decrease of the dollar value of the maximum
39 tuition units that may be used in any one year.

1 (8) The governing body shall promote, advertise, and publicize
2 the Washington advanced college tuition payment program.

3 ~~((+8))~~ (9) In addition to any other powers conferred by this
4 chapter, the governing body may:

5 (a) Impose reasonable limits on the number of tuition units or
6 units that may be used in any one year;

7 (b) Determine and set any time limits, if necessary, for the use
8 of benefits under this chapter;

9 (c) Impose and collect administrative fees and charges in
10 connection with any transaction under this chapter;

11 (d) Appoint and use advisory committees and the state actuary as
12 needed to provide program direction and guidance;

13 (e) Formulate and adopt all other policies and rules necessary
14 for the efficient administration of the program;

15 (f) Consider the addition of an advanced payment program for room
16 and board contracts and also consider a college savings program;

17 (g) Purchase insurance from insurers licensed to do business in
18 the state, to provide for coverage against any loss in connection
19 with the account's property, assets, or activities or to further
20 insure the value of the tuition units;

21 (h) Make, execute, and deliver contracts, conveyances, and other
22 instruments necessary to the exercise and discharge of its powers and
23 duties under this chapter;

24 (i) Contract for the provision for all or part of the services
25 necessary for the management and operation of the program with other
26 state or nonstate entities authorized to do business in the state;

27 (j) Contract for other services or for goods needed by the
28 governing body in the conduct of its business under this chapter;

29 (k) Contract with financial consultants, actuaries, auditors, and
30 other consultants as necessary to carry out its responsibilities
31 under this chapter;

32 (l) Solicit and accept cash donations and grants from any person,
33 governmental agency, private business, or organization; and

34 (m) Perform all acts necessary and proper to carry out the duties
35 and responsibilities of this program under this chapter.

36 **Sec. 308.** RCW 28B.118.010 and 2015 c 244 s 3 are each amended to
37 read as follows:

38 The office of student financial assistance shall design the
39 Washington college bound scholarship program in accordance with this

1 section and in alignment with the state need grant program in chapter
2 28B.92 RCW unless otherwise provided in this section.

3 (1) "Eligible students" are those students who:

4 (a) Qualify for free or reduced-price lunches. If a student
5 qualifies in the seventh grade, the student remains eligible even if
6 the student does not receive free or reduced-price lunches
7 thereafter; or

8 (b) Are dependent pursuant to chapter 13.34 RCW and:

9 (i) In grade seven through twelve; or

10 (ii) Are between the ages of eighteen and twenty-one and have not
11 graduated from high school.

12 (2) Eligible students shall be notified of their eligibility for
13 the Washington college bound scholarship program beginning in their
14 seventh grade year. Students shall also be notified of the
15 requirements for award of the scholarship.

16 (3)(a) To be eligible for a Washington college bound scholarship,
17 a student eligible under subsection (1)(a) of this section must sign
18 a pledge during seventh or eighth grade that includes a commitment to
19 graduate from high school with at least a C average and with no
20 felony convictions. The pledge must be witnessed by a parent or
21 guardian and forwarded to the office of student financial assistance
22 by mail or electronically, as indicated on the pledge form.

23 (b) A student eligible under subsection (1)(b) of this section
24 shall be automatically enrolled, with no action necessary by the
25 student or the student's family, and the enrollment form must be
26 forwarded by the department of social and health services to the
27 higher education coordinating board or its successor by mail or
28 electronically, as indicated on the form.

29 (4)(a) Scholarships shall be awarded to eligible students
30 graduating from public high schools, approved private high schools
31 under chapter 28A.195 RCW, or who received home-based instruction
32 under chapter 28A.200 RCW.

33 (b)(i) To receive the Washington college bound scholarship, a
34 student must graduate with at least a "C" average from a public high
35 school or an approved private high school under chapter 28A.195 RCW
36 in Washington or have received home-based instruction under chapter
37 28A.200 RCW, must have no felony convictions, and must be a resident
38 student as defined in RCW 28B.15.012(2) (a) through (d).

39 (ii) For a student who does not meet the "C" average requirement,
40 and who completes fewer than two quarters in the running start

1 program, under chapter 28A.600 RCW, the student's first quarter of
2 running start course grades must be excluded from the student's
3 overall grade point average for purposes of determining their
4 eligibility to receive the scholarship.

5 (5) A student's family income will be assessed upon graduation
6 before awarding the scholarship.

7 (6) If at graduation from high school the student's family income
8 does not exceed sixty-five percent of the state median family income,
9 scholarship award amounts shall be as provided in this section.

10 (a) For students attending two or four-year institutions of
11 higher education as defined in RCW 28B.10.016, the value of the award
12 shall be (i) the difference between the student's tuition and
13 required fees, less the value of any state-funded grant, scholarship,
14 or waiver assistance the student receives; (ii) plus five hundred
15 dollars for books and materials.

16 (b) For students attending private four-year institutions of
17 higher education in Washington, the award amount shall be the
18 representative average of awards granted to students in public
19 research universities in Washington or the representative average of
20 awards granted to students in public research universities in
21 Washington in the 2014-15 academic year, whichever is greater.

22 (c) For students attending private vocational schools in
23 Washington, the award amount shall be the representative average of
24 awards granted to students in public community and technical colleges
25 in Washington or the representative average of awards granted to
26 students in public community and technical colleges in Washington in
27 the 2014-15 academic year, whichever is greater.

28 (7) Recipients may receive no more than four full-time years'
29 worth of scholarship awards.

30 (8) Institutions of higher education shall award the student all
31 need-based and merit-based financial aid for which the student would
32 otherwise qualify. The Washington college bound scholarship is
33 intended to replace unmet need, loans, and, at the student's option,
34 work-study award before any other grants or scholarships are reduced.

35 (9) The first scholarships shall be awarded to students
36 graduating in 2012.

37 (10) The state of Washington retains legal ownership of tuition
38 units awarded as scholarships under this chapter until the tuition
39 units are redeemed. These tuition units shall remain separately held

1 from any tuition units owned under chapter 28B.95 RCW by a Washington
2 college bound scholarship recipient.

3 (11) The scholarship award must be used within five years of
4 receipt. Any unused scholarship tuition units revert to the
5 Washington college bound scholarship account.

6 (12) Should the recipient terminate his or her enrollment for any
7 reason during the academic year, the unused portion of the
8 scholarship tuition units shall revert to the Washington college
9 bound scholarship account.

10 NEW SECTION. **Sec. 309.** The legislature intends to make college
11 more affordable for students and families through the implementation
12 of sections 301 through 308 of this act. As a result, the legislature
13 expects that resident undergraduate students are able to complete
14 their major course of study in a timely manner. The education data
15 center established in RCW 43.41.400 shall provide a statistical
16 analysis and report of the time to degree completion for each
17 undergraduate major course of study for each four-year institution of
18 higher education as defined in RCW 28B.10.016 and the state board for
19 community and technical colleges. The report shall include as many
20 years as possible to compare the results over time. The report shall
21 be provided to the appropriate committees of the legislature no later
22 than December 1, 2015.

23 NEW SECTION. **Sec. 310.** The Washington state institute for
24 public policy shall conduct a study on alternative resident
25 undergraduate tuition growth factors such as median wage, average
26 wage, consumer price index, student affordability metrics, and
27 others. The analysis should indicate how tuition is likely to change
28 under each metric over an extended period of time. The report should
29 also consider the relative ease of calculating or obtaining the
30 metric for budget development purposes. The legislature intends to
31 use this analysis to evaluate the median wage metric used in sections
32 301 through 308 of this act on an ongoing basis. The institute shall
33 report its findings to the relevant committees of the legislature by
34 December 1, 2015.

35 NEW SECTION. **Sec. 311.** The following acts or parts of acts are
36 each repealed:

1 (1) RCW 28B.15.068 (Tuition fees increase limitations—State
2 funding goals—Reports—"Global challenge states"—Notification of
3 availability of American opportunity tax credit) and 2012 c 229 s
4 525, 2012 c 229 s 524, 2011 1st sp.s. c 50 s 928, 2011 1st sp.s. c 10
5 s 7, 2009 c 540 s 1, & 2007 c 151 s 1; and

6 (2) RCW 28B.15.102 (Institutional tuition increases—Financial aid
7 offset—Reports—Resident first-year undergraduate enrollment at the
8 University of Washington, Seattle campus) and 2014 c 162 s 1, 2013 c
9 23 s 53, 2012 c 229 s 526, & 2011 1st sp.s. c 10 s 6.

10 NEW SECTION. **Sec. 312.** Sections 301 through 308 of this act may
11 be known and cited as the college affordability program.

12 **PART IV**
13 **MISCELLANEOUS PROVISIONS**

14 NEW SECTION. **Sec. 401.** Section 202 of this act takes effect
15 September 1, 2018.

16 NEW SECTION. **Sec. 402.** Section 204 of this act is necessary for
17 the immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and takes effect immediately.

--- END ---