H-0899.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1697**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Walsh, Corry, Eslick, Schmick, Jacobsen, and Schmidt

AN ACT Relating to making the early achievers quality rating and improvement system voluntary; amending RCW 26.44.272, 43.216.085, 43.216.087, 43.216.089, 43.216.090, 43.216.110, 43.216.255, 43.216.515, 43.216.555, 43.216.578, 43.216.578, 43.216.742, and 43.31.575; reenacting and amending RCW 43.216.135; providing an effective date; and providing an expiration date.

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

**Sec.**  RCW 26.44.272 and 2014 c 160 s 1 are each amended to read as follows:

(1) The family assessment response worker must assess for child safety and child well-being when collaborating with a family to determine the need for child care, preschool, or home visiting services ((~~and, as appropriate, the family assessment response worker must refer children to preschool programs that are enrolled in the early achievers program and rate at a level 3, 4, or 5 unless:~~

~~(a) The family lives in an area with no local preschool programs that rate at a level 3, 4, or 5 in the early achievers program;~~

~~(b) The local preschool programs that rate at a level 3, 4, or 5 in the early achievers program are not able to meet the needs of the child; or~~

~~(c) The child is attending a preschool program prior to participating in family assessment response and the parent or caregiver does not want the child to change preschool programs.~~

~~(2) The family assessment response worker may make child care referrals for nonschool-aged children to licensed child care programs that rate at a level 3, 4, or 5 in the early achievers program described in RCW 43.215.100 unless:~~

~~(a) The family lives in an area with no local programs that rate at level 3, 4, or 5 in the early achievers program;~~

~~(b) The local child care programs that rate at a level 3, 4, or 5 in the early achievers program are not able to meet the needs of the child; or~~

~~(c) The child is attending a child care program prior to participating in family assessment response and the parent or caregiver does not want the child to change child care programs~~)).

((~~(3)~~)) (2) The family assessment response worker shall, when appropriate, provide referrals to ((~~high quality~~)) certified and licensed child care and early learning programs.

((~~(4) The family assessment response worker shall, when appropriate, provide referrals to state and federally subsidized programs such as, but not limited to, licensed child care programs that receive state subsidy pursuant to RCW 43.215.135; early childhood education and assistance programs; head start programs; and early head start programs.~~

~~(5)~~)) (3) Prior to closing the family assessment response case, the family assessment response worker must, when appropriate, discuss child care and early learning services with the child's parent or caregiver.

(4) If the family plans to use child care or early learning services, the family assessment response worker must work with the family to facilitate enrollment.

**Sec.**  RCW 43.216.085 and 2021 c 304 s 6 are each amended to read as follows:

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is ((~~applicable to~~)) voluntary for licensed or certified child care centers, family home child care, outdoor nature-based child care, and early learning programs such as working connections child care and early childhood education and assistance programs.

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

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

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

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

(d) Increase the readiness of children for school;

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

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

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

(3)((~~(a) Licensed or certified child care centers, family home child care, and outdoor nature-based child care, serving nonschool-age children and receiving state subsidy payments, must participate in the early achievers program by the required deadlines established in RCW 43.216.135.~~

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

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

~~(i) Licensed or certified child care centers, family home child care, and outdoor nature-based child care, not receiving state subsidy payments; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) New early achievers program ratings within ((~~thirty~~)) 30 days after a program ((~~becomes licensed or certified, or~~)) receives a rating.

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

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

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

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

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

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

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

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

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

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

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

~~(11)~~))(a) The department shall accept national accreditation that meets the requirements of this subsection ((~~(11)~~)) (10) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. ((~~By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.~~))

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

((~~(12)~~)) (11) The department shall explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

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

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

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

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

((~~(14)~~)) (13) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

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

**Sec.**  RCW 43.216.087 and 2021 c 304 s 7 are each amended to read as follows:

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

(b) The department shall prioritize the resources authorized in this section to assist providers in the early achievers program to help them reach a rating of level 3 or higher ((~~wherever access to subsidized care is at risk~~)).

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

(a) The creation of a substitute pool;

(b) The development of needs-based grants for providers in the early achievers program who demonstrate a need for assistance to improve program quality. Needs-based grants may be used for environmental improvements of early learning facilities; purchasing curriculum development, instructional materials, supplies, and equipment; and focused infant-toddler improvements. Priority for the needs-based grants shall be given to culturally diverse and low-income providers;

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

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

**Sec.**  RCW 43.216.089 and 2021 c 304 s 8 are each amended to read as follows:

(1) ((~~By December 15, 2020, the department, in consultation with the statewide child care resource and referral network, and the early achievers review subcommittee of the early learning advisory council, shall submit, in compliance with RCW 43.01.036, a final report to the governor and the legislature regarding providers' progress in the early achievers program. The report must include the following elements:~~

~~(a) The number, and relative percentage, of family child care, outdoor nature-based child care, and center providers who have enrolled in the early achievers program and who have:~~

~~(i) Completed the level 2 activities;~~

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

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

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

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

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

~~(vii) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085;~~

~~(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;~~

~~(c) An examination of the effectiveness of efforts to increase successful participation by providers serving children and families from diverse racial, ethnic, and cultural backgrounds and providers who serve children from low-income households;~~

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

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

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

~~(e) A summary of the types of exceptional circumstances for which the department has granted an extension pursuant to RCW 43.216.085;~~

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

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

~~(h) Recommendations for improving access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;~~

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

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

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

~~(l) An analysis of the impact of increased regulations on the cost of child care; and~~

~~(m) A description of the early childhood education and assistance program implementation to include the following:~~

~~(i) Progress on early childhood education and assistance program implementation as required pursuant to RCW 43.216.515, 43.216.525, and 43.216.555;~~

~~(ii) An examination of the regional distribution of new preschool programming by school district;~~

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

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

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

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

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

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

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

~~(3) If, based on information in an annual report submitted in 2018 or later under this section, fifteen percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels under RCW 43.216.135 and 43.216.515, the department must:~~

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

~~(b) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature as part of the final report described in subsection (1) of this section along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.~~

~~(4)~~))(a) Beginning December 1, 2020, the department, in collaboration with the statewide child care resource and referral network, shall make available on its public website, in a consumer-friendly format, the following elements:

(i) The number, and relative percentage, of family child care and center child care providers who have enrolled in the early achievers program and who have((~~:~~

~~(A) Submitted~~)) submitted their request for on-site evaluation and are waiting to be rated((~~; and~~

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

(ii) The distribution of early childhood education and assistance program programming by school district; and

(iii) Indicators of supply and demand at the local level, as well as identification of regions or areas in which there are insufficient numbers of child care facilities using nationally developed methodology.

(b) The elements required to be made available under (a)(i) of this subsection ((~~(4)~~)) (1) must be made available at the county level, and for those counties with a population of ((~~five hundred thousand~~)) 500,000 and higher, the data must be reported at the zip code level.

(c) To the extent data are available, the elements required to be reported under (a)(ii) and (iii) of this subsection ((~~(4)~~)) (1) must be updated at a minimum of a quarterly basis on the department's public website.

(d) If in any individual state fiscal year, based on information reported in (a)(ii) and (iii) of this subsection ((~~(4)~~)) (1), ((~~fifteen~~)) 15 percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels ((~~required~~)) under RCW 43.216.135 ((~~and 43.216.515~~)), the department must:

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

(ii) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature by November 1st of the year following the state fiscal year in question, along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.

((~~(5)~~)) (2) Beginning September 15, 2021, and each odd-numbered year thereafter, the department shall submit a report to the governor and the legislature outlining the availability and quality of services available to early learning providers and children from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities. The report must include the following elements:

(a) To the extent data is available, an analysis of the racial, ethnic, and linguistic diversity of early childhood education and assistance program providers and participants, and the providers and participants of working connections child care;

(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;

(c) An examination of the effectiveness of efforts to increase and maintain successful participation by providers serving children and families from diverse racial, ethnic, and linguistic backgrounds and providers who serve children from low-income households;

(d) To the extent data is available, the distribution of early achievers program-rated facilities by child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(e) Recommendations for improving and maintaining access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;

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

(g) An examination of expulsion rates of children from diverse racial, ethnic, and diverse cultural backgrounds and from low-income neighborhoods and communities; and

(h) An analysis of how early learning providers and families from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities have influenced or participated in the department's early learning plans and implementation strategies.

((~~(6)~~)) (3) Beginning September 15, 2022, and each even-numbered year thereafter, the department shall submit a report to the governor and the legislature on the availability of supports to providers and their effectiveness at improving quality. The report must include the following elements:

(a) An analysis of the effectiveness of recruitment efforts for new and returning high quality early learning providers and programs;

(b) An analysis of the effectiveness of quality improvement tools and incentives on the retention and quality improvement of early learning professionals;

(c) An analysis of the supply of high quality subsidized early learning. This analysis must include:

(i) An examination of the trend in supply of early learning providers and workers;

(ii) A description of the primary obstacles and challenges faced by providers ((~~who have not achieved the required early achievers rating level to remain eligible to receive a subsidy under the working connections child care program or state-funded support under the early childhood education and assistance program~~));

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

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

(B) Not achieved the ((~~required~~)) desired rating level initially and engaged in remedial activities before successfully achieving the ((~~required~~)) desired rating level; or

(C) Not achieved the ((~~required~~)) desired rating level after completing remedial activities((~~; or~~

~~(D) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085~~)); and

(iv) Recommendations for improving retention and reducing barriers to entry for early learning providers;

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

(e) ((~~A summary of the types of exceptional circumstances for which the department has granted an extension to early achievers rating milestones pursuant to RCW 43.216.085;~~

~~(f)~~)) An analysis of the availability and quality of infant and toddler care; and

((~~(g)~~)) (f) An examination of any identified barriers that discourage providers from offering extended day early care and education opportunities.

((~~(7)~~)) (4) The information to be disclosed or shared under this section must not include sensitive personal information of in-home caregivers for vulnerable populations as defined in RCW 42.56.640, and must not include any other information protected from disclosure under state or federal law.

**Sec.**  RCW 43.216.090 and 2021 c 199 s 309 are each amended to read as follows:

(1) The department shall administer or contract for infant and early childhood mental health consultation services to child care providers and early learning providers participating in the early achievers program.

(2) Beginning July 1, 2021, the department of children, youth, and families must have or contract for one infant and early childhood mental health consultation coordinator and must enter into a contractual agreement with an organization providing coaching services to early achievers program participants to hire at least 12 qualified infant and early childhood mental health consultants. The department shall determine, in collaboration with the statewide child care resource and referral network, where the additional consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need. The infant and early childhood mental health consultants must support early achievers program coaches and all certified and licensed child care providers, regardless of early achievers participation or rating level, by providing resources, information, and guidance regarding challenging behavior and expulsions ((~~and~~)). Mental health consultants may travel to assist providers in serving families and children with severe behavioral needs.

(3) The department shall provide, or contract with an entity to provide, reflective supervision and professional development for infant and early childhood mental health consultants to meet national competency standards.

(4) As capacity allows, the department may provide access to infant and early childhood mental health consultation services to caregivers and licensed or certified, military, and tribal early learning providers, license-exempt family, friend, and neighbor care providers, and families with children expelled or at risk of expulsion from child care.

**Sec.**  RCW 43.216.110 and 2012 c 149 s 2 are each amended to read as follows:

((~~By December 31, 2012, the~~)) The department shall adopt core competencies for early care and education professionals and ((~~child and youth development professionals and develop an implementation plan. The department shall~~)) incorporate the core competencies into ((~~all appropriate professional development opportunities including, but not limited to,~~)) the quality rating and improvement system((~~, the early childhood education and assistance program, child care licensing, and the early support for infants and toddlers program~~)). The purpose of the core competencies is to serve as a foundation for what early care and education professionals ((~~and child and youth development professionals~~)) who are voluntary participants in the quality rating and improvement system need to know and do to provide quality care for children. The core competencies must be reviewed and updated every five years. The department may not apply the core competencies to licensing standards.

**Sec.**  RCW 43.216.135 and 2020 c 355 s 2, 2020 c 321 s 2, and 2020 c 279 s 1 are each reenacted and amended to read as follows:

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

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

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

~~(c) Rate or request to be rated at a level 3 or higher in the early achievers program by December 31, 2019. If a child care provider does not rate at or request to be rated at a level 3 by December 31, 2019, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 3 or higher no later than December 30, 2020.~~

~~(2) A new child care provider serving nonschool-age children and receiving state subsidy payments must complete the following activities to be eligible to receive a state subsidy under this section:~~

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

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

~~(c) Rate or request to be rated at a level 3 or higher in the early achievers program within thirty months of enrollment. If a child care provider does not rate or request to be rated at a level 3 within thirty months from enrollment into the early achievers program, the provider must complete remedial activities with the department, and rate or request to be rated at a level 3 or higher within twelve months of beginning remedial activities.~~

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

~~(4) If a child care provider serving nonschool-age children and receiving state subsidy payments has successfully completed all level 2 activities and is waiting to be rated by the deadline provided in this section, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity.~~

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

((~~(6)~~)) (2) The department shall account for a child care copayment collected by the provider from the family for each contracted slot and establish the copayment fee by rule.

**Sec.**  RCW 43.216.255 and 2021 c 304 s 10 are each amended to read as follows:

((~~(1) No later than November 1, 2016, the~~)) The department shall implement a single set of licensing standards for child care and the early childhood education and assistance program. The department shall produce the single set of licensing standards within the department's available appropriations. The ((~~new~~)) licensing standards must:

((~~(a)~~)) (1) Provide minimum licensing requirements for child care and preschool programs;

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

~~(c)~~)) (2) Take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and

((~~(d)~~)) (3) Promote the continued safety of child care settings.

((~~(2) Private schools that operate early learning programs and do not receive state subsidy payments shall be subject to the minimum health and safety standards as defined in RCW 43.216.395(2)(b), the health and safety requirements under chapter 28A.195 RCW, and the requirements necessary to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school. The state, and any agency thereof, shall not restrict or dictate any specific educational or other programs for early learning programs operated by private schools except for programs that receive state subsidy payments.~~))

**Sec.**  RCW 43.216.515 and 2021 c 304 s 19 are each amended to read as follows:

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

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

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

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

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

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

~~(ii) Licensed or certified child care centers, family home providers, and outdoor nature-based child care providers that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within twenty-four months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.~~

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

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

~~(c)(i) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate or request to be rated at a level 4 or 5 following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.~~

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

~~(6)~~))(a) An early childhood education and assistance program provider may choose to participate and be rated in the early achievers program.

(b) When an early childhood education and assistance program in good standing changes classroom locations to a comparable or improved space within the same facility, or to a comparable or improved outdoor location for an outdoor nature-based child care, a rerating is not required outside of the regular rerating and renewal cycle.

((~~(b)~~)) (c) When an early childhood education and assistance program in good standing moves to a new facility, or to a new outdoor location for an outdoor nature-based child care, the provider must notify the department of the move within six months of changing locations in order to retain their existing rating. The early achievers program must conduct an observational visit to ensure the new classroom space is of comparable or improved environmental quality. If a provider fails to notify the department within six months of a move, the early achievers rating must be changed from the posted rated level to "Participating, Not Yet Rated((~~" and the provider will cease to receive tiered reimbursement incentives until a new rating is completed~~))."

((~~(7)~~)) (5) The department shall collect data periodically to determine the demand for full-day programming for early childhood education and assistance program providers. The department shall analyze this demand by geographic region and shall include the findings in the annual report required under RCW 43.216.089.

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

**Sec.**  RCW 43.216.555 and 2019 c 408 s 9 are each amended to read as follows:

(1) An early learning program to provide voluntary preschool opportunities for children ages three to five years old who are not age-eligible for kindergarten shall be implemented according to the funding and implementation plan in RCW 43.216.556. The program must offer a comprehensive program of early childhood education and family support, including parental involvement and health information, screening, and referral services, based on family need. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW 43.216.500 through 43.216.550.

(3)(a) The program implementation in this section shall prioritize early childhood education and assistance programs located in low-income neighborhoods within high-need geographical areas.

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

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

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

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

(4) The secretary shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program((~~, consistent with early achievers program standards established in RCW 43.216.085~~)):

(a) Minimum program standards;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

(5) The department has administrative responsibility for:

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

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

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

(d) Providing technical assistance to contracted providers.

**Sec.**  RCW 43.216.578 and 2019 c 408 s 8 are each amended to read as follows:

(1) Within resources available under the federal preschool development grant birth to five grant award received in December 2018, the department shall develop a plan for phased implementation of a birth to three early childhood education and assistance program pilot project for eligible children under ((~~thirty-six~~)) 36 months old. Funds to implement the pilot project may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the pilot project and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements. Any deviations from early head start standards, rules, or regulations must be identified and explained by the department in its annual report under subsection (6) of this section.

(3)((~~(a)~~)) Upon securing adequate funds to begin implementation, the pilot project programs must be delivered through child care centers and family home providers who meet minimum licensing standards ((~~and are enrolled in the early achievers program.~~

~~(b) The department must determine minimum early achievers ratings scores for programs participating in the pilot project~~)).

(4) When selecting pilot project locations for service delivery, the department may allow each pilot project location to have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.

(5) To be eligible for the birth to three early childhood education and assistance program, a child's family income must be at or below ((~~one hundred thirty~~)) 130 percent of the federal poverty level and the child must be under ((~~thirty-six~~)) 36 months old.

(6) Beginning November 1, 2020, and each November 1st thereafter during pilot project activity, the department shall submit an annual report to the governor and legislature that includes a status update that describes the planning work completed, the status of funds secured, and any implementation activities of the pilot project. Implementation activity reports must include a description of the participating programs and number of children and families served.

**Sec.**  RCW 43.216.578 and 2021 c 199 s 403 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a birth to three early childhood education and assistance program for eligible children under ((~~thirty-six~~)) 36 months old. Funds to implement the program may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the program and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements.

(3)((~~(a)~~)) The birth to three early childhood education and assistance program must be delivered through child care centers and family home providers who meet minimum licensing standards ((~~and are enrolled in the early achievers program.~~

~~(b) The department must determine minimum early achievers ratings scores for participating contractors~~)).

(4) To be eligible for the birth to three early childhood education and assistance program, a child's family income must be at or below 50 percent of the state median income and the child must be under ((~~thirty-six~~)) 36 months old.

**Sec.**  RCW 43.216.742 and 2021 c 304 s 28 are each amended to read as follows:

(1) The department shall establish a licensed outdoor nature-based child care program.

(2) The department shall adopt rules to implement the outdoor nature-based child care program and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor classrooms.

(3) ((~~The department shall apply~~)) Outdoor nature-based child care programs may choose to participate in the early achievers program ((~~to the outdoor nature-based child care program~~)) to assess quality in the outdoor learning environment((~~s and may waive or adapt early achievers requirements when necessary to allow for the operation of outdoor classrooms~~)).

(4) A child care or early learning program operated by a federally recognized tribe may participate in the outdoor nature-based child care program through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty.

(5) Subject to the availability of funds, the department may convene an advisory group of outdoor, nature-based early learning practitioners to inform and support implementation of the outdoor nature-based child care program.

**Sec.**  RCW 43.31.575 and 2021 c 130 s 2 are each amended to read as follows:

(1) Organizations eligible to receive funding from the early learning facilities grant and loan program include:

(a) Early childhood education and assistance program providers;

(b) Working connections child care providers who are eligible to receive state subsidies;

(c) Licensed early learning centers not currently participating in the early childhood education and assistance program, but intending to do so;

(d) Developers of housing and community facilities;

(e) Community and technical colleges;

(f) Educational service districts;

(g) Local governments;

(h) Federally recognized tribes in the state; and

(i) Religiously affiliated entities.

(2) To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b) and (c) and (2), eligible organizations and school districts must((~~:~~

~~(a) Commit to being an active participant in good standing with the early achievers program as defined by chapter 43.216 RCW; and~~

~~(b) Demonstrate~~)) demonstrate that projects receiving construction, purchase, or renovation grants or loans must also:

((~~(i)~~)) (a) Demonstrate that the project site is under the applicant's control for a minimum of ((~~ten~~)) 10 years, either through ownership or a long-term lease; and

((~~(ii)~~)) (b) Commit to using the facility funded by the grant or loan for the purposes of providing preschool or child care for a minimum of ((~~ten~~)) (10) years.

(3) ((~~To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b) and (c) and (2), religiously affiliated entities must use the facility to provide child care and education services consistent with subsection (4)(a) of this section.~~

~~(4)(a) Upon receiving a grant or loan, the recipient must continue to be an active participant and in good standing with the early achievers program.~~

~~(b) If the recipient does not meet the conditions specified in (a) of this subsection, the grants shall be repaid to the early learning facilities revolving account or the early learning facilities development account, as directed by the department. So~~)) (a) As long as an eligible organization continues to provide an early learning program in the facility((~~,~~)) and the facility is used as authorized, ((~~and the eligible organization continues to be an active participant and in good standing with the early achievers program,~~)) the grant repayment is waived.

((~~(c)~~)) (b) The department, in consultation with the department of children, youth, and families, must adopt rules to implement this section.

NEW SECTION. **Sec.**  Section 11 of this act expires July 1, 2026.

NEW SECTION. **Sec.**  Section 12 of this act takes effect July 1, 2026.

**--- END ---**