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**SECOND SUBSTITUTE HOUSE BILL 1550**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse, and Doglio)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to assisting eligible children in need of  
2 additional preparation to be successful in kindergarten by replacing  
3 transitional kindergarten with a legislatively established and  
4 authorized transition to kindergarten program; amending RCW  
5 28A.225.160, 43.216.085, and 43.216.655; adding new sections to  
6 chapter 28A.300 RCW; adding new sections to chapter 43.216 RCW;  
7 creating new sections; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that high  
10 quality early learning is the best way to ensure children have the  
11 social-emotional skills and other skills they need to enter  
12 kindergarten ready to learn. Unfortunately, too many children across  
13 the state do not have access to high quality early learning.

14 (2) The legislature recognizes that the early childhood education  
15 and assistance program, the state's preschool program, is expanding  
16 and will become an entitlement for eligible children in the year  
17 2026. The fair start for kids act, enacted in 2021, is helping to  
18 expand access to more affordable, high quality child care; and early  
19 learning and federal early learning programs serve thousands of  
20 families across the state.

1 (3) However, the legislature finds that these early learning  
2 programs do not yet reach all families in need. As a result, there  
3 are children about to enter kindergarten who need an opportunity for  
4 high quality preschool in order to be successful kindergarten  
5 students in the following school year. The legislature recognizes  
6 that school districts, especially those in communities with early  
7 learning deserts, can and do reach children who need these  
8 opportunities. Some school districts and charter schools have  
9 attempted to address this gap by creating programs referred to as  
10 transitional kindergarten using allocations appropriated for the  
11 state's program of basic education. These extrastatutory programs are  
12 established by school districts and charter schools on an ad hoc  
13 basis and not all of the programs referred to as transitional  
14 kindergarten meet the high quality age-appropriate early learning  
15 standards that other state-funded early learning programs are  
16 required to meet.

17 (4) Therefore, the legislature intends to establish a transition  
18 to kindergarten program that meets early learning standards in lieu  
19 of transitional kindergarten programs and to help fill in gaps in  
20 access to high quality early learning for eligible children,  
21 especially in early learning deserts. School district transitional  
22 kindergarten programs in operation in 2023 will be converted to  
23 school district transition to kindergarten programs for eligible  
24 students by August 31, 2024, provided that the standards set forth in  
25 this act are met. The legislature intends to provide state funding,  
26 which is separate from and in addition to the state basic education  
27 allocation, for the transition to kindergarten program so that it can  
28 be offered at no charge to eligible students, and to prohibit the use  
29 of state basic education allocations for this program. The  
30 legislature further intends to clarify that these transition to  
31 kindergarten programs, which are offered at the school district's  
32 option, are not part of the state's required minimum instructional  
33 program of basic education and do not constitute enrollments for  
34 purposes of generating state basic education funding allocations. The  
35 legislature also intends to: Require that the early learning  
36 ecosystem work together; promote coordinated systems of comprehensive  
37 early learning services; maximize efficient use of state, federal,  
38 and local resources; and ensure that children and families get the  
39 early learning services they need in the most appropriate setting.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 28A.300  
2    RCW to read as follows:

3        (1)    **Establishment.**

4        (a)    The transition to kindergarten program is established to  
5    assist eligible children in need of additional preparation to be  
6    successful kindergarten students in the following school year. The  
7    transition to kindergarten program is not part of the state's  
8    instructional program of basic education under RCW 28A.150.220.

9        (b)    The office of the superintendent of public instruction shall  
10    administer the transition to kindergarten program as required by this  
11    section.

12        (2)    **Authorizations and approvals.**    The office of the  
13    superintendent of public instruction may authorize school districts  
14    to offer a transition to kindergarten program, approve transition to  
15    kindergarten program sites at one or more of an authorized school  
16    district's schools, and cap eligible child enrollment for each  
17    authorized school district as required by this subsection (2). The  
18    office of the superintendent of public instruction must authorize any  
19    school district offering a program referred to as transitional  
20    kindergarten during the 2023-24 school year that is converting to a  
21    transition to kindergarten program under the conversion plan adopted  
22    by the office of the superintendent of public instruction under  
23    section 3 of this act, provided the school district meets the  
24    requirements of subsection (3) of this section by September 1, 2024,  
25    or earlier if required by the office.

26        (a)    By December 31, 2023, the office of the superintendent of  
27    public instruction must develop and begin implementing a process for  
28    school districts to apply to operate or expand a transition to  
29    kindergarten program. At a minimum, the application must:

30        (i)    Specify the number of transition to kindergarten program  
31    sites the school district is applying for and the intended number of  
32    eligible children to be enrolled at each site;

33        (ii)    Describe the screening process or other instruments that the  
34    school district will use to individually determine whether an  
35    eligible child has a developmental delay or otherwise needs  
36    additional preparation to be successful in kindergarten in the  
37    following school year. Eligible children who are on the waitlist for  
38    early childhood education and assistance program sites are not  
39    required to be screened; and

1 (iii) Outline the school district's plan for coordinated  
2 recruitment and enrollment with other early learning program  
3 providers, including its proposed memoranda of understanding.

4 (b)(i) In order to distribute high quality early learning  
5 programs across communities in an equitable and effective manner, the  
6 following activities must be coordinated with the department of  
7 children, youth, and families, in consideration of the items listed  
8 in (b)(ii) of this subsection (2): Authorization of school districts  
9 to offer a transition to kindergarten program; approval of transition  
10 to kindergarten program sites at one or more of an authorized school  
11 district's schools; and capping eligible child enrollment. In  
12 addition, the office of the superintendent of public instruction must  
13 limit the number of authorized school districts, approved transition  
14 to kindergarten program sites, and enrolled eligible children as  
15 required by the omnibus operating appropriations act.

16 (ii) The activities listed in (b)(i) of this subsection (2) must  
17 be conducted in consideration of: The existing availability of the  
18 early childhood education and assistance programs, head start  
19 programs, and licensed child care providers; planned expansion of  
20 early childhood education and assistance program sites and  
21 eligibility criteria; and the state-funded early childhood education  
22 and assistance program entitlement required in RCW 43.216.556.

23 (3) **Operations.** Authorized school districts operating a  
24 transition to kindergarten program must meet the requirements in this  
25 subsection (3).

26 (a) Except for school districts offering a program referred to as  
27 transitional kindergarten during the 2023-24 school year that are  
28 converting to a transition to kindergarten program under the  
29 conversion plan adopted by the office of the superintendent of public  
30 instruction under section 3 of this act, authorized school districts  
31 must engage in a planning year before operating a transition to  
32 kindergarten program site, during which it must prepare for  
33 compliance with applicable rules.

34 (b) Authorized school districts may not charge tuition or other  
35 fees to state-funded eligible children for enrollment in a transition  
36 to kindergarten program.

37 (c) Authorized school districts must avoid adversely impacting  
38 enrollment in other high quality early learning programs by using a  
39 coordinated recruitment and enrollment plan to prioritize eligible

1 children for enrollment in the transition to kindergarten program in  
2 the following order:

3 (i) Eligible children on the waitlist for, but not scheduled for  
4 enrollment in, an early childhood education and assistance program  
5 site; then

6 (ii) Eligible children who have been individually determined  
7 through a screening process or other instruments to have a  
8 developmental delay or otherwise need additional preparation to be  
9 successful in kindergarten in the following school year with priority  
10 to the eldest children and the children with the lowest household  
11 incomes.

12 (d) Authorized school districts must participate in the early  
13 achievers program established under RCW 43.216.085.

14 (e) Authorized school districts must require that transition to  
15 kindergarten program sites use developmentally appropriate curricula  
16 and implement the following elements in alignment with early  
17 childhood education and assistance program performance standards:  
18 Classroom environment; pedagogical approach; and safety measures.

19 (f) Each transition to kindergarten program classroom must be  
20 staffed with a teacher who holds a valid Washington teacher  
21 certificate and who either:

22 (i) Holds an early childhood education endorsement or an early  
23 childhood special education endorsement; or

24 (ii) Holds an elementary education endorsement and, within five  
25 years of initial assignment to the transition to kindergarten  
26 program, completes at least 24 college credits, or 60 clock hours,  
27 related to the state early childhood education core competencies  
28 established by the department of children, youth, and families.

29 (g) Authorized school districts are prohibited from establishing  
30 a policy of excluding an eligible child due only to the presence of a  
31 disability.

32 (h) Authorized school districts must work in collaboration with  
33 early learning partners to promote coordinated systems of  
34 comprehensive early childhood services.

35 (i) Nothing in this section prohibits authorized school districts  
36 from blending or colocating early learning programs, such as the  
37 transition to kindergarten program, the early childhood education and  
38 assistance program, the federal head start program, or private pay  
39 programs.

40 (4) **Funding.**

1 (a) The office of the superintendent of public instruction must  
2 distribute to authorized school districts an amount per eligible  
3 child enrolled in a transition to kindergarten program that is  
4 equivalent to the amount per child enrolled in a school day class of  
5 an early childhood education and assistance program, divided by  
6 1.091, and multiplied by the school district's regionalization factor  
7 under RCW 28A.150.412 identified in the omnibus appropriations act,  
8 excluding the experience factor. The distributed amount must be  
9 prorated to account for enrollment in a transition to kindergarten  
10 program that is less than a full school day or a full school year.

11 (b) The office of the superintendent of public instruction must  
12 submit to the legislature by each December 1st a report that includes  
13 the following data: (i) The number of state-funded eligible children  
14 enrolled in transition to kindergarten programs operated by  
15 authorized school districts in the current school year; and (ii) the  
16 estimated number of eligible children that authorized school  
17 districts intend to enroll in the following school year.

18 (5) **Reapprovals and reauthorizations.** The office of the  
19 superintendent of public instruction must establish processes to  
20 reapprove transition to kindergarten program sites and reauthorize  
21 school districts, periodically and, at a minimum, as required in the  
22 omnibus operating appropriations act. If an authorized school  
23 district or approved transition to kindergarten program site will be  
24 discontinued or otherwise not provided with state funding, the office  
25 of the superintendent of public instruction must provide the  
26 authorized school district with at least one year of notice. If an  
27 authorized school district is required to complete remedial  
28 activities under section 9 of this act, the initiation of the  
29 remedial period serves as the one year of notice that the authorized  
30 school district or approved transition to kindergarten program site  
31 will be discontinued or otherwise not provided with state funding.

32 (6) **Resources.** The office of the superintendent of public  
33 instruction must collaborate with the department of children, youth,  
34 and families to develop, and make publicly available, a model  
35 memorandum of understanding between authorized school districts and  
36 other early learning program providers. The model language must  
37 include a process for resolving local concerns between early learning  
38 program providers, including school districts.

39 (7) **Rules.** The office of the superintendent of public instruction  
40 shall adopt rules under chapter 34.05 RCW for the authorization of,

1 the administration of, and the allocation of state funding for the  
2 transition to kindergarten program. Where applicable, the office of  
3 the superintendent of public instruction shall collaborate with the  
4 department of children, youth, and families in the development of the  
5 rules.

6 (8) **Definitions.** The definitions in this subsection apply  
7 throughout this section unless the context clearly requires  
8 otherwise.

9 (a) "Approved school district" means a school district approved  
10 by the office of the superintendent of public instruction to operate  
11 a program under this section.

12 (b) "Common school" has the same meaning as in RCW 28A.150.020.

13 (c) "Eligible child" means a child who turns five years old  
14 between September 1st of the year of admission to the transition to  
15 kindergarten program and the following August 31st, who does not have  
16 access to enroll in a federal or state program providing high quality  
17 early learning services, who does not have access to, or has been  
18 referred by, a licensed early learning program provider, and who  
19 either:

20 (i) Is on the waitlist for, but not scheduled for enrollment in,  
21 an early childhood education and assistance program; or

22 (ii) Has been individually determined through a screening process  
23 or other instruments to have a developmental delay or otherwise needs  
24 additional preparation to be successful in kindergarten in the  
25 following school year.

26 (d) "Program site" means a school in an authorized school  
27 district that is approved by the office of the superintendent of  
28 public instruction to operate a program.

29 (e) "Transitional kindergarten" has the same meaning as in  
30 section 3 of this act.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300  
32 RCW to read as follows:

33 (1) By October 1, 2023, school districts and charter schools that  
34 offered a program referred to as transitional kindergarten during the  
35 2022-23 school year must submit a report to the office of the  
36 superintendent of public instruction describing the screening process  
37 or other instruments used to determine children's eligibility for the  
38 program.

1 (2) By December 31, 2023, the office of the superintendent of  
2 public instruction shall adopt and begin implementing a conversion  
3 plan to assist school districts that offered a program referred to as  
4 transitional kindergarten during the 2022-23 school year to be  
5 authorized, under section 2 of this act, to begin offering a  
6 transition to kindergarten program no later than September 1, 2024.  
7 The conversion plan must include a process for coordinating approval  
8 of future sites and slots for the transition to kindergarten program  
9 and the early childhood education and assistance program. The goal of  
10 the process is to distribute future sites and slots across  
11 communities in an equitable and effective manner.

12 (3) By August 31, 2024, school districts and charter schools must  
13 cease operation of programs referred to as transitional kindergarten  
14 and may no longer report transitional kindergarten students as  
15 kindergarten students for purposes of receiving basic education  
16 allocations under RCW 28A.150.250.

17 (4) As used in this section, "transitional kindergarten" means an  
18 extrastatutory instructional program, based on kindergarten standards  
19 rather than on developmentally appropriate early learning standards,  
20 established on an ad hoc basis for children below the age of five who  
21 do not have access to high quality early learning experiences prior  
22 to kindergarten, and who have been deemed by a school district or  
23 charter school, through a screening process or other instrument, to  
24 be in need of additional preparation to be successful in kindergarten  
25 the following year.

26 **Sec. 4.** RCW 28A.225.160 and 2009 c 380 s 3 are each amended to  
27 read as follows:

28 (1) Except as provided in subsection (2) of this section and  
29 otherwise provided by law, it is the general policy of the state that  
30 the common schools shall be open to the admission of all persons who  
31 are five years of age and less than (~~twenty-one~~) 21 years residing  
32 in that school district. Except as otherwise provided by law or rules  
33 adopted by the superintendent of public instruction, districts may  
34 establish uniform entry qualifications, including but not limited to  
35 birthdate requirements, for admission to kindergarten and first grade  
36 programs of the common schools. Such rules may provide for exceptions  
37 based upon the ability, or the need, or both, of an individual  
38 student. For the purpose of complying with any rule adopted by the  
39 superintendent of public instruction that authorizes a preadmission



1 screening process as a prerequisite to granting exceptions to the  
2 uniform entry qualifications, a school district may collect fees to  
3 cover expenses incurred in the administration of any preadmission  
4 screening process: PROVIDED, That in so establishing such fee or  
5 fees, the district shall adopt rules for waiving and reducing such  
6 fees in the cases of those persons whose families, by reason of their  
7 low income, would have difficulty in paying the entire amount of such  
8 fees. Beginning with the 2024-25 school year, rules providing for  
9 exceptions to the uniform entry qualifications for kindergarten must  
10 limit early kindergarten admission to children deemed by the local  
11 educational service district, using multiple objective criteria, to  
12 be "likely to be successful in kindergarten."

13 (2) A student who meets the definition of a child of a military  
14 family in transition under Article II of RCW 28A.705.010 shall be  
15 permitted to continue enrollment at the grade level in the common  
16 schools commensurate with the grade level of the student when  
17 attending school in the sending state as defined in Article II of RCW  
18 28A.705.010, regardless of age or birthdate requirements.

19 NEW SECTION. Sec. 5. A new section is added to chapter 43.216  
20 RCW to read as follows:

21 (1) The department of children, youth, and families shall:

22 (a) Partner with the office of the superintendent of public  
23 instruction to coordinate distribution of high quality early learning  
24 programs across communities as described in section 2(2)(b) of this  
25 act;

26 (b) Identify developmentally appropriate curricula for use in  
27 transition to kindergarten programs and publish the list on the  
28 department website; and

29 (c) Direct early learning providers to work in collaboration with  
30 school districts authorized to offer a transition to kindergarten  
31 program to promote coordinated systems of comprehensive early  
32 childhood services.

33 (2) As used in this section, "transition to kindergarten program"  
34 means the program established under section 2 of this act.

35 NEW SECTION. Sec. 6. A new section is added to chapter 43.216  
36 RCW to read as follows:

37 The department must implement, in partnership with the office of  
38 the superintendent of public instruction, a data system that uses a

1 single student identifier across all state-funded early learning,  
2 elementary, and secondary education programs. The state-funded early  
3 learning programs must be required to collect and submit to the data  
4 system race and ethnicity data as described in RCW 28A.300.042(1).

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300  
6 RCW to read as follows:

7 The office of the superintendent of public instruction must  
8 partner with the department of children, youth, and families to  
9 implement the data system as required under section 6 of this act.

10 NEW SECTION. **Sec. 8.** (1) The department of children, youth, and  
11 families must make administrative changes to better align early  
12 childhood education and assistance program implementation with school  
13 district offered state-funded early learning programs serving three  
14 through five-year-old children and must submit a report, in  
15 compliance with RCW 43.01.036, of the changes to the appropriate  
16 committees of the legislature by July 1, 2024.

17 (2) This section expires August 30, 2025.

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.216  
19 RCW to read as follows:

20 (1) A school district offering a transition to kindergarten  
21 program under section 2 of this act must complete the following  
22 activities to be eligible for state funding under section 2 of this  
23 act:

24 (a) Enroll in the early achievers program within 30 days of being  
25 authorized by the office of the superintendent of public instruction  
26 to offer a transition to kindergarten program;

27 (b) Complete level 2 activities in the early achievers program  
28 within 12 months of enrollment; and

29 (c) Rate or request to be rated at a level 3 or higher in the  
30 early achievers program within 30 months of enrollment. If a school  
31 district offering a transition to kindergarten program under section  
32 2 of this act does not rate or request to be rated at a level 3  
33 within 30 months from enrollment into the early achievers program,  
34 the school district must complete remedial activities with the  
35 department, and rate or request to be rated at a level 3 or higher  
36 within 12 months of beginning remedial activities.

1 (2) If a school district offering a transition to kindergarten  
2 program under section 2 of this act does not rate or request to be  
3 rated at a level 3 or higher following the remedial period, the  
4 school district is no longer eligible for state funding under section  
5 2 of this act. If a school district offering a transition to  
6 kindergarten program under section 2 of this act does not rate at a  
7 level 3 or higher when the rating is released following the remedial  
8 period, the school district is no longer eligible for state funding  
9 under section 2 of this act. The initiation of the remedial period  
10 serves as the one year of notice required under section 2 of this act  
11 that the school district authorization to operate a transition to  
12 kindergarten program will be discontinued or otherwise not provided  
13 with state funding.

14 (3) If a school district offering a transition to kindergarten  
15 program under section 2 of this act and receiving state funding under  
16 section 2 of this act has successfully completed all level 2  
17 activities and is waiting to be rated by the deadline provided in  
18 this section, the school district may continue to receive state  
19 funding under section 2 of this act pending the successful completion  
20 of the level 3 rating activity.

21 **Sec. 10.** RCW 43.216.085 and 2021 c 304 s 6 are each amended to  
22 read as follows:

23 (1) The department, in collaboration with tribal governments and  
24 community and statewide partners, shall implement a quality rating  
25 and improvement system, called the early achievers program. The early  
26 achievers program provides a foundation of quality for the early care  
27 and education system. The early achievers program is applicable to  
28 licensed or certified child care centers, family home child care,  
29 outdoor nature-based child care, and early learning programs such as  
30 working connections child care (~~and~~), early childhood education and  
31 assistance programs, and transition to kindergarten programs  
32 established under section 2 of this act.

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

34 (a) Improve short-term and long-term educational outcomes for  
35 children as measured by assessments including, but not limited to,  
36 the Washington kindergarten inventory of developing skills in RCW  
37 28A.655.080;

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

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

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

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

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

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

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

15 (b) Approved early childhood education and assistance program  
16 providers receiving state-funded support must participate in the  
17 early achievers program by the required deadlines established in RCW  
18 43.216.515.

19 (c) School districts authorized to provide a transition to  
20 kindergarten program under section 2 of this act must participate in  
21 the early achievers program by the required deadlines established in  
22 section 9 of this act.

23 (d) Participation in the early achievers program is voluntary  
24 for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (i) Early achievers program rating levels 1 through 5 for all  
4 child care programs that receive state subsidy, early childhood  
5 education and assistance programs, transition to kindergarten  
6 programs established under section 2 of this act, and federal head  
7 start programs in Washington; and

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

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

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

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

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

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

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

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

36 (10) In collaboration with tribal governments, community and  
37 statewide partners, and the early achievers review subcommittee  
38 created in RCW 43.216.075, the department shall develop a protocol  
39 for granting early achievers program participants an extension in  
40 meeting rating level requirement timelines outlined for the working

1 connections child care program and the early childhood education and  
2 assistance program.

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

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

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

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

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

26 (c) Licensed child care centers, child care home providers, and  
27 outdoor nature-based child care must meet national accreditation  
28 standards approved by the department for the early achievers program  
29 in order to be granted credit for the early achievers program  
30 standards. Eligibility for the early achievers program is not subject  
31 to bargaining, mediation, or interest arbitration under RCW  
32 41.56.028, consistent with the legislative reservation of rights  
33 under RCW 41.56.028(4)(d).

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

37 (13) A child care or early learning program that is operated by a  
38 federally recognized tribe and receives state funds shall participate  
39 in the early achievers program. The tribe may choose to participate  
40 through an interlocal agreement between the tribe and the department.

1 The interlocal agreement must reflect the government-to-government  
2 relationship between the state and the tribe, including recognition  
3 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

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

18 (15) Nothing in this section changes the department's  
19 responsibility to collectively bargain over mandatory subjects or  
20 limits the legislature's authority to make programmatic modifications  
21 to licensed child care and early learning programs under RCW  
22 41.56.028(4)(d).

23 **Sec. 11.** RCW 43.216.655 and 2019 c 369 s 7 are each amended to  
24 read as follows:

25 (1) The education data center established in RCW 43.41.400 must  
26 collect longitudinal, student-level data on all children attending an  
27 early childhood education and assistance program. Upon completion of  
28 an electronic time and attendance record system, the education data  
29 center must collect longitudinal, student-level data on all children  
30 attending a working connections child care program. Beginning  
31 September 1, 2024, the education data center must collect  
32 longitudinal, student-level data on all children attending a  
33 transition to kindergarten program under section 2 of this act. Data  
34 collected should capture at a minimum the following characteristics:

35 (a) Daily program attendance;

36 (b) Identification of classroom and teacher;

37 (c) Early achievers program quality level rating;

38 (d) Program hours;

39 (e) Program duration;



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

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

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

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

19 (4)(a) The Washington state institute for public policy shall  
20 conduct a longitudinal analysis examining relationships between the  
21 early achievers program quality ratings levels and outcomes for  
22 children participating in subsidized early care and education  
23 programs.

24 (b) The institute shall submit the first report to the  
25 appropriate committees of the legislature and the early learning  
26 advisory council by December 31, 2019. The institute shall submit  
27 subsequent reports annually to the appropriate committees of the  
28 legislature and the early learning advisory council by December 31st,  
29 with the final report due December 31, 2022. The final report shall  
30 include a cost-benefit analysis.

31 (5) By December 31, 2021, and subject to the availability of  
32 amounts appropriated for this specific purpose, the Washington state  
33 institute for public policy shall update the outcome evaluation of  
34 the early childhood education and assistance program required by  
35 chapter 16, Laws of 2013 and report to the governor and the  
36 legislature on the outcomes of program participants. The evaluation  
37 must include the demographics of program participants including race,  
38 ethnicity, and socioeconomic status. The evaluation must examine  
39 short and long-term impacts on program participants, including high  
40 school graduation rates for up to two cohorts. When conducting the

1 evaluation, the institute must consider, to the extent that data is  
2 available, the education levels and demographics, including race,  
3 ethnicity, and socioeconomic status, of early childhood education and  
4 assistance program staff and the effects of full-day programming and  
5 half-day programming on outcomes.

6 NEW SECTION. **Sec. 12.** If specific funding for the purposes of  
7 this act, referencing this act by bill or chapter number, is not  
8 provided by June 30, 2023, in the omnibus appropriations act, this  
9 act is null and void.

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