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**SUBSTITUTE SENATE BILL 6483**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Wilson, C. and Nguyen; by request of Department of Children, Youth, and Families)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to rating requirements for child care providers;  
2 amending RCW 43.216.515; reenacting and amending RCW 43.216.135; and  
3 amending 2019 c 369 s 6 (uncodified).

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

5 **Sec. 1.** RCW 43.216.515 and 2019 c 369 s 3 are each amended to  
6 read as follows:

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

14 (2) Funds obtained by providers through voluntary grants or  
15 contributions from individuals, agencies, corporations, or  
16 organizations may be used to expand or enhance preschool programs so  
17 long as program standards established by the department are  
18 maintained.

19 (3) Persons applying to conduct the early childhood education and  
20 assistance program shall identify targeted groups and the number of  
21 children to be served, program components, the qualifications of

1 instructional and special staff, the source and amount of grants or  
2 contributions from sources other than state funds, facilities and  
3 equipment support, and transportation and personal care arrangements.

4 (4) A new early childhood education and assistance program  
5 provider must complete the requirements in this subsection to be  
6 eligible to receive state-funded support under the early childhood  
7 education and assistance program:

8 (a) Enroll in the early achievers program within thirty days of  
9 the start date of the early childhood education and assistance  
10 program contract;

11 (b) (i) Except as provided in (b) (ii) of this subsection, rate at  
12 a level 4 or 5 in the early achievers program within twenty-four  
13 months of enrollment. If an early childhood education and assistance  
14 program provider rates below a level 4 within twenty-four months of  
15 enrollment, the provider must complete remedial activities with the  
16 department, and must rate at or request to be rated at a level 4 or 5  
17 within ((~~six~~)) twelve months of beginning remedial activities.

18 (ii) Licensed or certified child care centers and homes that  
19 administer an early childhood education and assistance program shall  
20 rate at a level 4 or 5 in the early achievers program within twenty-  
21 four months of the start date of the early childhood education and  
22 assistance program contract. If an early childhood education and  
23 assistance program provider rates below a level 4 within twenty-four  
24 months, the provider must complete remedial activities with the  
25 department, and must rate at or request to be rated at a level 4 or 5  
26 within ((~~six~~)) twelve months of beginning remedial activities.

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

34 (b) To avoid disruption, the department may allow for early  
35 childhood education and assistance program providers who have rated  
36 below a level 4 after completion of the ((~~six~~)) twelve-month remedial  
37 period to continue to provide services until the current school year  
38 is finished.

39 (c) (i) If the early childhood education and assistance program  
40 provider described under subsection (4) (b) (i) or (ii) of this section

1 does not rate or request to be rated at a level 4 or 5 following the  
2 remedial period, the provider is not eligible to receive state-funded  
3 support under the early childhood education and assistance program  
4 under this section.

5 (ii) If the early childhood education and assistance program  
6 provider described under subsection (4)(b)(i) or (ii) of this section  
7 does not rate at a level 4 or 5 when the rating is released following  
8 the remedial period, the provider is not eligible to receive state-  
9 funded support under the early childhood education and assistance  
10 program under this section.

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

15 (b) When an early childhood education and assistance program in  
16 good standing moves to a new facility, the provider must notify the  
17 department of the move within six months of changing locations in  
18 order to retain their existing rating. The early achievers program  
19 must conduct an observational visit to ensure the new classroom space  
20 is of comparable or improved environmental quality. If a provider  
21 fails to notify the department within six months of a move, the early  
22 achievers rating must be changed from the posted rated level to  
23 "Participating, Not Yet Rated" and the provider will cease to receive  
24 tiered reimbursement incentives until a new rating is completed.

25 (7) The department shall collect data periodically to determine  
26 the demand for full-day programming for early childhood education and  
27 assistance program providers. The department shall analyze this  
28 demand by geographic region and shall include the findings in the  
29 annual report required under RCW 43.216.089.

30 (8) The department shall develop multiple pathways for licensed  
31 or certified child care centers and homes to administer an early  
32 childhood education and assistance program. The pathways shall  
33 include an accommodation for these providers to rate at a level 4 or  
34 5 in the early achievers program according to the timelines and  
35 standards established in subsection (4)(b)(ii) of this section. The  
36 department must consider using the intermediate level that is between  
37 level 3 and level 4 as described in RCW 43.216.085, incentives, and  
38 front-end funding in order to encourage providers to participate in  
39 the pathway.

1       **Sec. 2.** RCW 43.216.135 and 2019 c 406 s 70 and 2019 c 369 s 4  
2 are each reenacted and amended to read as follows:

3       (1) The department shall establish and implement policies in the  
4 working connections child care program to promote stability and  
5 quality of care for children from low-income households. These  
6 policies shall focus on supporting school readiness for young  
7 learners. Policies for the expenditure of funds constituting the  
8 working connections child care program must be consistent with the  
9 outcome measures established by the department and the standards  
10 established in this section intended to promote stability, quality,  
11 and continuity of early care and education programming.

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

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

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

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

22       (c) Rate or request to be rated at a level 3 or higher in the  
23 early achievers program by December 31, 2019. If a child care  
24 provider does not rate at or request to be rated at a level 3 by  
25 December 31, 2019, the provider (~~is no longer eligible to receive~~  
26 ~~state subsidy. If the provider rates below a level 3 when the rating~~  
27 ~~is released, the provider~~) must complete remedial activities with  
28 the department, and must rate at or request to be rated at a level 3  
29 or higher no later than December 30, 2020.

30       (4) A new child care provider serving nonschool-age children and  
31 receiving state subsidy payments must complete the following  
32 activities to be eligible to receive a state subsidy under this  
33 section:

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

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

38       (c) Rate or request to be rated at a level 3 or higher in the  
39 early achievers program within thirty months of enrollment. If a  
40 child care provider does not rate or request to be rated at a level 3

1 within thirty months from enrollment into the early achievers  
2 program, the provider (~~is no longer eligible to receive state~~  
3 ~~subsidy. If the provider rates below a level 3 when the rating is~~  
4 ~~released, the provider~~) must complete remedial activities with the  
5 department, and rate or request to be rated at a level 3 or higher  
6 within twelve months of beginning remedial activities.

7 (5) If a child care provider does not rate or request to be rated  
8 at a level 3 or higher following the remedial period, the provider is  
9 no longer eligible to receive state subsidy under this section. If a  
10 child care provider does not rate at a level 3 or higher when the  
11 rating is released following the remedial period, the provider is no  
12 longer eligible to receive state subsidy under this section.

13 (6) If a child care provider serving nonschool-age children and  
14 receiving state subsidy payments has successfully completed all level  
15 2 activities and is waiting to be rated by the deadline provided in  
16 this section, the provider may continue to receive a state subsidy  
17 pending the successful completion of the level 3 rating activity.

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

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

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

27 (i) In the last six months have:

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

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

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

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

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

37 (b) Children who are eligible for working connections child care  
38 pursuant to this subsection do not have to keep receiving services  
39 identified in this subsection to maintain twelve-month authorization.  
40 The department of social and health services' involvement with the

1 family referred for working connections child care ends when the  
2 family's child protective services, child welfare services, or family  
3 assessment response case is closed.

4 (10)(a) Beginning August 1, 2020, the department may not require  
5 an applicant or consumer to meet work requirements as a condition of  
6 receiving working connections child care benefits when the applicant  
7 or consumer is:

8 (i) A single parent;

9 (ii) A full-time student of a community, technical, or tribal  
10 college; and

11 (iii) Pursuing vocational education that leads to a degree or  
12 certificate in a specific occupation, not to result in a bachelor's  
13 or advanced degree.

14 (b) An applicant or consumer is a full-time student for the  
15 purposes of this subsection if he or she meets the college's  
16 definition of a full-time student. The student must maintain passing  
17 grades and be in good standing pursuant to college attendance  
18 requirements.

19 (c) Nothing in this subsection is intended to change how  
20 applicants or consumers are prioritized when applicants or consumers  
21 are placed on a wait list for working connections child care  
22 benefits.

23 **Sec. 3.** 2019 c 369 s 6 (uncodified) is amended to read as  
24 follows:

25 (1) Subject to the availability of amounts appropriated for this  
26 specific purpose, the department of children, youth, and families  
27 must deliver a progress report to the governor and the legislature by  
28 (~~July~~) September 1, 2020, and a final report by July 1, 2021, that  
29 includes:

30 (a) An analysis of consumer income and copay requirements in the  
31 working connections child care program and recommendations for  
32 mitigating the "cliff effect" for child care subsidy consumers.  
33 Recommendations must consider:

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

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

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

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

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

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

15 (ii) Evaluate advantages and disadvantages of linking early  
16 childhood education and assistance program rates and other child care  
17 subsidy rates; and

18 (iii) Review the department-designated subsidy regions and adjust  
19 regional boundaries as necessary to reflect regional economic  
20 conditions; and

21 (c) A plan for blending child care development funds and early  
22 childhood education and assistance program funds to provide extended  
23 day slots in the early childhood education and assistance program.  
24 The plan must include consideration of administrative efficiencies  
25 gained resulting from fully transferring the working connections  
26 child care program into the department.

27 (2) This section expires January 1, (~~2020~~) 2022.

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