

**E2SHB 1391** - S COMM AMD

By Committee on Early Learning & K-12 Education

**OUT OF ORDER 04/13/2019**

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that a  
4 commitment to early learning quality was established through the  
5 passage of the early start act and creation of the early achievers  
6 program. The legislature recognizes that achieving the desired child  
7 outcomes from high quality early learning and child care requires  
8 additional financial support, including the payment of living wages  
9 to providers, and that the success of the early achievers system must  
10 continue to be supported through adequate funding. Further, the  
11 legislature finds that the federal administration of children and  
12 families advises states to set child care subsidy rates at the  
13 seventy-fifth percentile of private market rates in order to ensure  
14 equal access to high quality child care. The legislature further  
15 finds that objectives of the early achievers program include  
16 providing professional development and robust training and coaching  
17 opportunities that are available in geographically diverse areas to  
18 child care and early education providers who are often small business  
19 owners and as such play a critical role in our state's economy.

20 (2) The legislature further finds that the department of  
21 children, youth, and families has undertaken efforts to identify  
22 professional equivalencies for early learning providers that  
23 recognize the commitment and years of experience that much of the  
24 workforce demonstrates.

25 (3) Therefore, as recommended by the joint select committee on  
26 the early achievers program, the legislature intends to work toward  
27 raising base subsidy rates for licensed child care centers and family  
28 homes and further incentivize the provision of care for infants and  
29 toddlers by considering rates for providers serving these young  
30 children. Further, the legislature intends to look to increase needs-  
31 based grants, scholarships, and professional development assistance,

1 as well as reduce early achievers coaching ratios, in order to  
2 support providers in continuous improvement. The legislature further  
3 intends to support the work of the department of children, youth, and  
4 families' professional equivalencies committee and the department's  
5 development of the proficiency review process.

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

8 (1) The department, in collaboration with tribal governments and  
9 community and statewide partners, shall implement a quality rating  
10 and improvement system, called the early achievers program. The early  
11 achievers program provides a foundation of quality for the early care  
12 and education system. The early achievers program is applicable to  
13 licensed or certified child care centers and homes and early learning  
14 programs such as working connections child care and early childhood  
15 education and assistance programs.

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

17 (a) Improve short-term and long-term educational outcomes for  
18 children as measured by assessments including, but not limited to,  
19 the Washington kindergarten inventory of developing skills in RCW  
20 28A.655.080;

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

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

25 (d) Increase the readiness of children for school;

26 (e) Close the disparities in access to quality care;

27 (f) Provide professional development and coaching opportunities  
28 to early child care and education providers; and

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

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

36 (b) Approved early childhood education and assistance program  
37 providers receiving state-funded support must participate in the  
38 early achievers program by the required deadlines established in RCW  
39 43.216.515.

1 (c) Participation in the early achievers program is voluntary  
2 for:

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

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

6 (d) School-age child care providers are exempt from participating  
7 in the early achievers program. By July 1, 2017, the department and  
8 the office of the superintendent of public instruction shall jointly  
9 design a plan to incorporate school-age child care providers into the  
10 early achievers program or other appropriate quality improvement  
11 system. To test implementation of the early achievers system for  
12 school-age child care providers the department and the office of the  
13 superintendent of public instruction shall implement a pilot program.

14 (4) (a) There are five primary levels in the early achievers  
15 program.

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

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

21 (5) The department has the authority to determine the rating  
22 cycle for the early achievers program. The department shall  
23 streamline and eliminate duplication between early achievers  
24 standards and state child care rules in order to reduce costs  
25 associated with the early achievers rating cycle and child care  
26 licensing.

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

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

33 (c) The first rating is free for early achievers program  
34 participants.

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

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

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

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

7 (7) (a) The department must create a single source of information  
8 for parents and caregivers to access details on a provider's early  
9 achievers program rating level, licensing history, and other  
10 indicators of quality and safety that will help parents and  
11 caregivers make informed choices. The licensing history that the  
12 department must provide for parents and caregivers pursuant to this  
13 subsection shall only include license suspension, surrender,  
14 revocation, denial, stayed suspension, or reinstatement. No unfounded  
15 child abuse or neglect reports may be provided to parents and  
16 caregivers pursuant to this subsection.

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

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

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

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

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

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

36 (8) (a) The department shall create a professional development  
37 pathway for early achievers program participants to obtain a high  
38 school diploma or equivalency or higher education credential in early  
39 childhood education, early childhood studies, child development, or  
40 an academic field related to early care and education.

1 (b) The professional development pathway must include  
2 opportunities for scholarships and grants to assist early achievers  
3 program participants with the costs associated with obtaining an  
4 educational degree.

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

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

11 (10) In collaboration with tribal governments, community and  
12 statewide partners, and the early achievers review subcommittee  
13 created in RCW 43.216.075, the department shall develop a protocol  
14 for granting early achievers program participants an extension in  
15 meeting rating level requirement timelines outlined for the working  
16 connections child care program and the early childhood education and  
17 assistance program.

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

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

24 (c) Extensions may only be granted to early achievers program  
25 participants who have demonstrated engagement in the early achievers  
26 program.

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

30 (b) Each national accreditation agency will be allowed to submit  
31 its most current standards of accreditation to establish potential  
32 credit earned in the early achievers program. The department shall  
33 grant credit to accreditation bodies that can demonstrate that their  
34 standards meet or exceed the current early achievers program  
35 standards. By December 1, 2019, the department must submit a detailed  
36 plan to the governor and the legislature to implement a robust cross-  
37 accreditation process with multiple pathways that allows a provider  
38 to earn equivalent early achievers credit resulting from  
39 accreditation by high quality national organizations.

1 (c) Licensed child care centers and child care home providers  
2 must meet national accreditation standards approved by the department  
3 for the early achievers program in order to be granted credit for the  
4 early achievers program standards. Eligibility for the early  
5 achievers program is not subject to bargaining, mediation, or  
6 interest arbitration under RCW 41.56.028, consistent with the  
7 legislative reservation of rights under RCW 41.56.028(4)(d).

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

11 (13) A child care or early learning program that is operated by a  
12 federally recognized tribe and receives state funds shall participate  
13 in the early achievers program. The tribe may choose to participate  
14 through an interlocal agreement between the tribe and the department.  
15 The interlocal agreement must reflect the government-to-government  
16 relationship between the state and the tribe, including recognition  
17 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

29 (14) The department shall consult with the early achievers review  
30 subcommittee on all substantial policy changes to the early achievers  
31 program.

32 (15) Nothing in this section changes the department's  
33 responsibility to collectively bargain over mandatory subjects or  
34 limits the legislature's authority to make programmatic modifications  
35 to licensed child care and early learning programs under RCW  
36 41.56.028(4)(d).

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

1 (1) Approved early childhood education and assistance programs  
2 shall receive state-funded support through the department. Public or  
3 private organizations(~~(7)~~) including, but not limited to, school  
4 districts, educational service districts, community and technical  
5 colleges, local governments, or nonprofit organizations, are eligible  
6 to participate as providers of the state early childhood education  
7 and assistance program.

8 (2) Funds obtained by providers through voluntary grants or  
9 contributions from individuals, agencies, corporations, or  
10 organizations may be used to expand or enhance preschool programs so  
11 long as program standards established by the department are  
12 maintained.

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

19 ~~(4) ((Existing early childhood education and assistance program  
20 providers must complete the following requirements to be eligible to  
21 receive state-funded support under the early childhood education and  
22 assistance program:~~

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

24 ~~(b) Rate at a level 4 or 5 in the early achievers program by  
25 March 1, 2016. If an early childhood education and assistance program  
26 provider rates below a level 4 by March 1, 2016, the provider must  
27 complete remedial activities with the department, and rate at a level  
28 4 or 5 within six months of beginning remedial activities.~~

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

33 (a) Enroll in the early achievers program within thirty days of  
34 the start date of the early childhood education and assistance  
35 program contract;

36 (b) (i) Except as provided in (b) (ii) of this subsection, rate at  
37 a level 4 or 5 in the early achievers program within ~~((twelve))~~  
38 twenty-four months of enrollment. If an early childhood education and  
39 assistance program provider rates below a level 4 within ~~((twelve))~~  
40 twenty-four months of enrollment, the provider must complete remedial

1 activities with the department, and rate at a level 4 or 5 within six  
2 months of beginning remedial activities.

3 (ii) Licensed or certified child care centers and homes that  
4 administer an early childhood education and assistance program shall  
5 rate at a level 4 or 5 in the early achievers program within  
6 (~~eighteen~~) twenty-four months of the start date of the early  
7 childhood education and assistance program contract. If an early  
8 childhood education and assistance program provider rates below a  
9 level 4 within (~~eighteen~~) twenty-four months, the provider must  
10 complete remedial activities with the department, and rate at a level  
11 4 or 5 within six months of beginning remedial activities.

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

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

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

28 (b) When an early childhood education and assistance program in  
29 good standing moves to a new facility, the provider must notify the  
30 department of the move within six months of changing locations in  
31 order to retain their existing rating. The early achievers program  
32 must conduct an observational visit to ensure the new classroom space  
33 is of comparable or improved environmental quality. If a provider  
34 fails to notify the department within six months of a move, the early  
35 achievers rating must be changed from the posted rated level to  
36 "Participating, Not Yet Rated" and the provider will cease to receive  
37 tiered reimbursement incentives until a new rating is completed.

38 (7) The department shall collect data periodically to determine  
39 the demand for full-day programming for early childhood education and  
40 assistance program providers. The department shall analyze this

1 demand by geographic region and shall include the findings in the  
2 annual report required under RCW ((43.215.102)) 43.216.089.

3 (8) ((By December 1, 2015,)) The department shall develop ((a))  
4 multiple pathways for licensed or certified child care centers and  
5 homes to administer an early childhood education and assistance  
6 program. The pathways shall include an accommodation for these  
7 providers to rate at a level 4 or 5 in the early achievers program  
8 according to the timelines and standards established in subsection  
9 ((5)) (4)(b)(ii) of this section. The department must consider  
10 using the intermediate level that is between level 3 and level 4 as  
11 described in RCW 43.216.085, incentives, and front-end funding in  
12 order to encourage providers to participate in the pathway.

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

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

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

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

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

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

34 (c) Rate or request to be rated at a level 3 or higher in the  
35 early achievers program by December 31, 2019. If a child care  
36 provider ((rates below)) does not rate at or request to be rated at a  
37 level 3 by December 31, 2019, the provider is no longer eligible to  
38 receive state subsidy. If the provider rates below a level 3 when the  
39 rating is released, the provider must complete remedial activities

1 with the department, and (~~rate at~~) must rate at or request to be  
2 rated at a level 3 or higher no later than (~~June~~) December 30,  
3 2020.

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

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

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

12 (c) Rate or request to be rated at a level 3 or higher in the  
13 early achievers program within thirty months of enrollment. If a  
14 child care provider (~~rates below~~) does not rate or request to be  
15 rated at a level 3 within thirty months from enrollment into the  
16 early achievers program, the provider is no longer eligible to  
17 receive state subsidy. If the provider rates below a level 3 when the  
18 rating is released, the provider must complete remedial activities  
19 with the department, and rate or request to be rated at a level 3 or  
20 higher within (~~six~~) twelve months of beginning remedial activities.

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

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

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

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

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

1 (i) In the last six months have:

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

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

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

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

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

11 (b) Children who are eligible for working connections child care  
12 pursuant to this subsection do not have to keep receiving services  
13 identified in this subsection to maintain twelve-month authorization.  
14 The department of social and health services' involvement with the  
15 family referred for working connections child care ends when the  
16 family's child protective services, child welfare services, or family  
17 assessment response case is closed.

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

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

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

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

1 (a) The creation of a substitute pool;

2 (b) The development of needs-based grants for providers ((at  
3 ~~level—2~~)) in the early achievers program ((~~to assist with~~)) who  
4 demonstrate a need for assistance to improve program quality. Needs-  
5 based grants may be used for environmental improvements of early  
6 learning facilities; purchasing curriculum development, instructional  
7 materials, supplies, and equipment ((~~to improve program quality~~));  
8 and focused infant-toddler improvements. Priority for the needs-based  
9 grants shall be given to culturally diverse and low-income providers;

10 (c) The development of materials and assessments in a timely  
11 manner, and to the extent feasible, in the provider and family home  
12 languages; and

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

16 NEW SECTION. Sec. 6. (1) The department of children, youth, and  
17 families must deliver a progress report to the governor and the  
18 legislature by July 1, 2020, and a final report by July 1, 2021, that  
19 includes:

20 (a) An analysis of consumer income and copay requirements in the  
21 working connections child care program and recommendations for  
22 mitigating the "cliff effect" for child care subsidy consumers.  
23 Recommendations must consider:

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

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

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

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

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

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

3 (ii) Evaluate advantages and disadvantages of linking early  
4 childhood education and assistance program rates and other child care  
5 subsidy rates; and

6 (iii) Review the department-designated subsidy regions and adjust  
7 regional boundaries as necessary to reflect regional economic  
8 conditions; and

9 (c) A plan for blending child care development funds and early  
10 childhood education and assistance program funds to provide extended  
11 day slots in the early childhood education and assistance program.  
12 The plan must include consideration of administrative efficiencies  
13 gained resulting from fully transferring the working connections  
14 child care program into the department.

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

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

18 (1) The education data center established in RCW 43.41.400 must  
19 collect longitudinal, student-level data on all children attending an  
20 early childhood education and assistance program. Upon completion of  
21 an electronic time and attendance record system, the education data  
22 center must collect longitudinal, student-level data on all children  
23 attending a working connections child care program. Data collected  
24 should capture at a minimum the following characteristics:

25 (a) Daily program attendance;

26 (b) Identification of classroom and teacher;

27 (c) Early achievers program quality level rating;

28 (d) Program hours;

29 (e) Program duration;

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

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

35 (2) The department shall provide early learning providers  
36 student-level data collected pursuant to this section that are  
37 specific to the early learning provider's program. Upon completion of  
38 an electronic time and attendance record system identified in  
39 subsection (1) of this section, the department shall provide child

1 care providers student-level data that are specific to the child care  
2 provider's program.

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

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

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

18 (b) The institute shall submit the first report to the  
19 appropriate committees of the legislature and the early learning  
20 advisory council by December 31, 2019. The institute shall submit  
21 subsequent reports annually to the appropriate committees of the  
22 legislature and the early learning advisory council by December 31st,  
23 with the final report due December 31, 2022. The final report shall  
24 include a cost-benefit analysis.

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

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

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

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

35 ~~(b) The department shall develop recommendations on child  
36 absences and attendance within the department's appropriations.))~~ By  
37 December 31, 2021, the Washington state institute for public policy  
38 shall update the outcome evaluation of the early childhood education  
39 and assistance program required by chapter 16, Laws of 2013 and  
40 report to the governor and the legislature on the outcomes of program

1 participants. The evaluation must examine short and long-term impacts  
2 on program participants, including high school graduation rates for  
3 up to two cohorts. When conducting the evaluation, the institute must  
4 consider, to the extent that data is available, the education levels  
5 of early childhood education and assistance program staff and the  
6 effects of full-day programming and half-day programming on outcomes.

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

9 The department must adopt administrative policies in the early  
10 achievers program to:

11 (1) Consider child care provider schedules and needs and allow  
12 flexibility when scheduling data collection and rating visits at a  
13 facility;

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

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

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

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

24 (6) Require trauma-informed care training for raters and coaches;  
25 and

26 (7) Provide continuous and robust post-rating feedback to  
27 providers.

28 NEW SECTION. Sec. 9. (1) By December 1, 2019, the department of  
29 children, youth, and families must submit to the governor and the  
30 legislature a plan to pay providers an enhanced rate, award  
31 additional early achievers points, and create a corresponding trauma-  
32 informed care designation for providers serving behaviorally  
33 challenged children.

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

35 NEW SECTION. Sec. 10. (1) By December 1, 2019, the department  
36 of children, youth, and families must evaluate options and propose  
37 recommendations to the governor and legislature related to paying

1 child care subsidy providers a set monthly rate rather than a daily  
2 rate.

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

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

6 (1) The cost of child care regulations work group is established  
7 to study: (a) The financial impacts of department licensing  
8 regulations on child care businesses; (b) direct and indirect  
9 financial costs to child care providers that are associated with  
10 participation in the early achievers quality rating system; and (c)  
11 benefits to providers associated with participation in the early  
12 achievers quality rating system. The work group must review available  
13 health, safety, and education outcome data for children and families  
14 engaged in early achievers programs when analyzing the costs and  
15 benefits associated with provider participation in the early  
16 achievers quality rating system. The work group must include an  
17 analysis of costs associated with licensing and early achievers  
18 requirements that may have a disproportionate economic impact on  
19 child care businesses located in rural areas of the state.

20 (2)(a) The secretary of the department or his or her designee  
21 shall convene the first meeting of the work group by August 1, 2019.  
22 The work group must meet at least six times between August 1, 2019,  
23 and January 31, 2020, and must convene at least two meetings of those  
24 meetings in locations east of the crest of the Cascade mountains.

25 (b) The work group must consist of the following twelve voting  
26 members:

27 (i) Three licensed family home child care providers selected by a  
28 statewide organization representing the interests of family child  
29 care providers. At least one family home child care provider must  
30 provide child care for children of agricultural workers, speak  
31 Spanish as a first language, or be located east of the crest of the  
32 Cascade mountains;

33 (ii) Three licensed child care center providers selected by a  
34 statewide organization representing the interests of licensed child  
35 care centers. At least one child care center provider must provide  
36 child care for children of agricultural workers, speak Spanish as a  
37 first language, or be located east of the crest of the Cascade  
38 mountains;

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

4 (iv) Four legislators, consisting of two members of the house of  
5 representatives and two members of the senate. The speaker of the  
6 house of representatives shall appoint one member to the work group  
7 from each of the two largest caucuses in the house of  
8 representatives. The president of the senate shall appoint one member  
9 to the work group from each of the two largest caucuses in the  
10 senate.

11 (3) The work group shall elect its cochairs, one from among the  
12 legislative members and one from among the citizen members.

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

19 (5) Legislative members of the work group are reimbursed for  
20 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
21 members must be reimbursed for travel expenses according to chapter  
22 43.03 RCW.

23 (6) Staff support for the work group shall be provided by the  
24 department.

25 (7) By May 31, 2020, the work group must submit its findings and  
26 recommendations to the governor and the appropriate committees of the  
27 legislature.

28 (8) This section expires July 1, 2020.

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

31 (1) Beginning December 15, 2015, and each December 15th  
32 thereafter, the department, in collaboration with the statewide child  
33 care resource and referral organization, and the early achievers  
34 review subcommittee of the early learning advisory council, shall  
35 submit, in compliance with RCW 43.01.036, a progress report to the  
36 governor and the legislature regarding providers' progress in the  
37 early achievers program. Each progress report must include the  
38 following elements:

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

- 4 (i) Completed the level 2 activities;
- 5 (ii) Completed rating readiness consultation and are waiting to  
6 be rated;
- 7 (iii) Achieved the required rating level to remain eligible for  
8 state-funded support under the early childhood education and  
9 assistance program or a subsidy under the working connections child  
10 care program;
- 11 (iv) Not achieved the required rating level initially but  
12 qualified for and are working through intensive targeted support in  
13 preparation for a partial rerate outside the standard rating cycle;
- 14 (v) Not achieved the required rating level initially and engaged  
15 in remedial activities before successfully achieving the required  
16 rating level;
- 17 (vi) Not achieved the required rating level after completing  
18 remedial activities; or
- 19 (vii) Received an extension from the department based on  
20 exceptional circumstances pursuant to RCW ((~~43.215.100~~)) 43.216.085;

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

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

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

- 30 (i) A subsidy under the working connections child care program;  
31 or
- 32 (ii) State-funded support under the early childhood education and  
33 assistance program;
- 34 (e) A summary of the types of exceptional circumstances for which  
35 the department has granted an extension pursuant to RCW  
36 ((~~43.215.100~~)) 43.216.085;
- 37 (f) The average amount of time required for providers to achieve  
38 local level milestones within each level of the early achievers  
39 program;

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

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

8 (i) Recommendations for improving the early achievers program  
9 standards;

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

12 (k) The number of contracted slots that use both early childhood  
13 education and assistance program funding and working connections  
14 child care program funding; and

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

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

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

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

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

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

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

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

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

36 (2) The first annual report due under subsection (1) of this  
37 section also shall include a description of the early achievers  
38 program extension protocol required under RCW ((~~43.215.100~~)  
39 43.216.085.

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

5 (4) If, based on information in an annual report submitted in  
6 2018 or later under this section, fifteen percent or more of the  
7 licensed or contracted providers who are participating in the early  
8 achievers program in a county or in a single zip code have not  
9 achieved the rating levels under RCW (~~(43.215.135)~~) 43.216.135 and  
10 (~~(43.215.415)~~) 43.216.515, the department must:

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

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

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

20 The department, in collaboration with the office of the  
21 superintendent of public instruction, shall create a community  
22 information and involvement plan to inform home-based, tribal, and  
23 family early learning providers of the early achievers program under  
24 RCW (~~(43.215.100)~~) 43.216.085.

25 NEW SECTION. **Sec. 14.** If specific funding for the purposes of  
26 this act, referencing this act by bill or chapter number, is not  
27 provided by June 30, 2019, in the omnibus appropriations act, this  
28 act is null and void."

**E2SHB 1391** - S COMM AMD

By Committee on Early Learning & K-12 Education

**OUT OF ORDER 04/13/2019**

29 On page 1, line 3 of the title, after "program;" strike the  
30 remainder of the title and insert "amending RCW 43.216.085,  
31 43.216.515, 43.216.135, 43.216.087, 43.216.655, 43.216.089, and

1 43.216.100; adding new sections to chapter 43.216 RCW; creating new  
2 sections; and providing expiration dates."

EFFECT: (1) Requires DCYF to submit a progress report by July 1, 2020, and a final report by July 1, 2021, instead of one report due in 2019, that includes recommendations regarding Working Connections Child Care and the Early Childhood Education and Assistance Program.

(2) Makes changes to the Cost of Child Care Regulations Work Group:

(a) Specifies that the work group must meet six, instead of five, times;

(b) Provides that the meetings must occur by January 31, 2020, instead of November 30, 2019;

(c) Requires the work group to submit a report by May 31, 2020, instead of December 31, 2019; and

(d) Expires the work group on July 1, 2020, instead of January 10, 2020.

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