
HOUSE BILL 1511

State of Washington

68th Legislature

2023 Regular Session

By Representatives Reeves, Simmons, Ramel, Leavitt, Rule, Senn, Reed, and Fosse

Read first time 01/23/23. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to calculation of income for certain early
2 learning and child care programs; amending RCW 43.216.1368,
3 43.216.505, 43.216.578, and 43.216.578; reenacting and amending RCW
4 43.216.505; providing an effective date; and providing an expiration
5 date.

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

7 **Sec. 1.** RCW 43.216.1368 and 2022 c 297 s 959 are each amended to
8 read as follows:

9 (1) It is the intent of the legislature to increase working
10 families' access to affordable, high quality child care and to
11 support the expansion of the workforce to support businesses and the
12 statewide economy.

13 (2) Beginning October 1, 2021, a family is eligible for working
14 connections child care when the household's annual income is at or
15 below 60 percent of the state median income adjusted for family size
16 and:

17 (a) The child receiving care is: (i) Less than 13 years of age;
18 or (ii) less than 19 years of age and has a verified special need
19 according to department rule or is under court supervision; and

20 (b) The household meets all other program eligibility
21 requirements.

1 (3) Beginning July 1, 2025, a family is eligible for working
2 connections child care when the household's annual income is above 60
3 percent and at or below 75 percent of the state median income
4 adjusted for family size and:

5 (a) The child receiving care is: (i) Less than 13 years of age;
6 or (ii) less than 19 years of age and has a verified special need
7 according to department rule or is under court supervision; and

8 (b) The household meets all other program eligibility
9 requirements.

10 (4) Beginning July 1, 2027, and subject to the availability of
11 amounts appropriated for this specific purpose, a family is eligible
12 for working connections child care when the household's annual income
13 is above 75 percent of the state median income and is at or below 85
14 percent of the state median income adjusted for family size and:

15 (a) The child receiving care is: (i) Less than 13 years of age;
16 or (ii) less than 19 years of age and has a verified special need
17 according to department rule or is under court supervision; and

18 (b) The household meets all other program eligibility
19 requirements.

20 (5) (a) Beginning October 1, 2021, through June 30, 2023, the
21 department must calculate a monthly copayment according to the
22 following schedule:

| If the household's income is: | Then the household's maximum monthly copayment is: |
|--|---|
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of \$15 |
| Above 20 percent and at or below 36 percent of the state median income | \$65 |
| Above 36 percent and at or below 50 percent of the state median income | \$115 until December 31, 2021, and \$90 beginning January 1, 2022 |
| Above 50 percent and at or below 60 percent of the state median income | \$115 |

32 (b) Beginning July 1, 2023, the department must calculate a
33 monthly copayment according to the following schedule:

| If the household's income is: | Then the household's maximum monthly copayment is: |
|---|---|
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of \$15 |

| | | |
|---|--|-------|
| 1 | Above 20 percent and at or below 36 percent of the state | \$65 |
| 2 | median income | |
| 3 | Above 36 percent and at or below 50 percent of the state | \$90 |
| 4 | median income | |
| 5 | Above 50 percent and at or below 60 percent of the state | \$165 |
| 6 | median income | |

7 (c) Beginning July 1, 2025, the department must calculate a
8 maximum monthly copayment of \$215 for households with incomes above
9 60 percent and at or below 75 percent of the state median income.

10 (d) Subject to the availability of amounts appropriated for this
11 specific purpose, the department shall adopt a copayment model for
12 households with annual incomes above 75 percent of the state median
13 income and at or below 85 percent of the state median income. The
14 model must calculate a copayment for each household that is no
15 greater than seven percent of the household's countable income within
16 this income range.

17 (e) The department may adjust the copayment schedule to comply
18 with federal law.

19 (6) For purposes of determining eligibility and copayment under
20 this section, income does not include payments received through child
21 support, social security benefits, or supplemental security income.

22 (7) The department must adopt rules to implement this section,
23 including an income phase-out eligibility period.

24 **Sec. 2.** RCW 43.216.505 and 2021 c 67 s 1 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout RCW 43.216.500 through 43.216.559,
28 43.216.900, and 43.216.901.

29 (1) "Advisory committee" means the advisory committee under RCW
30 43.216.520.

31 (2) "Approved programs" means those state-supported education and
32 special assistance programs which are recognized by the department as
33 meeting the minimum program rules adopted by the department to
34 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
35 43.216.901 and are designated as eligible for funding by the
36 department under RCW 43.216.530 and 43.216.540.

1 (3) "Comprehensive" means an assistance program that focuses on
2 the needs of the child and includes education, health, and family
3 support services.

4 (4) "Eligible child" means a three to five-year old child who is
5 not age-eligible for kindergarten, is not a participant in a federal
6 or state program providing comprehensive services, and who:

7 (a) Has a family income at or below (~~one hundred ten~~) 110
8 percent of the federal poverty level, as published annually by the
9 federal department of health and human services. For purposes of
10 calculating family income under this subsection, income does not
11 include payments received through child support, social security
12 benefits, or supplemental security income;

13 (b) Is eligible for special education due to disability under RCW
14 28A.155.020; or

15 (c) Meets criteria under rules adopted by the department if the
16 number of such children equals not more than (~~ten~~) 10 percent of
17 the total enrollment in the early childhood program. Preference for
18 enrollment in this group shall be given to children from families
19 with the lowest income, children in foster care, or to eligible
20 children from families with multiple needs.

21 (5) "Family support services" means providing opportunities for
22 parents to:

23 (a) Actively participate in their child's early childhood
24 program;

25 (b) Increase their knowledge of child development and parenting
26 skills;

27 (c) Further their education and training;

28 (d) Increase their ability to use needed services in the
29 community;

30 (e) Increase their self-reliance.

31 (6) "Homeless" means a child without a fixed, regular, and
32 adequate nighttime residence as described in the federal McKinney-
33 Vento homeless assistance act (Title 42 U.S.C., chapter 119,
34 subchapter VI, part B) as it existed on January 1, 2021.

35 **Sec. 3.** RCW 43.216.505 and 2021 c 199 s 204 are each reenacted
36 and amended to read as follows:

37 Unless the context clearly requires otherwise, the definitions in
38 this section apply throughout RCW 43.216.500 through 43.216.559,
39 43.216.900, and 43.216.901.

1 (1) "Advisory committee" means the advisory committee under RCW
2 43.216.520.

3 (2) "Approved programs" means those state-supported education and
4 special assistance programs which are recognized by the department as
5 meeting the minimum program rules adopted by the department to
6 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
7 43.216.901 and are designated as eligible for funding by the
8 department under RCW 43.216.530 and 43.216.540.

9 (3) "Comprehensive" means an assistance program that focuses on
10 the needs of the child and includes education, health, and family
11 support services.

12 (4) "Eligible child" means a three to five-year old child who is
13 not age-eligible for kindergarten, is not a participant in a federal
14 or state program providing comprehensive services, and who:

15 (a) Has a family with financial need;

16 (b) Is experiencing homelessness;

17 (c) Has participated in early head start or a successor federal
18 program providing comprehensive services for children from birth
19 through two years of age, the early support for infants and toddlers
20 program or received class C developmental services, the birth to
21 three early childhood education and assistance program, or the early
22 childhood intervention and prevention services program;

23 (d) Is eligible for special education due to disability under RCW
24 28A.155.020;

25 (e) Is Indian as defined in rule by the department after
26 consultation and agreement with Washington state's federally
27 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100
28 percent of the state median income adjusted for family size. For
29 purposes of this subsection, income does not include payments
30 received through child support, social security benefits, or
31 supplemental security income; or

32 (f) Meets criteria under rules adopted by the department if the
33 number of such children equals not more than (~~ten~~) 10 percent of
34 the total enrollment in the early childhood program. Preference for
35 enrollment in this group shall be given to children from families
36 with the lowest income, children in foster care, or to eligible
37 children from families with multiple needs.

38 (5) "Experiencing homelessness" means a child without a fixed,
39 regular, and adequate nighttime residence as described in the federal

1 McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119,
2 subchapter VI, part B) as it existed on January 1, 2021.

3 (6) "Family support services" means providing opportunities for
4 parents to:

5 (a) Actively participate in their child's early childhood
6 program;

7 (b) Increase their knowledge of child development and parenting
8 skills;

9 (c) Further their education and training;

10 (d) Increase their ability to use needed services in the
11 community;

12 (e) Increase their self-reliance; and

13 (f) Connect with culturally competent, disability positive
14 therapists and supports where appropriate.

15 (7) "Family with financial need" means families with incomes at
16 or below 36 percent of the state median income adjusted for family
17 size until the 2030-31 school year. Beginning in the 2030-31 school
18 year, "family with financial need" means families with incomes at or
19 below 50 percent of the state median income adjusted for family size.
20 For purposes of this subsection, income does not include payments
21 received through child support, social security benefits, or
22 supplemental security income.

23 **Sec. 4.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to
24 read as follows:

25 (1) Within resources available under the federal preschool
26 development grant birth to five grant award received in December
27 2018, the department shall develop a plan for phased implementation
28 of a birth to three early childhood education and assistance program
29 pilot project for eligible children under (~~thirty-six~~) 36 months
30 old. Funds to implement the pilot project may include a combination
31 of federal, state, or private sources.

32 (2) The department may adopt rules to implement the pilot project
33 and may waive or adapt early childhood education and assistance
34 program requirements when necessary to allow for the operation of the
35 birth to three early childhood education and assistance program. The
36 department shall consider early head start rules and regulations when
37 developing the provider and family eligibility requirements and
38 program requirements. Any deviations from early head start standards,

1 rules, or regulations must be identified and explained by the
2 department in its annual report under subsection (6) of this section.

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

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

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

17 (5) To be eligible for the birth to three early childhood
18 education and assistance program, a child's family income must be at
19 or below (~~one hundred thirty~~) 130 percent of the federal poverty
20 level and the child must be under (~~thirty-six~~) 36 months old. For
21 purposes of calculating family income under this section, income does
22 not include payments received through child support, social security
23 benefits, or supplemental security income.

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

31 **Sec. 5.** RCW 43.216.578 and 2021 c 199 s 403 are each amended to
32 read as follows:

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

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

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

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

14 (4) To be eligible for the birth to three early childhood
15 education and assistance program, a child's family income must be at
16 or below 50 percent of the state median income and the child must be
17 under (~~thirty-six~~) 36 months old. For purposes of calculating
18 family income under this section, income does not include payments
19 received through child support, social security benefits, or
20 supplemental security income.

21 NEW SECTION. **Sec. 6.** Sections 2 and 4 of this act expire July
22 1, 2026.

23 NEW SECTION. **Sec. 7.** Sections 3 and 5 of this act take effect
24 July 1, 2026.

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