

Chapter 43.216 RCW
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Sections

GENERAL PROVISIONS

- 43.216.005 Findings.
- 43.216.010 Definitions.
- 43.216.015 Department of children, youth, and families—Created—
Duties—Agency performance data—Oversight board for
children, youth, and families—Powers and restrictions
—Stakeholder meetings.
- 43.216.020 Department duties.
- 43.216.021 Opioid overdose reversal medication and training.
- 43.216.022 Annual quality assurance report.
- 43.216.025 Secretary—Appointment—Salary.
- 43.216.030 Secretary's authority.
- 43.216.035 Office of innovation, alignment, and accountability—
Duties and focus.
- 43.216.040 Family services and programs—Administration.
- 43.216.045 Advisory committees or councils—Travel expenses.
- 43.216.050 Evaluation and research materials and data on private
nonprofit group homes—Availability.
- 43.216.055 Federal and state cooperation—Rules—Construction.
- 43.216.060 Policies to support children of incarcerated parents.
- 43.216.065 Private-public partnership—Secretary's duties.
- 43.216.070 Reports to the governor and legislature.
- 43.216.075 Early learning advisory council—Policy development and
implementation—Early achievers review subcommittee.
- 43.216.080 Integration with other entities.
- 43.216.085 Early achievers program—Quality rating and improvement
system.
- 43.216.087 Early achievers program—Participation of culturally
diverse and low-income center, family home, and
outdoor nature-based child care providers.
- 43.216.089 Early achievers program—Final report—Mitigation plan
for areas not achieving required rating levels—Data
availability—Reports.
- 43.216.090 Early achievers program—Mental health consultants.
- 43.216.091 Early achievers program—Administrative policies—Rating
and rerating.
- 43.216.092 Early achievers program—Administrative policies—
Various.
- 43.216.100 Community information and involvement plan—Informing
home-based, tribal, and family early learning
providers of early achievers program.
- 43.216.105 Native language development and retention—Dual language
learning—Rules.
- 43.216.110 Core competencies for early care and education
professionals and child and youth development
professionals—Adoption and implementation—Updating.
- 43.216.115 Partnership responsibilities—Department's duties—
Partnership's duties.

- 43.216.120 Reduction of barriers for using local or private funds for early learning opportunities.
- 43.216.125 Parental notification of report alleging sexual misconduct or abuse—Notice of parental rights.
- 43.216.130 Home visiting services account—Purpose—Administration—Funding.
- 43.216.135 Child care providers—Subsidy requirements—Tiered reimbursements—Copayments.
- 43.216.136 Working connections child care program—Eligibility.
- 43.216.1364 Working connections child care program—Eligibility—Employees of licensed child care center or family home provider.
- 43.216.1368 Working connections child care program—Eligibility—Copayments.
- 43.216.137 Working connections child care program—Unemployment compensation.
- 43.216.139 Working connections child care program—Notification of change in providers.
- 43.216.141 Working connections child care program—Standards and guidelines—Duties of the department.
- 43.216.143 Working connections child care program—Contracted child care slots and vouchers.
- 43.216.145 Working connections child care—Eligibility of high school students.
- 43.216.152 Definitions.
- 43.216.155 Home visitation programs—Findings—Intent.
- 43.216.157 Home visitation programs—Definitions.
- 43.216.159 Home visitation programs—Funding—Home visitation services coordination or consolidation plan.
- 43.216.165 Early start account.
- 43.216.170 Applicants for positions with the department—Investigation and background checks.
- 43.216.180 Education of students in the custody of juvenile rehabilitation facilities—Duties—Creation of a comprehensive plan.
- 43.216.190 Assistance with submission of Washington state identicard application materials.
- 43.216.195 Child care centers—Negotiated rule making.
- 43.216.200 Imagination library of Washington program.
- 43.216.205 Youth and young adults exiting publicly funded system of care—Rapid response team.

LICENSING

- 43.216.250 Secretary's licensing duties.
- 43.216.255 Licensing standards.
- 43.216.260 Minimum requirements for licensure.
- 43.216.265 Fire protection—Powers and duties of chief of the Washington state patrol.
- 43.216.270 Character, suitability, and competence to provide child care and early learning services—Fingerprint criminal history record checks—Background check clearance card or certificate—Shared background checks.
- 43.216.271 Background check clearance registry—Background application form.

- 43.216.280 Licensed day care centers and outdoor nature-based child care providers—Notice of pesticide use.
 - 43.216.285 Articles of incorporation.
 - 43.216.290 Access to agencies—Records inspection.
 - 43.216.295 License required.
 - 43.216.300 License fees.
 - 43.216.305 License application—Nonexpiring licenses—Issuance, renewal, transfer, duration.
 - 43.216.310 License renewal.
 - 43.216.315 Initial licenses.
 - 43.216.320 Probationary licenses.
 - 43.216.325 Licenses—Denial, suspension, revocation, modification, nonrenewal—Proceedings—Penalties.
 - 43.216.327 Licenses—Denial, revocation, suspension, or modification—Notice—Effective date of action—Adjudicative proceeding.
 - 43.216.335 Civil fines—Notice—Adjudicative proceeding.
 - 43.216.340 Licensure pending compliance with state building code, chapter 19.27 RCW—Consultation with local officials.
 - 43.216.345 Adjudicative proceedings—Training for administrative law judges.
 - 43.216.350 License or certificate suspension—Noncompliance with support order—Reissuance.
 - 43.216.355 Actions against agencies.
 - 43.216.360 Unlicensed providers—Notification to agency—Penalty—Posting on website.
 - 43.216.365 Operating without a license—Penalty.
 - 43.216.370 Negotiated rule making.
 - 43.216.375 Negotiated rule making—Statewide unit of family child care licensees—Antitrust immunity, intent.
 - 43.216.380 Minimum licensing requirements—Window blind pull cords.
 - 43.216.385 Reporting—Actions against agency licensees—Agencies notified of licensing requirement—Posting on website.
 - 43.216.390 Reporting resignation or termination of individual working in child care agency.
 - 43.216.395 Child care inspection reports—Internal review process—Definitions—Final review.
- EARLY CHILDHOOD EDUCATION AND ASSISTANCE
- 43.216.500 Intent.
 - 43.216.505 Definitions.
 - 43.216.5052 Definition of "Indian"—Rule making.
 - 43.216.510 Admission and funding.
 - 43.216.512 Expanded enrollment—Risk factors—Participation in other programs.
 - 43.216.513 Early entry—Participation in other programs.
 - 43.216.514 Enrollment priority.
 - 43.216.515 Eligible providers—State-funded support—Requirements—Data collection—Pathways to early childhood education and assistance program.
 - 43.216.520 Advisory committee.
 - 43.216.525 Rules.
 - 43.216.530 Review of applications.
 - 43.216.535 Reports.
 - 43.216.540 State support—Priorities—Program funding levels.

43.216.545 Reimbursement of advisory committee expenses.
 43.216.550 Authority to solicit gifts, grants, and support.
 43.216.555 Early learning program—Voluntary preschool
 opportunities—Program standards—Prioritizing
 programs—Rules.
 43.216.556 Early learning program—Funding and statewide
 implementation.
 43.216.559 Early learning program—Short title—2010 c 231.
 43.216.565 Findings—Intent—Early start program.
 43.216.567 Early therapeutic and preventative services and
 programs.
 43.216.570 Early intervention services—Findings.
 43.216.572 Early intervention services—Infants and toddlers with
 disabilities—Interagency coordinating council—
 Conditions and limitations.
 43.216.574 Early intervention services—Infants and toddlers with
 disabilities—Interagency coordinating council—
 Coordination with counties and communities.
 43.216.576 Early intervention services—Interagency agreements.
 43.216.577 Prenatal to three family engagement strategy.
 43.216.578 Birth to three early childhood education and assistance
 program—Pilot project—Reports.
 43.216.579 Infant child care incentives.
 43.216.580 Early intervention services—Funding.
 43.216.585 Program rates.
 43.216.587 Complex needs funds.
 43.216.590 Trauma-informed care supports.
 43.216.592 Dual language designation—Rate enhancement.
 43.216.595 Early childhood equity grants.
 43.216.597 Play and learn groups—Resources and supports.
 43.216.600 Professional development supports.
 43.216.602 Child care deserts grant program.

CHILD CARE AND WELFARE

43.216.650 Child fatality reviews.
 43.216.655 Data collection and program evaluation—Reports.
 43.216.660 Child care services—Declaration of policy.
 43.216.665 Child care workers—Findings—Intent.
 43.216.670 Child care provider rules review.
 43.216.675 Child care workers—Career and wage ladder.
 43.216.680 Child care workers—Career and wage ladder—Wage
 increases.
 43.216.685 Child care—Toll-free information number.
 43.216.687 Child care—Required postings—Disclosure of complaints.
 43.216.689 Child care—Public access to reports and enforcement
 action notices.
 43.216.690 Child day care centers and outdoor nature-based child
 care providers—Immunization.
 43.216.692 Family home providers—Capacity flexibility.
 43.216.695 County regulation of family day-care centers—Twelve-
 month pilot projects.
 43.216.700 Day care insurance.
 43.216.705 Child care providers—Tiered-reimbursement system—Pilot
 sites.
 43.216.710 Child care services.

- 43.216.715 Child care partnership employer liaison.
- 43.216.720 Child care expansion grant fund.
- 43.216.725 Subsidized child care report and assessment.
- 43.216.730 Child care subsidy fraud—Referral—Collection of overpayments.
- 43.216.735 Placement of children ages sixty months through six years.
- 43.216.742 Outdoor nature-based child care program.
- 43.216.745 Child care consultation program—Creation, operation, and duties.
- 43.216.749 Child care subsidy rates—Use of cost model.
- 43.216.750 Child welfare workers—Department duties—Technical work group to develop workload model—Annual report to legislature.
- 43.216.755 Child care providers—Community-based training pathway.
- 43.216.760 Child care and early learning providers—Firearms, dangerous weapons.
- 43.216.762 Child care and early learning providers—Firearms, dangerous weapons—Rules.
- 43.216.770 Fair start for kids account.
- 43.216.772 Fair start for kids account—Spending goals and strategies.
- 43.216.775 Inflationary adjustments to rates.

TECHNICAL PROVISIONS

- 43.216.900 Early childhood education and assistance program—Short title—1985 c 418.
- 43.216.901 Contingency—Effective date—1985 c 418.
- 43.216.902 Effective date—2006 c 265.
- 43.216.903 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.
- 43.216.904 Short title—2015 3rd sp.s. c 7.
- 43.216.905 Transfer of powers, duties, and functions of the department of early learning.
- 43.216.906 Transfer of child welfare provisions from the department of social and health services.
- 43.216.907 Transfer of juvenile justice services provisions from the department of social and health services.
- 43.216.908 Conflict with federal requirements—2017 3rd sp.s. c 6.
- 43.216.909 Transfer of working connections child care and seasonal child care programs from the department of social and health services.
- 43.216.910 Savings clause—2021 c 199.

GENERAL PROVISIONS

RCW 43.216.005 Findings. (1) The legislature finds that state services are not currently organized and delivered in a way that achieves the optimal outcomes for children, youth, and families. The legislature believes that, to improve service delivery and outcomes, existing services must be restructured into a comprehensive agency dedicated to the safety, development, and well-being of children that emphasizes prevention, early childhood development, and early

intervention, and supporting parents to be their children's first and most important teachers.

(2) The legislature finds that:

(a) The early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development;

(b) A successful outcome for every child obtaining a K-12 education depends on children being prepared from birth for academic and social success in school. For children at risk of school failure, the opportunity gap often emerges as early as eighteen months of age;

(c) A more cohesive and integrated early learning system has been established that provides a solid foundation for further improvements in the quality and availability of early learning programs; and

(d) Increasing the availability of high quality services for children ages birth to three and their parents or caregivers will result in improved school and life outcomes.

(3) Research is clear that quality culturally and linguistically responsive early care and education builds the foundation for a child's success in school and in life. In restructuring early learning and child welfare services, the legislature seeks to build on the success of Washington's early learning efforts to assure children most at risk of experiencing adversity are provided high quality early learning experiences.

(4) The legislature finds that advancements in research and science have identified indicators of risk, how they impact healthy development, and the critical importance of stable, nurturing relationships, particularly in the early years. Services for families and children should be prioritized for those who are most at risk of neglect, physical harm, and other adverse factors.

(5) The legislature finds that a focus on adolescent development is needed to ensure that effective supports and interventions are targeted to support adolescents successfully transitioning to adulthood. Youth known to both the child welfare and juvenile justice systems often suffer from childhood trauma, have multisystem involvement, and experience homelessness. Increased integration of the child welfare and juvenile justice systems can increase opportunities for prevention and improve outcomes for youth in both systems.

(6) The legislature finds that children and youth of color are disproportionately impacted at every point in the child welfare and juvenile justice systems. The department of children, youth, and families must prioritize addressing equity, disproportionality, and disparity in service delivery and outcomes, and provide transparent, frequent reporting of outcomes by race, ethnicity, and geography. The legislature finds that the state values the partnership with tribes in providing services for our children and youth and intends to honor the government-to-government relationship between the state and tribes.

(7) The department of children, youth, and families must be anchored in a culture of innovation, transparency, accountability, rigorous data analysis, and reliance on research and evidence-based interventions.

(8) The legislature finds that the public expects an effective service delivery system that is comprehensive, accountable, and goes beyond a single department's role. For this reason, the legislature is creating a mechanism in the department of children, youth, and families to align, integrate, and ensure accountability of state services for children, youth, and their families across state agencies

so that there is a seamless, effective, prevention and early intervention-based service system regardless of which state agency is responsible for particular services.

(9) The legislature finds that the work of the department of children, youth, and families will only be as successful as the workforce—both the agency employees and community-based providers. Increased support for the professionals working with children, youth, and families is critical to improving outcomes.

(10) The legislature further finds that other states have successfully established integrated departments dedicated to serving children, youth, and families. These departments have improved the visibility of child and family issues, increased authority and accountability, enabled system improvements, and created a stronger focus on improving child outcomes. [2017 3rd sp.s. c 6 § 1.]

RCW 43.216.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" and "child care center" mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" and "family home provider" mean a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of \$5,000,000 in contributions;

(e) "Outdoor nature-based child care" means an agency or an agency-offered program that:

(i) Enrolls preschool or school-age children;

(ii) Provides early learning services to the enrolled children in an outdoor natural space approved by the department for not less than four hours per day or fifty percent of the daily program hours, whichever is less; and

(iii) Teaches a nature-based curriculum to enrolled children;

(f) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than 24 hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

(g) Seasonal camps. For purposes of this chapter, "seasonal camp" means a program that:

(i) Operates for three months or less within a period of twelve consecutive months;

(ii) Is engaged primarily in recreational or educational activities conducted on a closely supervised basis; and

(iii) Is owned by any person, organization, association, or corporation, or is operated by a federal, state, county, or municipal government;

(h) Facilities providing child care for periods of less than 24 hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(11) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(12) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

(13) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least 10 hours per day, a minimum of 2,000 hours per year, at least four days per week, and operates year-round.

(14) "Family resource and referral linkage system" means a system that connects families to resources, services, and programs for which families are eligible and uses a database that is developed and maintained in partnership with communities, health care providers, and early learning providers.

(15) "Family resource center" means a unified single point of entry where families, individuals, children, and youth in communities can obtain information, an assessment of needs, referral to, or direct delivery of family services in a manner that is welcoming and strength-based.

(a) A family resource center is designed to meet the needs, cultures, and interests of the communities that the family resource center serves.

(b) Family services may be delivered directly to a family at the family resource center by family resource center staff or by providers who contract with or have provider agreements with the family resource center. Any family resource center that provides family services shall comply with applicable state and federal laws and regulations regarding the delivery of such family services, unless required waivers or exemptions have been granted by the appropriate governing body.

(c) Each family resource center shall have one or more family advocates who screen and assess a family's needs and strengths. If requested by the family, the family advocate shall assist the family with setting its own goals and, together with the family, develop a written plan to pursue the family's goals in working towards a greater level of self-reliance or in attaining self-sufficiency.

(16) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of 1,000 hours per year.

(17) "Inspection report" means a written or digital record or report created by the department that identifies or describes licensing violations or conditions within an agency. An inspection report does not include a child care facility licensing compliance agreement as defined in RCW 43.216.395.

(18) "Low-income child care provider" means a person who administers a child care program that consists of at least 80 percent of children receiving working connections child care subsidy.

(19) "Low-income neighborhood" means a district or community where more than 20 percent of households are below the federal poverty level.

(20) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(21) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(22) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(23) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least 320 hours per year, for a minimum of 30 weeks per year.

(24) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

(25) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(26) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(27) "School age child" means a child who is five years of age through 12 years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(28) "Secretary" means the secretary of the department.

(29) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program. [2021 c 304 § 2; 2021 c 199 § 501; 2021 c 39 § 4. Prior: 2020 c 270 § 11; 2017 3rd sp.s. c 6 § 201; prior: 2016 c 231 § 1; 2016 c 169 § 3; 2015 3rd sp.s. c 7 § 19; prior: 2013 c 323 § 3; 2013 c 130 § 1; prior: 2011 c 295 § 3; 2011 c 78 § 1; prior: 2007 c 415 § 2; 2007 c 394 § 2; 2006 c 265 § 102. Formerly RCW 43.215.010.]

Reviser's note: This section was amended by 2021 c 199 § 501 and by 2021 c 304 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Intent—Findings—2021 c 39: See note following RCW 74.14C.010.

Effective date—2020 c 270: See note following RCW 74.13.720.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Finding—Intent—2016 c 169: See note following RCW 43.216.735.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Finding—Declaration—2007 c 394: "The legislature finds that education is the single most effective investment that can be made in children, the state, the economy, and the future. A well-educated citizenry is essential both for the preservation of democracy and for enhancing the state's ability to compete in the knowledge-based global economy.

As recommended by Washington learns, the legislature declares that the overarching goal for education in the state is to have a world-class, learner-focused, seamless education system that educates more Washingtonians to the highest levels of educational attainment." [2007 c 394 § 1.]

Captions not law—2007 c 394: "Captions used in this act are not any part of the law." [2007 c 394 § 8.]

**RCW 43.216.015 Department of children, youth, and families—
Created—Duties—Agency performance data—Oversight board for children,
youth, and families—Powers and restrictions—Stakeholder meetings.**

(1) (a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3) (a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome measures in (c) (i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by:
(A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in

child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities

must be posted on the department's website, provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's website.

(6) The department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8) (a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9) (a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure

that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Director" means the director of the office of innovation, alignment, and accountability.

(c) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable

performance standards and requirements. [2021 c 304 § 4; (2021 c 304 § 3 expired December 31, 2021). Prior: 2020 c 262 § 1; (2020 c 90 § 9 expired December 31, 2021); 2019 c 429 § 1; prior: 2018 c 58 § 76; 2018 c 51 § 1; 2017 3rd sp.s. c 6 § 101.]

Effective date—2021 c 304 § 4: "Section 4 of this act takes effect December 31, 2021." [2021 c 304 § 32.]

Expiration date—2021 c 304 § 3: "Section 3 of this act expires December 31, 2021." [2021 c 304 § 31.]

Expiration date—2020 c 90 §§ 8 and 9: "Sections 8 and 9 of this act expire December 31, 2021." [2020 c 90 § 11.]

Effective date—2020 c 90: See note following RCW 43.216.580.

Effective date—2018 c 58: See note following RCW 28A.655.080.

Effective date—2017 3rd sp.s. c 6 §§ 101 and 103: "Sections 101 and 103 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [July 6, 2017]." [2017 3rd sp.s. c 6 § 824.]

RCW 43.216.020 Department duties. (1) The department shall implement state early learning policy and coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide such care;

(f) To apply data already collected comparing the following factors and make recommendations to the legislature in a time frame which corresponds to the child care and development fund federal reporting requirements, regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes, centers, and outdoor nature-based child care;

(ii) Compensation of early learning educators in licensed centers, homes, and outdoor nature-based child care, and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(g) To administer the early support for infants and toddlers program in RCW 43.216.580, serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA), and develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(h) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(i) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(j) To work cooperatively and in coordination with the early learning council;

(k) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(l) To develop and adopt rules for administration of the program of early learning established in RCW 43.216.555;

(m) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

(n) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(2) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(3) Home visiting services must include programs that serve families involved in the child welfare system.

(4) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children. [2021 c 304 § 5. Prior: 2020 c 262 § 5; 2020 c 90 § 4; 2017 3rd sp.s. c 6 § 202; 2016 c 57 § 5; 2013 c 323 § 5; prior: 2010 c 233 § 1; 2010 c 232 § 2; 2010 c 231 §6; 2007 c 394 § 5; 2006 c 265 § 103. Formerly RCW 43.215.020.]

Effective date—2020 c 90: See note following RCW 43.216.580.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Effective date—2010 c 233: "This act takes effect July 1, 2010."
[2010 c 233 § 4.]

Finding—Declaration—Captions not law—2007 c 394: See notes following RCW 43.216.010.

RCW 43.216.021 Opioid overdose reversal medication and training. The department shall provide opioid overdose reversal medication and training in the use of such medication to all department staff whose job duties require in-person service or case management for child welfare or juvenile rehabilitation clients. [2023 sp.s. c 1 § 21.]

RCW 43.216.022 Annual quality assurance report. The department shall prepare an annual quality assurance report that must, at minimum, include: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake. [2019 c 470 § 11.]

RCW 43.216.025 Secretary—Appointment—Salary. (1) The executive head and appointing authority of the department is the secretary. The secretary shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The secretary shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position of secretary while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate when the governor's nomination for the office of secretary shall be presented.

(2) The secretary may employ staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter and such other duties as may be authorized by law. The employment of such additional staff shall be in accordance with chapter 41.06 RCW, except as otherwise provided. The secretary may delegate any power or duty vested in him or her by chapter 6, Laws of 2017 3rd sp. sess. or other law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW.

(3) The internal affairs of the department are under the control of the secretary in order that the secretary may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the secretary has the complete charge and supervisory powers over the department. The secretary may create the administrative structures in consultation with the office of innovation, alignment, and accountability established in RCW 43.216.035, except as otherwise specified in law, and the secretary may employ personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise

provided by law. [2017 3rd sp.s. c 6 § 102; 2006 c 265 § 104. Formerly RCW 43.215.030.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: "Sections 102, 104 through 115, 201 through 227, 301 through 337, 401 through 419, 501 through 513, and 801 through 803 and 805 through 822 of this act take effect July 1, 2018." [2017 3rd sp.s. c 6 § 825.]

RCW 43.216.030 Secretary's authority. (1) The secretary or the secretary's designee has the full authority to administer oaths and take testimony, to issue subpoenas requiring the attendance of witnesses before him or her together with all books, memoranda, papers, and other documents, articles, or instruments, and to compel the disclosure by those witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings are governed by RCW 34.05.588(1).

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions are governed by RCW 34.05.588(2).

(4) When a judicially approved subpoena is required by law, the secretary or the secretary's designee may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or in the county where the subpoenaed documents, records, or evidence are located, or in Thurston county. The application must:

(a) State that an order is sought under this section;

(b) Adequately specify the documents, records, evidence, or testimony; and

(c) Include a declaration made under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents, records, evidence, or testimony are reasonably related to an investigation within the department's authority.

(5) When an application under subsection (4) of this section is made to the satisfaction of the court, the court must issue an order approving the subpoena. When a judicially approved subpoena is required by law, an order under this subsection constitutes authority of law for the agency to subpoena the documents, records, evidence, or testimony.

(6) The secretary or the secretary's designee may seek approval and a court may issue an order under this section without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation. An application for court approval is subject to the fee and process set forth in RCW 36.18.012(3). [2017 3rd sp.s. c 6 § 106.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.035 Office of innovation, alignment, and accountability—Duties and focus.

(1) Beginning July 1, 2018, the office of innovation, alignment, and accountability shall have a director, appointed by the secretary, who shall set the agenda and oversee the office, who reports to the secretary. The secretary shall ensure that the leadership and staff of the office do not have responsibility for service delivery but are wholly dedicated to directing and implementing the innovation, alignment, integration, collaboration, systemic reform work, and building external partnerships for which the office is responsible.

(2) The primary duties and focus of the office are on continuous improvement and includes the functions in this subsection:

(a) To review and recommend implementation of advancements in research;

(b) To work with other state government agencies and tribal governments to align and measure outcomes across state agencies and state-funded agencies serving children, youth, and families including, but not limited to, the use of evidence-based and research-based practices and contracting;

(c) To work with other state government agencies, tribal governments, partner agencies, and state-funded organizations on the use of data-driven, research-based interventions that effectively intervene in the lives of at-risk young people and align systems that serve children, youth, and their families;

(d) To develop approaches for integrated real-time data sharing, aligned outcomes, and collective accountability across state government agencies to the public;

(e) To conduct quality assurance and evaluation of programs and services within the department;

(f) To lead partnerships with the community, research and teaching institutions, philanthropic organizations, and nonprofit organizations;

(g) To lead collaboration with courts, tribal courts and tribal attorneys, attorneys, court-appointed special advocates, and guardians ad litem to align and integrate the work of the department with those involved in decision making in child welfare and juvenile justice cases;

(h) To produce, in collaboration with key stakeholders, an annual work plan that includes priorities for ongoing policy, practice, and system reform, tracking, and reporting out on the performance of department reforms;

(i) To appoint members of an external stakeholder committee who value racial and ethnic diversity and that includes representatives from a philanthropic organization, research entity representatives, representatives from the business community, one or more parent representatives, youth representatives, tribal representatives, representatives from communities of color, foster parent representatives, representatives from an organization that advocates for the best interest of the child, and community-based providers, who will advise the office on priorities for practice, policy, and system reform and on effective management policies, development of appropriate organizational culture, external partnerships, knowledge of best practices, and leveraging additional resources to carry out the duties of the department;

(j) To provide a report to the governor and the appropriate committees of the legislature by November 1, 2018, that includes

recommendations regarding whether the juvenile rehabilitation division of the department of social and health services should be integrated into the department of children, youth, and families, and if so, what the appropriate timing and process is for integration of the juvenile rehabilitation division into the department of children, youth, and families;

(k) To provide a report to the governor and the appropriate committees of the legislature by November 1, 2018, that includes:

(i) A review of the current process for addressing foster parent complaints and concerns through the department and through the office of the family and children's ombuds established in chapter 43.06A RCW that includes an examination of any deficiencies of the current system; and

(ii) Recommendations for expanding, modifying, and enhancing the current system for addressing individual foster parent complaints to improve child welfare, the experience of foster parents, and the overall functioning of the child welfare system; and

(l) To provide a report to the governor and the appropriate committees of the legislature by November 1, 2018, that includes recommendations regarding whether the office of homeless youth prevention and protection programs in the department of commerce should be integrated into the department, and the process for that integration if recommended. [2017 3rd sp.s. c 6 § 104.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.040 Family services and programs—Administration.

The secretary shall administer family services and programs to promote the state's policy as provided in RCW 74.14A.025. [2017 3rd sp.s. c 6 § 107.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.045 Advisory committees or councils—Travel expenses.

The secretary may appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may also appoint statewide committees or councils on such subject matters as are or come within the department's responsibilities. The committees or councils shall be constituted as required by federal law or as the secretary may determine.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060. [2018 c 58 § 43; 2006 c 265 § 106. Formerly RCW 43.215.050.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.050 Evaluation and research materials and data on private nonprofit group homes—Availability. The secretary shall make

all of the department's evaluation and research materials and data on private nonprofit group homes available to group home contractors. The department may delete any information from the materials that identifies a specific client or contractor, other than the contractor requesting the materials. [2017 3rd sp.s. c 6 § 108.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.055 Federal and state cooperation—Rules—

Construction. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. [2006 c 265 § 107. Formerly RCW 43.215.060.]

RCW 43.216.060 Policies to support children of incarcerated parents. (1)(a) The secretary shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive assistance who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The secretary shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, while reducing intergenerational incarceration.

(2) The secretary shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of assistance who are the children and families of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee. [2017 3rd sp.s. c 6 § 203; 2007 c 384 § 4. Formerly RCW 43.215.065.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Intent—Finding—2007 c 384: See note following RCW 72.09.495.

RCW 43.216.065 Private-public partnership—Secretary's duties.

(1) In addition to other duties under this chapter, the secretary shall actively participate in a nongovernmental private-public partnership focused on supporting government's investments in early learning and ensuring that every child in the state is prepared to succeed in school and in life. Except for licensing as required by Washington state law and to the extent permitted by federal law, the secretary shall grant waivers from the rules of state agencies for the operation of early learning programs requested by the nongovernmental private-public partnership to allow for flexibility to pursue market-based approaches to achieving the best outcomes for children and families.

(2) In addition to other powers granted to the secretary, the secretary may:

(a) Enter into contracts on behalf of the department to carry out the purposes of this chapter;

(b) Accept gifts, grants, or other funds for the purposes of this chapter; and

(c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to implement this chapter, including rules governing child day care and early learning programs under this chapter. This section does not expand the rule-making authority of the secretary beyond that necessary to implement and administer programs and services existing July 1, 2006, as transferred to the department of early learning under section 501, chapter 265, Laws of 2006. The rule-making authority does not include any authority to set mandatory curriculum or establish what must be taught in child day care centers or by family day care providers. [2018 c 58 § 13; 2017 3rd sp.s. c 6 § 204; 2006 c 265 § 108. Formerly RCW 43.215.070.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.070 Reports to the governor and legislature. Two years after the implementation of the department's early learning program, and every two years thereafter by July 1st, the department shall submit to the governor and the legislature a report measuring the effectiveness of its programs in improving early childhood education. The first report shall include program objectives and identified valid performance measures for evaluating progress toward achieving the objectives, as well as a plan for commissioning a longitudinal study comparing the kindergarten readiness of children participating in the department's programs with the readiness of other children, using nationally accepted testing and assessment methods. Such comparison shall include, but not be limited to, achievement as children of both groups progress through the K-12 system and identify year-to-year changes in achievement, if any, in later years of elementary, middle school, and high school education. [2006 c 265 § 109. Formerly RCW 43.215.080.]

RCW 43.216.075 Early learning advisory council—Policy development and implementation—Early achievers review subcommittee.

(1) The early learning advisory council is established to advise the department on statewide early learning issues that contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's young children and families.

(2) The council shall work in conjunction with the department to:

(a) Assist in policy development and implementation that promotes alignment of private and public sector actions, objectives, and resources, with the overall goal of promoting school readiness for all children;

(b) Provide recommendations annually to the governor and the legislature, beginning August 31, 2022, regarding the phased implementation of strategies and priorities identified in RCW 43.216.772;

(c) Maintain a focus on racial equity and inclusion in order to dismantle systemic racism at its core and contribute to statewide efforts to break the cycle of intergenerational poverty;

(d) Maintain a focus on inclusionary practices for children with disabilities;

(e) Partner with nonprofit organizations to collect and analyze data and measure progress; and

(f) Assist the department in monitoring and ensuring that the investments funded by the fair start for kids account created in RCW 43.216.770 are designed to support the following objectives:

(i) Advance racial equity and strengthen families by recognizing and responding to the growing diversity of our state's population;

(ii) Promote access to affordable, high quality child care and early learning opportunities for all families, paying particular attention to the needs of rural and other underserved communities;

(iii) Promote kindergarten readiness by enhancing child development, including development of social-emotional skills, and eliminating exclusionary admissions practices and disproportionate removals in child care and early learning programs; and

(iv) Contribute to efforts to strengthen and grow our state's economy by supporting working parents as well as stabilizing and supporting the child care and early learning workforce.

(3) In collaboration with the council, the department shall consult with its advisory groups and other interested stakeholders and shall submit a biennial report to the governor and legislature describing how the investments funded by the fair start for kids act have impacted the policy objectives stated in subsection (2)(f) of this section. The first report under this section is due September 15, 2023. The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall include critical partners in service delivery and reflect regional, racial, and cultural diversity to adequately represent the interests of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

- (5) The council shall consist of members essential to coordinating services statewide prenatal through age 12, as follows:
- (a) In addition to being staffed and supported by the department, the governor shall appoint one representative from each of the following: The department of commerce and the department of health;
 - (b) One representative from the student achievement council, to be appointed by the student achievement council;
 - (c) The military spouse liaison created within the department of veterans affairs under RCW 43.60A.245;
 - (d) One representative from the state board for community and technical colleges, to be appointed by the state board for community and technical colleges;
 - (e) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;
 - (f) Two members of the house of representatives, one from each caucus, to be appointed by the speaker of the house of representatives and two members of the senate, one from each caucus, to be appointed by the majority leader in the senate and the minority leader in the senate;
 - (g) Two parents, one of whom serves on the department's parent advisory group, to be appointed by the parent advisory group;
 - (h) One representative of the private-public partnership created in RCW 43.216.065, to be appointed by the partnership board;
 - (i) One representative from the developmental disabilities community representing children and families involved in part C of the federal individuals with disabilities education act and one representative from the developmental disabilities community representing children and families involved in part B of the federal individuals with disabilities education act;
 - (j) Two representatives from early learning regional coalitions;
 - (k) Up to five representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions:
 - (i) The Washington state commission on Asian Pacific American affairs established under chapter 43.117 RCW;
 - (ii) The Washington state commission on African American affairs established under chapter 43.113 RCW;
 - (iii) The Washington state commission on Hispanic affairs established under chapter 43.115 RCW;
 - (iv) The Washington state women's commission established under chapter 43.119 RCW; and
 - (v) The Washington state office of equity established under chapter 43.06D RCW;
 - (l) Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program;
 - (m) One representative from the Washington federation of independent schools;
 - (n) One representative from the Washington library association;
 - (o) One representative from a statewide advocacy coalition of organizations that focuses on early learning;
 - (p) One representative from an association representing statewide business interests, to be appointed by the association and one representative from a regional business coalition;
 - (q) One representative of an advocacy organization for immigrants and refugees;

(r) One representative of an organization advocating for expanded learning opportunities and school-age child care programs;

(s) One representative from the largest union representing child care providers;

(t) A representative of a head start, early head start, or migrant and seasonal head start program, to be appointed by the head start collaboration office;

(u) A representative of educational service districts, to be appointed by a statewide association of educational service district board members;

(v) A provider responsible for programs under section 619 of the federal individuals with disabilities education act, to be appointed by the superintendent of public instruction;

(w) A representative of the state agency responsible for part C of the federal individuals with disabilities education act, to be appointed by the department;

(x) A representative of the early childhood education and assistance program, to be appointed by an association representing early childhood education and assistance programs;

(y) A representative of licensed family home providers, to be appointed by the largest union representing child care providers;

(z) A representative of child care centers, to be appointed by an association representing child care centers;

(aa) A representative from the home visiting advisory committee established in RCW 43.216.130, to be appointed by the committee;

(bb) An infant or early childhood mental health expert, to be appointed by the Barnard center for infant and early childhood mental health at the University of Washington;

(cc) A family, friend, and neighbor caregiver, to be appointed by the largest union representing child care providers;

(dd) A representative from prenatal to three services;

(ee) A pediatrician, to be appointed by the state chapter of the American academy of pediatrics; and

(ff) A representative of the statewide child care resource and referral organization, to be appointed by the statewide child care resource and referral organization.

(6) The council shall be cochaired by two members, to be elected by the council for two-year terms and not more than one cochair may represent a state agency.

(7) At the direction of the cochairs, the council may convene advisory groups, such as a parent caucus, to evaluate specific issues and report related findings and recommendations to the full council.

(8) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010.

(9) Each member of the council shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the council in accordance with RCW 43.03.050 and 43.03.060.

(10)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The subcommittee shall at a minimum provide feedback and guidance to the department and the council on the following:

(i) Adequacy of data collection procedures;

(ii) Coaching and technical assistance standards;
(iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied;
(iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds;
(v) Status of the life circumstance exemption protocols;
(vi) Analysis of early achievers program data trends; and
(vii) Other relevant early learning data including progress in serving students with disabilities ages birth to five and least restrictive environment data.

(b) The subcommittee must include consideration of cultural linguistic responsiveness when analyzing the areas for review required by (a) of this subsection.

(c) The subcommittee shall include representatives from child care centers, family child care, the early childhood education and assistance program, contractors for early achievers program technical assistance and coaching, tribal governments, the organization responsible for conducting early achievers program ratings, and parents of children participating in early learning programs, including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

(11)(a) The council shall convene a temporary licensing subcommittee to provide feedback and recommendations on improvement to the statewide licensing process.

(b) Members of the subcommittee must include two representatives of the department, two child care providers, and two parents of children in child care. One child care provider and one parent representative must reside east of the crest of the Cascade mountains and one child care provider and one parent representative must reside west of the crest of the Cascade mountains.

(c) The subcommittee shall:

(i) Examine strategies to increase the number of licensed child care providers in the state, including meeting with prospective licensees to explain the licensure requirements and inspect and provide feedback on the physical space that is contemplated for licensure;

(ii) Develop model policies for licensed child care providers to implement licensing standards including, but not limited to, completing the child care and early learning licensing guidebook, to be made available to support providers with compliance; and

(iii) Develop recommendations regarding incentives and financial supports to help prospective providers navigate the licensing process.

(d) The subcommittee shall provide feedback and recommendations to the department of children, youth, and families pursuant to this subsection (11) by December 1, 2022.

(12) The department shall provide staff support to the council. [2021 c 199 § 104; 2020 c 262 § 4; 2017 c 171 § 1; 2015 3rd sp.s. c 7 § 16; 2012 c 229 § 589; 2011 c 177 § 2. Prior: 2010 c 234 § 3; 2010 c 12 § 1; 2007 c 394 § 3. Formerly RCW 43.215.090.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Finding—Purpose—2011 c 177: "The legislature finds that to fully comply with requirements in section 642B of the federal head start act, 42 U.S.C. Sec. 9837b, regarding state advisory council membership, Washington must amend existing law to reflect necessary changes in early learning advisory council membership in accordance with the federal requirement.

Accordingly, the purpose of this act is to specify four of the governor's appointees as permanent members on the early learning advisory council to comply with state advisory council requirements as follows: The head start state collaboration office director or a designee; a representative of a head start, early head start, migrant/seasonal head start, or tribal head start program; a representative of a local education agency; and a representative of the state agency responsible for programs under section 619 or part C of the federal individuals with disabilities education act. This act also revises the categories of groups from which the governor may appoint additional representatives as members of the council." [2011 c 177 § 1.]

Intent—2010 c 234: "The department of early learning, the superintendent of public instruction, and thrive by five's joint early learning recommendations to the governor, and the quality education council's January 2010 recommendations to the legislature both suggested that a voluntary program of early learning should be included within the overall program of basic education. The legislature intends to examine these recommendations and Attorney General Opinion Number 8 (2009) through the development of a working group to identify and recommend a comprehensive plan." [2010 c 234 § 1.]

Finding—Declaration—Captions not law—2007 c 394: See notes following RCW 43.216.010.

RCW 43.216.080 Integration with other entities. (1) The foundation of quality in the early care and education system in Washington is the quality rating and improvement system entitled the early achievers program. In an effort to build on the existing quality framework, enhance access to quality care for children, and strengthen the entire early care and education systems in the state, it is important to integrate the efforts of state and local governments, school districts, institutions of higher education as defined in RCW 28B.10.016, and nonprofit organizations.

(2) Local governments, school districts, institutions of higher education as defined in RCW 28B.10.016, and nonprofit organizations are encouraged to collaborate with the department when establishing and strengthening early learning programs for residents.

(3) Local governments, school districts, institutions of higher education as defined in RCW 28B.10.016, and nonprofit organizations may contribute funds to the department for the following purposes:

- (a) Initial investments to build capacity and quality in local early care and education programming;
- (b) Reductions in copayments charged to parents or caregivers;
- (c) To expand access and eligibility in the early childhood education and assistance program.
- (4) Funds contributed to the department by local governments, school districts, institutions of higher education as defined in RCW 28B.10.016, and nonprofit organizations must be deposited in the early start account established in RCW 43.216.165.
- (5) Children enrolled in the early childhood education and assistance program with funds contributed in accordance with subsection (3)(c) of this section are not considered to be eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556. [2019 c 408 § 10; 2017 c 178 § 2; 2015 3rd sp.s. c 7 § 15. Formerly RCW 43.215.099.]

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Intent—2017 c 178: "The legislature recognizes that local governments, school districts, institutions of higher education as defined in RCW 28B.10.016, and nonprofit organizations play an important role in strengthening the early care and education systems in the state. The legislature acknowledges that these entities may face barriers to investing in early care and education programs. The legislature intends to create a local pathway to high quality early learning to help these entities understand how they can use additional local and private funds with existing funds to expand access for existing programs. The legislature intends for this local pathway to reduce barriers and increase efficiency to provide more high quality early learning opportunities." [2017 c 178 § 1.]

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.085 Early achievers program—Quality rating and improvement system. (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 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 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 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) 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) 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) A child care or early learning program that is operated by a federally recognized tribe and receives state funds shall 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) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(15) 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). [2021 c 304 § 6; 2019 c 369 § 2; 2017 3rd sp.s. c 6

§ 113; 2015 3rd sp.s. c 7 § 2; 2013 c 323 § 6; 2007 c 394 § 4.
Formerly RCW 43.215.100.]

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Finding—Intent—2015 3rd sp.s. c 7: "(1) The legislature finds that quality early care and education builds the foundation for a child's success in school and in life. The legislature acknowledges that a quality framework is necessary for the early care and education system in Washington. The legislature recognizes that empirical evidence supports the conclusion that high quality programs consistently yield more positive outcomes for children, with the strongest positive impacts on the most vulnerable children. The legislature acknowledges that critical developmental windows exist in early childhood, and low quality child care has damaging effects for children. The legislature further understands that the proper dosage, duration of programming, and stability of care are critical to enhancing program quality and improving child outcomes. The legislature acknowledges that the early care and education system should strive to address the needs of Washington's culturally and linguistically diverse populations. The legislature understands that parental choice and provider diversity are guiding principles for early learning programs.

(2) The legislature intends to prioritize the integration of child care and preschool in an effort to promote full day programming. The legislature further intends to reward quality and create incentives for providers to participate in a quality rating and improvement system that will also provide valuable information to parents regarding the quality of care available in their communities." [2015 3rd sp.s. c 7 § 1.]

Finding—Declaration—Captions not law—2007 c 394: See notes following RCW 43.216.010.

RCW 43.216.087 Early achievers program—Participation of culturally diverse and low-income center, family home, and outdoor nature-based child care providers. (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. [2021 c 304 § 7; 2019 c 369 § 5; 2015 3rd sp.s. c 7 § 5. Formerly RCW 43.215.101.]

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.089 Early achievers program—Final report—Mitigation plan for areas not achieving required rating levels—Data availability—Reports. (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 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) must be made available 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.

(c) To the extent data are available, the elements required to be reported under (a)(ii) and (iii) of this subsection (4) 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), 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 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) 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) 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 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 rating level initially and engaged in remedial activities before successfully achieving the required rating level;

(C) Not achieved the required 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) An examination of any identified barriers that discourage providers from offering extended day early care and education opportunities.

(7) 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. [2021 c 304 § 8; 2020 c 262 § 3; 2019 c 369 § 13; 2015 3rd sp.s. c 7 § 18. Formerly RCW 43.215.102.]

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.090 Early achievers program—Mental health consultants. (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 child care providers by providing resources, information, and guidance

regarding challenging behavior and expulsions and 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. [2021 c 199 § 309; 2019 c 360 § 7.]

Effective date—2021 c 199 §§ 201, 202, 301, 309, and 504: See note following RCW 43.216.1368.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Findings—Intent—2019 c 360: See note following RCW 74.09.4951.

RCW 43.216.091 Early achievers program—Administrative policies—Rating and rerating. The department must adopt administrative policies in the early achievers program, within the department's appropriations, to:

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

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

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

(4) Provide continuous and robust post-rating feedback to providers. [2019 c 369 § 8.]

Findings—Intent—2019 c 369: "(1) The legislature finds that a commitment to early learning quality was established through the passage of the early start act and creation of the early achievers program. The legislature recognizes that achieving the desired child outcomes from high quality early learning and child care requires additional financial support, including the payment of living wages to providers, and that the success of the early achievers system must continue to be supported through adequate funding. Further, the legislature finds that the federal administration of children and families advises states to set child care subsidy rates at the seventy-fifth percentile of private market rates in order to ensure equal access to high quality child care. The legislature further finds that objectives of the early achievers program include providing professional development and robust training and coaching opportunities that are available in geographically diverse areas to child care and early education providers who are often small business owners and as such play a critical role in our state's economy.

(2) The legislature further finds that the department of children, youth, and families has undertaken efforts to identify

professional equivalencies for early learning providers that recognize the commitment and years of experience that much of the workforce demonstrates.

(3) Therefore, as recommended by the joint select committee on the early achievers program, the legislature intends to work toward raising base subsidy rates for licensed child care centers and family homes and further incentivize the provision of care for infants and toddlers by considering rates for providers serving these young children. Further, the legislature intends to look to increase needs-based grants, scholarships, and professional development assistance, as well as reduce early achievers coaching ratios, in order to support providers in continuous improvement. The legislature further intends to support the work of the department of children, youth, and families' professional equivalencies committee and the department's development of the proficiency review process." [2019 c 369 § 1.]

RCW 43.216.092 Early achievers program—Administrative policies—Various. Subject to the availability of amounts appropriated for this specific purpose, the department must adopt administrative policies in the early achievers program to:

- (1) Eliminate rating scale barriers, to the extent possible, within the assessment tools and data collection methodologies used in the early achievers program and weight early achievers points to incentivize providers to serve infants and toddlers;
- (2) Remove barriers to timely approvals for one-on-one behavioral support assistants when requested by a provider; and
- (3) Require trauma-informed care training for raters and coaches. [2019 c 369 § 9.]

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

RCW 43.216.100 Community information and involvement plan—Informing home-based, tribal, and family early learning providers of early achievers program. The department, in collaboration with the office of the superintendent of public instruction, shall create a community information and involvement plan to inform home-based, tribal, and family early learning providers of the early achievers program under RCW 43.216.085. [2019 c 369 § 14; 2016 c 72 § 701. Formerly RCW 43.215.103.]

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

RCW 43.216.105 Native language development and retention—Dual language learning—Rules. (1) The department of children, youth, and families must work with community partners to support outreach and education for parents and families around the benefits of native language development and retention, as well as the benefits of dual language learning. Native language means the language normally used by an individual or, in the case of a child or youth, the language normally used by the parents or family of the child or youth. Dual language learning means learning in two languages, generally English

and a target language other than English spoken in the local community, for example Spanish, Somali, Vietnamese, Russian, Arabic, native languages, or indigenous languages where the goal is bilingualism.

(2) Within existing resources, the department must create training and professional development resources on dual language learning, such as supporting English learners, working in culturally and linguistically diverse communities, strategies for family engagement, and cultural responsiveness. The department must design the training modules to be culturally responsive.

(3) Within existing resources, the department must support dual language learning communities for teachers and coaches.

(4) The department may adopt rules to implement this section. [2018 c 58 § 44; 2017 c 236 § 5. Formerly RCW 43.215.104.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Findings—Intent—2017 c 236: See note following RCW 28A.300.574.

RCW 43.216.110 Core competencies for early care and education professionals and child and youth development professionals—Adoption and implementation—Updating. By December 31, 2012, 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 need to know and do to provide quality care for children. The core competencies must be reviewed and updated every five years. [2012 c 149 § 2. Formerly RCW 43.215.105.]

Findings—2012 c 149: "The legislature finds that adopting statewide core competencies for early care and education professionals and child and youth development professionals is important because the competencies:

(1) Define what early care and education professionals and child and youth development professionals need to know and be able to do to provide quality care and education for children;

(2) Serve as the foundation for decisions and practices carried out by professionals in all early care and education settings and school-age child care settings;

(3) Establish a set of standards for early care and education professionals and child and youth development professionals that support the professionalism for the field;

(4) Are an integral part of a comprehensive professional development system; and

(5) Recognize existing standards met by nationally chartered nonprofit youth development agencies providing facility-based after school services for school-age children as relevant and sufficient standards." [2012 c 149 § 1.]

RCW 43.216.115 Partnership responsibilities—Department's duties—Partnership's duties. (1) In order to meet its partnership responsibilities, the department shall:

(a) Work collaboratively with the nongovernmental private-public partnership; and

(b) Actively seek public and private money for distribution as grants to the nongovernmental private-public partnership.

(2) In order to meet its partnership responsibilities, the nongovernmental private-public partnership shall:

(a) Work with and complement existing statewide efforts by enhancing parent resources and support, child care, preschool, and other early learning environments;

(b) Accept and expend funds to be used for quality improvement initiatives, including but not limited to parent resources and support, and support the alignment of existing funding streams and coordination of efforts across sectors;

(c) In conjunction with the department, provide leadership to early learning private-public partnerships forming in communities across the state. These local partnerships shall be encouraged to seek local funding and develop strategies to improve coordination and exchange information between the community, early care and education programs, and the K-12 system; and

(d) Assist the statewide movement to high quality early learning and the support of parents as a child's first and best teacher. [2007 c 394 § 6. Formerly RCW 43.215.110.]

Finding—Declaration—Captions not law—2007 c 394: See notes following RCW 43.216.010.

RCW 43.216.120 Reduction of barriers for using local or private funds for early learning opportunities. To the greatest extent possible, the department must reduce barriers and increase efficiency for using local or private funds, or both, to provide more high quality early learning opportunities. [2017 c 178 § 3. Formerly RCW 43.215.112.]

Intent—2017 c 178: See note following RCW 43.216.080.

RCW 43.216.125 Parental notification of report alleging sexual misconduct or abuse—Notice of parental rights. The department and an agency must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct or abuse by an agency employee, notify the parents or guardian of a child alleged to be the victim, target, or recipient of the misconduct or abuse. The department and an agency shall provide parents annually with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding the employee. [2007 c 415 § 8. Formerly RCW 43.215.120.]

RCW 43.216.130 Home visiting services account—Purpose—Administration—Funding. (1)(a) The home visiting services account is created in the state treasury. Revenues to the account shall consist of appropriations by the legislature and all other sources deposited

in the account. All federal funds received by the department for home visiting activities must be deposited into the account.

(b) (i) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section and federally funded activities for the home visiting program, including administrative expenses.

(ii) The department oversees the account and is the lead state agency for home visiting system development. The nongovernmental private-public partnership supports the home visiting service delivery system and provides support functions to funded programs.

(iii) It is the intent of the legislature that state funds invested in the account be matched by the private-public partnership each fiscal year.

(iv) Amounts used for program administration by the department may not exceed an average of ten percent in any two consecutive fiscal years.

(v) Authorizations for expenditures may be given only after private funds are committed. The nongovernmental private-public partnership must report to the department quarterly to demonstrate investment of private match funds.

(c) Expenditures from the account are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in *RCW 43.215.070 to support programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the uses and outcomes of the home visiting services account.

(5) The department shall, in the administration of the programs:

(a) Fund programs through a competitive bid process or in compliance with the regulations of the funding source; and

(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs. [2017 c 171 § 2; 2013 c 165 § 1; 2010 1st sp.s. c 37 § 933. Formerly RCW 43.215.130.]

***Reviser's note:** RCW 43.215.070 was recodified as RCW 43.216.065 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Effective date—2010 1st sp.s. c 37: See note following RCW 13.06.050.

RCW 43.216.135 Child care providers—Subsidy requirements—Tiered reimbursements—Copayments. (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 30 days of receiving the initial state subsidy payment;

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

(c) Rate or request to be rated at a level 3 or higher in the early achievers program within 30 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 12 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) The department shall account for a child care copayment collected by the provider from the family for each contracted slot. [2023 c 222 § 5. Prior: 2020 c 355 § 2; 2020 c 321 § 2; 2020 c 279 § 1; prior: 2019 c 406 § 70; 2019 c 369 § 4; 2019 c 97 § 2; 2018 c 52 § 6; 2017 3rd sp.s. c 9 § 2; 2015 3rd sp.s. c 7 § 6; 2013 c 323 § 9; prior: 2012 c 253 § 5; 2012 c 251 § 1; 2011 1st sp.s. c 42 § 11; 2010 c 273 § 2. Formerly RCW 43.215.135.]

Findings—Intent—2023 c 222: See note following RCW 43.216.1364.

Findings—Intent—2020 c 355: "The legislature finds that the federal child care and development block grant act of 2014 reauthorized the child care and development fund program and established a minimum twelve-month eligibility period for subsidized child care in order to provide families with more stability and to support the continuity of care between children and providers. The legislature further finds that the state's policy of authorizing twelve months of uninterrupted care was affirmed by the passage of the state's early start act in 2015. However, some families are not able to access child care right away through the working connections child care program due to factors beyond their control. These barriers to care include challenges with access to child care in rural areas, declining numbers of providers accepting state subsidy, and the persistence of child care deserts in which either no child care providers are in operation or there are so few options for child care that the demand outweighs available slots. Therefore, the legislature intends to clarify the state's policy that all eligible children may receive at least a full twelve months of working connections child care." [2020 c 355 § 1.]

Effective date—2020 c 355: "This act takes effect January 1, 2021." [2020 c 355 § 5.]

Effective date—2020 c 279: See note following RCW 43.216.136.

Contingent effective date—2019 c 406 § 70: "Section 70 of this act takes effect only if chapter 97, Laws of 2019 is enacted by July 28, 2019." [2019 c 406 § 78.]

Findings—Intent—2019 c 406: "(1) The legislature recognizes the following:

(a) In Washington, over forty-six thousand community and technical college students, which represents twenty-three percent of all community and technical college students in the state, are parents of dependent children. Student parents represent more than one-quarter of community and technical college students in Washington who receive financial aid. Financial assistance[,] however, does not sufficiently cover many student parents' college expenses.

(b) Caregiving demands affect student parents' ability to devote the time needed to succeed in school. Nearly three-quarters of women community college students living with dependents report spending over twenty hours per week caring for dependents. Many of these students report that care demands are likely to lead them to drop out: Forty-three percent of women and thirty-seven percent of men at two-year institutions who live with children say they are likely or very likely to withdraw from college to care for dependents.

(c) In addition, child care costs represent a large financial burden for parents who are in college. The annual cost of full-time, center-based infant care averages over thirteen thousand dollars in Washington. Given the financial pressures experienced by student parents, both married and single, assistance with paying for quality child care services could dramatically improve their ability to make ends meet and complete their higher education programs.

(d) Work requirements imposed on student parents as a condition for receiving child care assistance can have negative consequences for parents in education or job training. Students working more than

fifteen hours per week achieve significantly lower college attainment compared with those who work fewer hours. Nationally, fifty-eight percent of community college student parents who work fifteen or more hours per week leave school without earning a credential within six years of enrollment, compared with forty-eight percent who work less than fifteen hours per week.

(2) Therefore, the legislature intends to improve access and completion rates of student parents enrolled in community and technical colleges by reducing existing restrictions to subsidized child care." [2019 c 406 § 69.]

Findings—Intent—2019 c 406: See note following RCW 43.79.195.

Findings—Short title—2019 c 406: See notes following RCW 28B.92.200.

Findings—2019 c 406: See note following RCW 28B.94.020.

Findings—Intent—2019 c 406: See note following RCW 28C.30.050.

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

Findings—Intent—2019 c 97: "(1) The legislature recognizes the following:

(a) In Washington, over forty-six thousand community and technical college (CTC) students, which represents twenty-three percent of all CTC students in the state, are parents of dependent children. Student parents represent more than one-quarter of CTC students in Washington who receive financial aid. Financial assistance however, does not sufficiently cover many student parents' college expenses.

(b) Caregiving demands affect student parents' ability to devote the time needed to succeed in school. Nearly three-quarters of women community college students living with dependents report spending over twenty hours per week caring for dependents. Many of these students report that care demands are likely to lead them to drop out: Forty-three percent of women and thirty-seven percent of men at two-year institutions who live with children say they are likely or very likely to withdraw from college to care for dependents.

(c) In addition, child care costs represent a large financial burden for parents who are in college. The annual cost of full-time, center-based infant care averages over thirteen thousand dollars in Washington. Given the financial pressures experienced by student parents, both married and single, assistance with paying for quality child care services could dramatically improve their ability to make ends meet and complete their higher education programs.

(d) Work requirements imposed on student parents as a condition for receiving child care assistance can have negative consequences for parents in education or job training. Students working more than fifteen hours per week achieve significantly lower college attainment compared with those who work fewer hours. Nationally, fifty-eight percent of community college student parents who work fifteen or more hours per week leave school without earning a credential within six years of enrollment, compared with forty-eight percent who work less than fifteen hours per week.

(2) Therefore, the legislature intends to improve access and completion rates of student parents enrolled in community and technical colleges by reducing existing restrictions to subsidized child care." [2019 c 97 § 1.]

Effective date—Intent—Finding—2018 c 52: See notes following RCW 43.216.909.

Findings—Intent—2017 3rd sp.s. c 9: "The legislature finds that children with the greatest needs benefit significantly from child care programs that promote stability, quality, and continuity of care. The legislature recognizes that empirical evidence supports the conclusion that high quality child care programs consistently yield more positive outcomes for children, with the strongest positive impacts on the most vulnerable children.

Children in the child welfare system are some of the most vulnerable children. The legislature finds that a child who experiences child abuse or neglect is over four times more likely to abuse substances as an adult and forty-three percent of youth in the juvenile justice system were involved in the child welfare system.

The legislature finds that the child care and development block grant act of 2014 allows the *department of early learning to provide working connections child care to children in need of, or receiving, protective services. The legislature further understands that as of July 1, 2016, authorizations for the working connections child care subsidy are effective for twelve months.

The legislature finds that the children's mental health work group, in its December 2016 final report, recommended that state agencies provide at least twelve months of stable child care through the working connections child care program for certain children involved in the child welfare system, regardless of the employment status of their parents or guardians. Many of these child welfare-involved families are addressing chemical dependency issues, which require a significant amount of time to overcome. For these reasons, the legislature intends to allow certain populations of vulnerable children to be eligible for the working connections child care subsidy for a minimum of twelve months." [2017 3rd sp.s. c 9 § 1.]

***Reviser's note:** The department of early learning was abolished and its powers, duties, and functions were transferred to the department of children, youth, and families by 2017 3rd sp.s. c 6 § 802, effective July 1, 2018.

Effective date—2017 3rd sp.s. c 9: "This act takes effect December 1, 2018." [2017 3rd sp.s. c 9 § 3.]

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Findings—Purpose—2012 c 253: See note following RCW 74.08.580.

Effective date—2012 c 251: "This act takes effect July 1, 2012." [2012 c 251 § 3.]

Findings—Intent—Effective date—2011 1st sp.s. c 42: See notes following RCW 74.08A.260.

Finding—2011 1st sp.s. c 42: See note following RCW 74.04.004.

Intent—2010 c 273: "It is the intent of the legislature that this act be implemented within the funding appropriated in the 2009-11 biennial budget. No additional appropriations will be provided for its implementation." [2010 c 273 § 7.]

RCW 43.216.136 Working connections child care program—

Eligibility. (Effective until October 1, 2023.) (1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016.

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

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

(i) In the last six months have:

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

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

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

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

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

(b) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4) (a) Beginning July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:

(i) A vocational education program that leads to a degree or certificate in a specific occupation; or

(ii) An associate degree program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if the applicant or consumer meets the college's definition of a full-time student.

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

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5) (a) An applicant or consumer is eligible to receive working connections child care benefits for the care of one or more eligible children for the first 12 months of the applicant's or consumer's enrollment in a state registered apprenticeship program under chapter 49.04 RCW when:

(i) The applicant or consumer's household annual income adjusted for family size does not exceed 75 percent of the state median income at the time of application, or, beginning July 1, 2027, does not exceed 85 percent of the state median income if funds are appropriated for the purpose of RCW 43.216.1368(4);

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

(iii) The household meets all other program eligibility requirements.

(b) The department must adopt a copayment model for benefits granted under this subsection, which must align with any copayment identified or adopted for households with the same income level under RCW 43.216.1368.

(6) (a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

(7) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status. [2023 c 294 § 1; 2021 c 199 § 202; 2020 c 279 § 2.]

Effective date—2021 c 199 §§ 201, 202, 301, 309, and 504: See note following RCW 43.216.1368.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Effective date—2020 c 279: "This act takes effect July 1, 2020." [2020 c 279 § 4.]

RCW 43.216.136 Working connections child care program—Eligibility. (Effective October 1, 2023.) (1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be

consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for 12 months beginning July 1, 2016.

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

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

(i) In the last six months have:

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

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

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

(D) A parent or guardian participating in a specialty court or therapeutic court or who is a listed victim in a case in a specialty court or therapeutic court;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020 or as part of the specialty court or therapeutic court's proceedings; and

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

(b) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services or keep participating in a specialty court or therapeutic court identified in this subsection to maintain 12-month authorization.

(4)(a) Beginning July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:

(i) A vocational education program that leads to a degree or certificate in a specific occupation; or

(ii) An associate degree program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if the applicant or consumer meets the college's definition of a full-time student.

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

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5) The department may not consider the immigration status of an applicant or consumer's child when determining eligibility for working connections child care benefits.

(6) (a) An applicant or consumer is eligible to receive working connections child care benefits for the care of one or more eligible children for the first 12 months of the applicant's or consumer's enrollment in a state registered apprenticeship program under chapter 49.04 RCW when:

(i) The applicant or consumer's household annual income adjusted for family size does not exceed 75 percent of the state median income at the time of application, or, beginning July 1, 2027, does not exceed 85 percent of the state median income if funds are appropriated for the purpose of RCW 43.216.1368(4);

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

(iii) The household meets all other program eligibility requirements.

(b) The department must adopt a copayment model for benefits granted under this subsection, which must align with any copayment identified or adopted for households with the same income level under RCW 43.216.1368.

(7) (a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a 12-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

(8) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status. [2023 c 294 § 1; 2023 c 222 § 3; 2021 c 199 § 202; 2020 c 279 § 2.]

Reviser's note: This section was amended by 2023 c 222 § 3 and by 2023 c 294 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2023 c 222 § 3: "Section 3 of this act takes effect October 1, 2023." [2023 c 222 § 6.]

Findings—Intent—2023 c 222: See note following RCW 43.216.1364.

Effective date—2021 c 199 §§ 201, 202, 301, 309, and 504: See note following RCW 43.216.1368.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Effective date—2020 c 279: "This act takes effect July 1, 2020." [2020 c 279 § 4.]

RCW 43.216.1364 Working connections child care program—Eligibility—Employees of licensed child care center or family home provider. (1) Beginning October 1, 2023, a family is eligible for working connections child care when the household's annual income is

at or below 85 percent of the state median income adjusted for family size and:

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

(b) The applicant or consumer is employed in a licensed child care center or family home provider, as verified in the agency's electronic workforce registry; and

(c) The household meets all other program eligibility requirements.

(2) The department must waive the copayment to the extent allowable under federal law; otherwise, a maximum of \$15 for any applicant or consumer that meets the requirements under this section. [2023 c 222 § 2.]

Findings—Intent—2023 c 222: "(1) The legislature acknowledges that the working connections child care program provides quality child care for families. The legislature intends to increase access to this program for certain families.

(2) The legislature recognizes that child care providers are struggling to hire and retain child care employees. As stated in RCW 43.216.749, the legislature intends to systemically increase child care subsidy rates over time until rates are equal to the full cost of providing high quality child care to help address these workforce issues. The legislature intends to provide child care employees with access to the working connections child care program as a more immediate benefit while acknowledging that this benefit may not be needed as child care subsidy rates increase.

(3) As stated in RCW 2.30.010, the legislature recognizes that therapeutic courts provide an opportunity for defendants or respondents to obtain treatment services to address particular issues that may have contributed to the conduct that led to their issue before the court. The legislature intends to provide those participating in these courts with access to the working connections child care program to help support their success in these courts and to provide stable and high quality child care for their families.

(4) The legislature acknowledges that the working connections child care program requires children to have a certain immigration status to be eligible. The legislature intends to expand the working connections child care program to provide access to child care for these families." [2023 c 222 § 1.]

RCW 43.216.1368 Working connections child care program—Eligibility—Copayments. (1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

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

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

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

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

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

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

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

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

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

(5) (a) Beginning October 1, 2021, through June 30, 2023, the department must calculate a 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
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

(b) Beginning July 1, 2023, the department must calculate a 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
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	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

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

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

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

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

(7) This section does not apply to households eligible for the working connections child care program under RCW 43.216.145 and 43.216.1364. [2023 c 222 § 4; 2022 c 297 § 959; 2021 c 199 § 201.]

Findings—Intent—2023 c 222: See note following RCW 43.216.1364.

Effective date—2022 c 297: See note following RCW 43.79.565.

Effective date—2021 c 199 §§ 201, 202, 301, 309, and 504:

"Sections 201, 202, 301, 309, and 504 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2021." [2021 c 199 § 607.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.137 Working connections child care program—Unemployment compensation. For the working connections child care program, the department shall not count the twenty-five dollar increase paid as part of an individual's weekly benefit amount as provided in *RCW 50.20.1202 when determining a consumer's income eligibility and copayment. [2011 c 4 § 17. Formerly RCW 43.215.1351.]

***Reviser's note:** RCW 50.20.1202 was repealed by 2021 c 2 § 27.

Effective date—2011 c 4 §§ 1-6 and 16-21: See note following RCW 50.20.120.

Conflict with federal requirements—2011 c 4: See note following RCW 50.29.021.

RCW 43.216.139 Working connections child care program—Notification of change in providers. Beginning July 1, 2016, or earlier if a different date is provided in the omnibus appropriations act, when an applicant or recipient applies for or receives working connections child care benefits, the applicant or recipient is required to notify the department, within five days, of any change in providers. [2018 c 52 § 3; 2015 3rd sp.s. c 7 § 7; 2012 c 251 § 2. Formerly RCW 43.215.1352.]

Effective date—Intent—Finding—2018 c 52: See notes following RCW 43.216.909.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Effective date—2012 c 251: See note following RCW 43.216.135.

RCW 43.216.141 Working connections child care program—Standards and guidelines—Duties of the department. (1) The standards and guidelines described in this section are intended for the guidance of the department. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

(2) When providing services to parents applying for or receiving working connections child care benefits, the department must provide training to departmental employees on professionalism.

(3) When providing services to parents applying for or receiving working connections child care benefits, the department has the following responsibilities:

(a) To return all calls from parents receiving working connections child care benefits within two business days of receiving the call;

(b) To develop a process by which parents receiving working connections child care benefits can submit required forms and information electronically by June 30, 2015;

(c) To notify providers and parents ten days before the loss of working connections child care benefits; and

(d) To provide parents with a document that explains in detail and in easily understood language what services they are eligible for, how they can appeal an adverse decision, and the parents' responsibilities in obtaining and maintaining eligibility for working connections child care. [2018 c 52 § 4; 2013 c 337 § 1. Formerly RCW 43.215.136.]

Effective date—Intent—Finding—2018 c 52: See notes following RCW 43.216.909.

RCW 43.216.143 Working connections child care program—Contracted child care slots and vouchers. (1) The department may employ a combination of vouchers and contracted slots for the subsidized child care programs in *RCW 43.215.135. Child care vouchers preserve parental choice. Child care contracted slots promote access to continuous quality care for children, provide parents and caregivers stable child care that supports employment, and allow providers to have predictable funding. Any contracted slots the department may create under this section must meet the requirements in subsections (2) through (6) of this section.

(2) Only child care providers who participate in the early achievers program and rate at a level 3, 4, or 5 are eligible to be awarded a contracted slot.

(3)(a) The department is required to use data to calculate a set number of targeted contracted slots. In calculating the number, the department must take into account a balance of family home and center child care programs and the overall geographic distribution of child care programs in the state and the distribution of slots between ages zero and five.

(b) The targeted contracted slots are reserved for programs meeting both of the following conditions:

(i) Programs in low-income neighborhoods; and

(ii) Programs that consist of at least fifty percent of children receiving subsidy pursuant to *RCW 43.215.135.

(c) Until August 1, 2017, the department shall assure an even distribution of contracted slots for children birth to age five.

(4) The department shall award the remaining contracted slots via a competitive process and prioritize child care programs with at least one of the following characteristics:

(a) Programs located in a high-need geographic area;

(b) Programs partnering with elementary schools to offer transitional planning and support to children as they advance to kindergarten;

(c) Programs serving children involved in the child welfare system; or

(d) Programs serving children diagnosed with a special need.

(5) The department shall pay a provider for each contracted slot, unless a contracted slot is not used for thirty days.

(6) The department shall include the number of contracted slots that use both early childhood education and assistance program funding and working connections child care program funding in the annual report to the legislature required under *RCW 43.215.102. [2015 3rd sp.s. c 7 § 14. Formerly RCW 43.215.137.]

***Reviser's note:** RCW 43.215.135 and 43.215.102 were recodified as RCW 43.216.135 and 43.216.089, respectively, pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.145 Working connections child care—Eligibility of high school students. (1) A parent who is attending high school is eligible to receive working connections child care.

(2) A parent age twenty-one years or younger who is working toward completing a high school equivalency certificate is eligible to receive working connections child care.

(3) When determining consumer eligibility and copayment under this section, the department:

(a) Must, within existing resources, authorize full-day subsidized child care during the school year in cases where:

(i) The parent is participating in one hundred ten hours of approved activities per month;

(ii) The household income of the parent does not exceed eighty-five percent of the state median income at the time of application; and

(iii) The parent meets all other program eligibility requirements;

(b) May not consider the availability of the other biological parent when authorizing care; and

(c) May not require a copayment. [2020 c 339 § 1.]

Effective date—2020 c 339 § 1: "Section 1 of this act takes effect September 1, 2020." [2020 c 339 § 4.]

RCW 43.216.152 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community-based early learning providers" includes for-profit and nonprofit licensed providers of child care and preschool programs.

(2) "Program" means the program of early learning established in *RCW 43.215.141 for eligible children who are three and four years of age. [2010 c 231 § 2. Formerly RCW 43.215.140.]

***Reviser's note:** RCW 43.215.141 was recodified as RCW 43.215.455 pursuant to 2013 2nd sp.s. c 16 § 5. RCW 43.215.455 was subsequently recodified as RCW 43.216.555 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

RCW 43.216.155 Home visitation programs—Findings—Intent. The legislature finds that:

(1) The years from birth to three are critical in building the social, emotional, and cognitive developmental foundations of a young child. Research into the brain development of young children reveals that children are born learning.

(2) The farther behind children are in their social, emotional, physical, and cognitive development, the more difficult it will be for them to catch up.

(3) A significant number of children age birth to five years are born with two or more of the following risk factors and have a greater chance of failure in school and beyond: Poverty; single or no parent; no parent employed full time or full year; all parents with disability; and mother without a high school degree.

(4) Parents and children involved in home visitation programs exhibit better birth outcomes, enhanced parent and child interactions, more efficient use of health care services, enhanced child development including improved school readiness, and early detection of developmental delays, as well as reduced welfare dependence, higher rates of school completion and job retention, reduction in frequency and severity of maltreatment, and higher rates of school graduation.

The legislature intends to promote the use of voluntary home visitation services to families as an early intervention strategy to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of a high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes. [2007 c 466 § 1. Formerly RCW 43.215.145, 43.121.170.]

RCW 43.216.157 Home visitation programs—Definitions. The definitions in this section apply throughout this section and RCW *43.215.145, *43.215.147, and **43.121.185 unless the context clearly requires otherwise.

(1) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(2) "Home visitation" means providing services in the permanent or temporary residence, or in other familiar surroundings, of the family receiving such services.

(3) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the

standard of evidence-based practices. [2011 1st sp.s. c 32 § 6; 2007 c 466 § 2. Formerly RCW 43.215.146, 43.121.175.]

Reviser's note: *(1) RCW 43.215.145 and 43.215.147 were recodified as RCW 43.216.155 and 43.216.159, respectively, pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

** (2) RCW 43.121.185 was repealed by 2011 1st sp.s. c 32 § 12, effective June 30, 2012.

Transition plan—Report to the legislature—2011 1st sp.s. c 32:
See note following RCW 70.305.005.

RCW 43.216.159 Home visitation programs—Funding—Home visitation services coordination or consolidation plan. (1) Within available funds, the department shall fund evidence-based and research-based home visitation programs for improving parenting skills and outcomes for children. Home visitation programs must be voluntary and must address the needs of families to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes. In order to maximize opportunities to obtain matching funds from private entities, general funds intended to support home visiting funding shall be appropriated to the home visiting services account established in *RCW 43.215.130.

(2) The department shall work with the department of social and health services, the department of health, the private-public partnership created in *RCW 43.215.070, and key partners and stakeholders to develop a plan to coordinate or consolidate home visitation services for children and families to the extent practicable. [2011 1st sp.s. c 32 § 7; 2008 c 152 § 6; 2007 c 466 § 3. Formerly RCW 43.215.147, 43.121.180.]

***Reviser's note:** RCW 43.215.130 and 43.215.070 were recodified as RCW 43.216.130 and 43.216.065, respectively, pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Transition plan—Report to the legislature—2011 1st sp.s. c 32:
See note following RCW 70.305.005.

Findings—Intent—2008 c 152: See note following RCW 13.34.136.

RCW 43.216.165 Early start account. (1) The early start account is created in the custody of the state treasurer. Revenues in the account shall consist of appropriations by the legislature and all other sources deposited into the account. Expenditures from the account may be used only for the purposes listed in RCW 43.216.080. All receipts from local governments, school districts, institutions of higher education as defined in RCW 28B.10.016, and nonprofit organizations must be deposited into the account.

(2) The department oversees the account. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) The department shall separately track funds received for each local government, school district, institution of higher education as defined in RCW 28B.10.016, or nonprofit organization that deposits funds into the account. Expenditures from these funds may be used only for the purposes listed in RCW 43.216.080 as identified in writing with the department by the contributing local government, school district, institution of higher education as defined in RCW 28B.10.016, or nonprofit organization. [2018 c 58 § 68; 2017 c 178 § 5; 2015 3rd sp.s. c 7 § 17. Formerly RCW 43.215.195.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Intent—2017 c 178: See note following RCW 43.216.080.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.170 Applicants for positions with the department—Investigation and background checks. (1) The secretary shall investigate the conviction records, pending charges, and disciplinary board final decisions of any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children. This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards.

(2) The secretary shall require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation as provided in RCW 43.43.837. Unless otherwise authorized by law, the secretary shall use the information solely for the purpose of determining the character, suitability, and competence of the applicant.

(3) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(4) Any person whose criminal history would otherwise disqualify the person under this section from a position that will or may have unsupervised access to children shall not be disqualified if the department of social and health services reviewed the person's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002 and determined that such person could remain in a position covered by this section, or if the otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure. [2017 3rd sp.s. c 6 § 801.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.180 Education of students in the custody of juvenile rehabilitation facilities—Duties—Creation of a comprehensive plan.

(1) The department shall meet regularly with the school districts that

educate students who are in the custody of medium and maximum security facilities operated by juvenile rehabilitation to help coordinate activities in areas of common interest, such as communication with parents. The office of the superintendent of public instruction shall facilitate upon request of the department.

(2) The office of the superintendent of public instruction, in collaboration with the department, shall create a comprehensive plan for the education of students in juvenile rehabilitation and provide it to the governor and relevant committees of the legislature by September 1, 2020. [2019 c 322 § 7.]

Findings—Intent—2019 c 322: See note following RCW 72.01.410.

RCW 43.216.190 Assistance with submission of Washington state identicard application materials. The department shall assist licensed or contracted providers in following the process established under RCW 46.20.036 for providers submitting Washington state identicard application materials for individuals qualifying for a Washington state identicard under RCW 46.20.117(1)(c)(ii). [2020 c 124 § 1.]

RCW 43.216.195 Child care centers—Negotiated rule making. When the secretary elects to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a), the department must include the largest organization representing child care center owners and directors; the largest organization representing supervisors, teachers, and aides; and other affected interests before adopting requirements that affect child care center licensees. [2021 c 199 § 312.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.200 Imagination library of Washington program. (1) The following definitions apply to this section:

- (a) "Eligible children" means children from birth to age five;
- (b) "National nonprofit foundation" means a national nonprofit foundation that exists for the purpose of working with local entities to identify eligible children and mail age-appropriate, high quality books each month to those children at no cost to families; and
- (c) "Program" means the imagination library of Washington program created under subsection (2) of this section.

(2) Subject to the amounts appropriated for this specific purpose, the department, in coordination with the office of the superintendent of public instruction, shall select a Washington state-based qualified 501(c)(3) nonprofit organization physically located in Washington state to create and operate the program. The nonprofit organization selected under this subsection shall:

- (a) Manage the daily operations of the program;
- (b) Establish affiliate programs across the state;
- (c) Advance and strengthen the affiliate programs with the goal of increasing enrollment in those programs;
- (d) Develop, promote, and coordinate a public awareness campaign to make donors aware of the opportunity to donate to affiliate

programs and make the public aware of the opportunity to register eligible children to receive books through the program; and

(e) Contract with a national nonprofit foundation to provide age-appropriate, high quality books each month to eligible children at no cost to families.

(3) (a) By November 1, 2022, and annually thereafter, the nonprofit organization selected to operate the program under subsection (2) of this section shall submit a report to the relevant committees of the legislature and the governor describing:

(i) The number of affiliate programs established by the program;

(ii) The number of children enrolled in each affiliate program;

and

(iii) The number of children statewide enrolled in the program.

(b) The report in this subsection must be submitted in compliance with RCW 43.01.036.

(4) (a) The nonprofit organization selected to operate the program under subsection (2) of this section shall provide payment to the national nonprofit foundation under subsection (2)(e) of this section that equals 50 percent of the cost to provide books to eligible children enrolled in the program.

(b) Each affiliate program shall provide payment to the program under subsection (2) of this section that equals the remaining cost to provide books to eligible children enrolled in the program.

(c) Nothing in this section requires that state funding be provided to the nonprofit organization selected under this subsection or to the program except as provided in subsection (5) of this section.

(5) The department may seek and accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources on the program according to their terms. [2022 c 39 § 1.]

RCW 43.216.205 Youth and young adults exiting publicly funded system of care—Rapid response team. (1) The department, in coordination with the office of homeless youth prevention and protection programs, the department of social and health services, and the health care authority, shall develop and implement a rapid response team that is prepared to respond appropriately to support youth and young adults exiting a publicly funded system of care. As part of the development and implementation of the rapid response team, the department shall develop and implement a system for:

(a) Identifying youth and young adults that should be served by the rapid response team;

(b) Initiating use of the rapid response team in a timely manner that will allow for the best possible transition planning; and

(c) Locating services and connecting youth and young adults with those services to establish stability.

(2) The rapid response team developed under this section may provide assistance and support to youth and young adults who are at risk of becoming homeless and who are exiting a publicly funded system of care with the goal of securing appropriate housing and other supports for the youth or young adult. If there is no housing identified for a youth or young adult upon exit, the rapid response team shall meet before a youth or young adult transitions out of a

publicly funded system of care to allow the youth or young adult to better prepare for the exit. The assistance and support provided under this subsection should occur as soon as possible, particularly if a youth or young adult presents risk factors that place the youth at higher risk of possible homelessness.

(3) Any of the following individuals may refer a youth or young adult to the rapid response team:

- (a) A youth or young adult themselves;
- (b) A family member of a youth or young adult;
- (c) An advocate for a youth or young adult;
- (d) An educator;
- (e) A law enforcement officer;
- (f) An employee of the department or the office of homeless youth prevention and protection programs;
- (g) A service provider contracting with or licensed by the department;
- (h) A behavioral health service provider serving a youth or young adult; or
- (i) A service provider contracting with the office of homeless youth prevention and protection programs.

(4) For the purposes of this section:

(a) "Publicly funded system of care" has the same meaning as provided in RCW 43.330.720;

(b) "Rapid response team" means a team of representatives from relevant state agencies that meet to respond to complex cases involving a youth or young adult located anywhere in the state exiting a publicly funded system of care to support those youth or young adults with the goal of securing appropriate housing and other supports for the youth or young adult. Services and supports under this section must incorporate youth or young adult voice and choice. The services under this section must be responsive to the individual needs of each youth or young adult and may include, but are not limited to:

- (i) Behavioral health services;
 - (ii) Civil legal aid;
 - (iii) Peer support;
 - (iv) Family reconciliation or engagement services;
 - (v) Employment support;
 - (vi) Education support;
 - (vii) Case management;
 - (viii) Housing and financial support; or
 - (ix) Other navigation support to secure safe and stable housing;
- and

(c) "Youth" and "young adult" have the same meaning as provided in RCW 43.330.702.

(5) By November 1, 2023, and annually thereafter, the department, in coordination with the office of homeless youth prevention and protection programs shall provide a report to the legislature and the governor including data and recommendations related to the rapid response team created in this section. The report required under this subsection must be submitted in compliance with RCW 43.01.036. The report required under this subsection must include the following:

- (a) The number of people referred to the rapid response team and the types of people making referrals to the rapid response team;
- (b) The demographic data of the people served by the rapid response team;

(c) The types of services identified as needed for the people served by the rapid response team;

(d) The availability of the services identified as needed for the people served by the rapid response team; and

(e) The barriers identified to adequately address the needs of people referred to the rapid response team and recommendations to address those barriers. [2022 c 137 § 2.]

Effective date—2022 c 137 § 2: "Section 2 of this act takes effect January 1, 2023." [2022 c 137 § 6.]

Findings—Intent—2022 c 137: See note following RCW 43.330.723.

LICENSING

RCW 43.216.250 Secretary's licensing duties. It shall be the secretary's duty with regard to licensing under this chapter:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities or outdoor locations for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) (a) In consultation with the state fire marshal's office, the secretary shall use an interagency process to address health and safety requirements for child care programs that serve school-age children and are operated in buildings that contain public or private schools that safely serve children during times in which school is in session;

(b) Any requirements in (a) of this subsection as they relate to the physical facility, including outdoor playgrounds, do not apply to before-school and after-school programs that serve only school-age children and operate in the same facilities used by public or private schools;

(3) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(4) In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in child care;

(5) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither

department may share the federal background check results with any other state agency or person;

(6) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of child care that an agency is authorized to render and the ages and number of children to be served;

(7) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(8) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(9) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child care requirements; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children. [2021 c 304 § 9; 2018 c 58 § 70; 2017 3rd sp.s. c 6 § 205; 2015 3rd sp.s. c 7 § 4. Prior: 2011 c 359 § 2; 2011 c 253 § 3; 2007 c 415 § 3; 2006 c 265 § 301. Formerly RCW 43.215.200.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Effective date—2015 3rd sp.s. c 7 § 4: "Section 4 of this act takes effect July 1, 2016." [2015 3rd sp.s. c 7 § 23.]

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Finding—Intent—2011 c 359: "(1) The legislature finds that some licensed child care centers seeking to operate in public schools incur substantial costs to renovate spaces that are considered safe for children to use for the purpose of education. Consequently, families are forced to seek before or after school child care outside of the school building, resulting in additional transitions for students.

(2) It is the legislature's intent to allow licensed child care centers that serve school-age children to operate in facilities that provide a safe and healthy environment for children to use for the purpose of education. With respect to section 2(2) of this act, the legislature intends that the development of any related child care licensing requirements shall:

(a) Ensure safe and healthy environments for children;

(b) Utilize existing rule-making processes and resources;

(c) Utilize existing requirements as a starting point rather than create an entirely new set of requirements; and

(d) Give due consideration to the burdens imposed by inconsistent licensing requirements." [2011 c 359 § 1.]

RCW 43.216.255 Licensing standards. (1) No later than November 1, 2016, 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) 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) Take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and

(d) 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. [2021 c 304 § 10; 2015 3rd sp.s. c 7 § 3. Formerly RCW 43.215.201.]

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.260 Minimum requirements for licensure. Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility or location for an outdoor nature-based child care program, and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) To provide for the comfort, care, and well-being of children, information about the health, safety, cleanliness, and general adequacy of the premises, including the real property and premises for an outdoor nature-based child care program;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children. [2021 c 304 § 11; 2007 c 415 § 4. Formerly RCW 43.215.205.]

RCW 43.216.265 Fire protection—Powers and duties of chief of the Washington state patrol. The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the secretary and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this chapter necessary to protect all persons residing therein from fire hazards;

(2) To adopt licensing minimum standard requirements to allow children who attend classes in a school building during school hours to remain in the same building to participate in before-school or after-school programs and to allow participation in such before-school and after-school programs by children who attend other schools and are transported to attend such before-school and after-school programs;

(3) To make or cause to be made such inspections and investigations of agencies as he or she deems necessary;

(4) To make a periodic review of requirements under RCW 43.216.250(8) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(5) To issue to applicants for licenses under this chapter who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department before a license shall be issued, except that an initial license may be issued as provided in RCW 43.216.315. [2018 c 58 § 42; 2013 c 227 § 1; 2006 c 265 § 302. Formerly RCW 43.215.210.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.270 Character, suitability, and competence to provide child care and early learning services—Fingerprint criminal history record checks—Background check clearance card or certificate—Shared background checks.

(1)(a) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(b) The department may not deny or delay a license to provide child care and early learning services under this chapter to an individual solely because of a founded finding of physical abuse or negligent treatment or maltreatment involving the individual revealed in the background check process or solely because the individual's child was found by a court to be dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b) when that founded finding or court finding is accompanied by a certificate of parental improvement as defined in chapter 74.13 RCW related to the same incident.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for five years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department.

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

(i) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

(j) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or

(ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW 28A.400.303, and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting. [2023 c 437 § 2; 2022 c 297 § 960; 2020 c 270 § 9. Prior: 2018 c 59 § 1; 2018 c 58 § 69; prior: 2017 3rd sp.s. c 33 § 6; 2017 3rd sp.s. c 6 § 206; prior: 2011 c 295 § 2; 2011 c 253 § 4; 2007 c 415 § 5. Formerly RCW 43.215.215.]

Effective date—2022 c 297: See note following RCW 43.79.565.

Effective date—2020 c 270: See note following RCW 74.13.720.

Effective date—2018 c 59: "This act takes effect July 1, 2018."
[2018 c 59 § 2.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.271 Background check clearance registry—Background application form. The department shall maintain an individual-based or portable background check clearance registry. Any individual seeking a child care license or employment in any child care facility or outdoor nature-based child care program licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule. [2023 c 437 § 3; 2021 c 304 § 12; 2017 3rd sp.s. c 6 § 207; 2011 c 295 § 1. Formerly RCW 43.215.216.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.280 Licensed day care centers and outdoor nature-based child care providers—Notice of pesticide use. Licensed child day care centers and outdoor nature-based child care providers shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW. [2021 c 304 § 13; 2006 c 265 § 303. Formerly RCW 43.215.220.]

RCW 43.216.285 Articles of incorporation. A copy of the articles of incorporation of any agency or amendments to the articles of existing corporation agencies shall be sent by the secretary of state to the department at the time such articles or amendments are filed. [2006 c 265 § 304. Formerly RCW 43.215.230.]

RCW 43.216.290 Access to agencies—Records inspection. All agencies subject to this chapter shall accord the department, the chief of the Washington state patrol, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of this chapter and the requirements adopted under it. [2006 c 265 § 305. Formerly RCW 43.215.240.]

RCW 43.216.295 License required. (1) It is unlawful for any agency to care for children unless the agency is licensed as provided in this chapter.

(2) A license issued under chapter 74.15 RCW before July 1, 2006, for an agency subject to this chapter after July 1, 2006, is valid until its next renewal, unless otherwise suspended or revoked by the department. [2006 c 265 § 306. Formerly RCW 43.215.250.]

RCW 43.216.300 License fees. (1) The secretary shall charge fees to the licensee for obtaining a license. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) The secretary shall establish the fees charged by rule. [2018 c 58 § 41; (2021 c 304 § 29 expired June 30, 2023); 2007 c 17 § 1. Formerly RCW 43.215.255.]

Expiration date—2021 c 304 § 29: "Section 29 of this act expires June 30, 2023." [2021 c 304 § 34.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.305 License application—Nonexpiring licenses—Issuance, renewal, transfer, duration. (1) Each agency shall make application for a license or the continuation of a full license to the department using a method prescribed by the department. Upon receipt

of such application, the department shall either grant or deny a license or continuation of a full license within ninety days. A license or continuation shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with this chapter, except that an initial license may be issued as provided in RCW 43.216.315. The department shall consider whether an agency is in good standing, as defined in subsection (4)(b) of this section, before granting a continuation of a full license. Full licenses provided for in this chapter shall continue to remain valid so long as the licensee meets the requirements for a nonexpiring license in subsection (2) of this section and may be transferred to a new licensee in the event of a transfer of ownership of a child care operation. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter applies only to the licensee and the location stated in the application. For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

(2) In order to qualify for a nonexpiring full license, a licensee must meet the following requirements on an annual basis as established from the date of initial licensure:

(a) Submit the annual licensing fee;

(b) Submit a declaration to the department indicating the licensee's intent to continue operating a licensed child care program, or the intent to cease operation on a date certain;

(c) Submit a declaration of compliance with all licensing rules; and

(d) For all current employees of the agency and as defined by department rule, submit background check applications into the department's electronic workforce registry on the schedule established by the department.

(3) If a licensee fails to meet the requirements in subsection (2) of this section for continuation of a full license the license expires and the licensee must submit a new application for licensure under this chapter.

(4)(a) Nothing about the nonexpiring license process may interfere with the department's established monitoring practice.

(b) For the purpose of this section, an agency is considered to be in good standing if in the intervening period between monitoring visits the agency does not have any of the following:

(i) Valid complaints;

(ii) A history of noncompliance related to those valid complaints or pending from prior monitoring visits; or

(iii) Other information that when evaluated would result in a finding of noncompliance with this section.

(c) The department shall consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits, for the purposes of administrative efficiency while protecting children, consistent with this chapter. If the department determines that an agency is not in good standing, the department may issue a probationary license, as provided in RCW 43.216.320. [2021 c 304 § 14; 2020 c 343 § 5; 2018 c 58 § 40; 2011 c 297 § 1; 2006 c 265 § 307. Formerly RCW 43.215.260.]

Short title—Findings—Intent—2020 c 343: See notes following RCW 43.216.514.

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.310 License renewal. (1) If a licensee desires to apply for a renewal of its license, a request for a renewal shall be filed ninety days before the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department acts.

(2) License renewal under this section does not apply to nonexpiring licenses described in *RCW 43.215.260. [2011 c 297 § 3; 2006 c 265 § 308. Formerly RCW 43.215.270.]

***Reviser's note:** RCW 43.215.260 was recodified as RCW 43.216.305 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

RCW 43.216.315 Initial licenses. The secretary may, at his or her discretion, issue an initial license instead of a full license, to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license. [2018 c 58 § 39; 2006 c 265 § 309. Formerly RCW 43.215.280.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.320 Probationary licenses. (1) The department may issue a probationary license to a licensee who has had an initial, expiring, or other license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

(a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and

(b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) Before issuing a probationary license, the department shall, in writing, refer the licensee to the child care resource and referral network or other appropriate resource for technical assistance. The department may issue a probationary license pursuant to subsection (1) of this section if within fifteen working days after the department has sent its referral:

(a) The licensee, in writing, has refused the department's referral for technical assistance; or

(b) The licensee has failed to respond in writing to the department's referral for technical assistance.

(3) If the licensee accepts the department's referral for technical assistance issued under subsection (2) of this section, the department, the licensee, and the technical assistance provider shall meet within thirty days after the licensee's acceptance. The licensee and the department, in consultation with the technical assistance provider, shall develop a plan to correct the areas of noncompliance identified by the department. If, after sixty days, the licensee has

not corrected the areas of noncompliance identified in the plan developed in consultation with the technical assistance provider, the department may issue a probationary license pursuant to subsection (1) of this section.

(4) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(5) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(6) An existing license is invalidated when a probationary license is issued.

(7) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(8) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

[2011 c 297 § 2; 2006 c 265 § 310. Formerly RCW 43.215.290.]

RCW 43.216.325 Licenses—Denial, suspension, revocation, modification, nonrenewal—Proceedings—Penalties. (1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter; or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses. RCW 43.216.327 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(3)(a) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter or that an agency subject to licensing under this chapter is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home.

(b) Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance.

(c) Civil monetary penalties shall not exceed one hundred fifty dollars per violation for a family day care home and two hundred fifty dollars per violation for child day care centers or outdoor nature-based child care programs. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(d) The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period.

(e) The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. RCW 43.216.335 governs notice of a civil monetary penalty and provides the right to an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(4) (a) In addition to or in lieu of an enforcement action being taken, the department may place a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day care center, outdoor nature-based child care provider, or family day care provider is placed on nonreferral status, the department shall provide written notification to the child day care center, outdoor nature-based child care provider, or family day care provider.

(5) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day care center, outdoor nature-based child care provider, or family day care provider; or (b) place or remove a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status. [2021 c 304 § 15; 2018 c 58 § 38; 2011 c 296 § 1; 2007 c 17 § 2; 2006 c 265 § 311. Formerly RCW 43.215.300.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Short title—2011 c 296: "This act shall be known and cited as the Colby Thompson act." [2011 c 296 § 4.]

RCW 43.216.327 Licenses—Denial, revocation, suspension, or modification—Notice—Effective date of action—Adjudicative proceeding.

(1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in another manner that shows proof of receipt.

(2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice.

(a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so,

it shall state the effective date in the written notice given the licensee or agent.

(b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent.

(c) When the department has received certification pursuant to chapter 74.20A RCW from the division of child support that the licensee is a person who is not in compliance with a support order, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee.

(3) Except for licensees suspended for noncompliance with a support order under chapter 74.20A RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the administrative procedure act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt.

(4) (a) If the department gives a licensee twenty-eight or more days' notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause.

(b) If the department gives a licensee less than twenty-eight days' notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause. [2007 c 17 § 3. Formerly RCW 43.215.305.]

RCW 43.216.335 Civil fines—Notice—Adjudicative proceeding. (1)

The department shall give written notice to the person against whom it assesses a civil fine. The notice shall state the reasons for the adverse action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in another manner that shows proof of receipt.

(2) Except as otherwise provided in subsection (4) of this section, the civil fine is due and payable twenty-eight days after receipt. The department may make the date the fine is due later than twenty-eight days after receipt. When the department does so, it shall state the effective date in the written notice given the person against whom it assesses the fine.

(3) The person against whom the department assesses a civil fine has the right to an adjudicative proceeding. The proceeding is

governed by the administrative procedure act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the fine, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the person's receiving the notice of civil fine, and be served in a manner that shows proof of receipt.

(4) If the person files a timely and sufficient appeal, the department shall not implement the action until the final order has been served. The presiding or reviewing officer may permit the department to implement part or all of the action while the proceedings are pending if the appellant causes an unreasonable delay in the proceedings or for other good cause. [2007 c 17 § 4. Formerly RCW 43.215.307.]

RCW 43.216.340 Licensure pending compliance with state building code, chapter 19.27 RCW—Consultation with local officials. (1) Before requiring any alterations to a child care facility due to inconsistencies with requirements in chapter 19.27 RCW, the department shall:

(a) Consult with the city or county enforcement official; and
(b) Receive written verification from the city or county enforcement official that the alteration is required.

(2) The department's consultation with the city or county enforcement official is limited to licensed child care space.

(3) Unless there is imminent danger to children or staff, the department may not modify, suspend, or revoke a child care license or business activities while the department is waiting to:

(a) Consult with the city or county enforcement official under subsection (1)(a) of this section; or

(b) Receive written verification from the city or county enforcement official that the alteration is required under subsection (1)(b) of this section.

(4) For the purposes of this section, "child care facility" means a family day care home, school-age care, outdoor nature-based child care, and child day care center. [2021 c 304 § 16; 2014 c 9 § 1. Formerly RCW 43.215.308.]

RCW 43.216.345 Adjudicative proceedings—Training for administrative law judges. (1) The office of administrative hearings shall not assign nor allow an administrative law judge to preside over an adjudicative hearing regarding denial, modification, suspension, or revocation of any license to provide child care under this chapter, unless such judge has received training related to state and federal laws and department policies and procedures regarding:

- (a) Child abuse, neglect, and maltreatment;
- (b) Child protective services investigations and standards;
- (c) Licensing activities and standards;
- (d) Child development; and
- (e) Parenting skills.

(2) The office of administrative hearings shall develop and implement a training program that carries out the requirements of this section. The office of administrative hearings shall consult and coordinate with the department in developing the training program. The department may assist the office of administrative hearings in

developing and providing training to administrative law judges. [2006 c 265 § 312. Formerly RCW 43.215.310.]

RCW 43.216.350 License or certificate suspension—Noncompliance with support order—Reissuance. The secretary shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the secretary's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. [2018 c 58 § 37; 2006 c 265 § 313. Formerly RCW 43.215.320.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.355 Actions against agencies. Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he or she may deem advisable against any agency subject to licensing under the provisions of this chapter or against any such agency not having a license as heretofore provided in this chapter. [2018 c 58 § 36; 2006 c 265 § 314. Formerly RCW 43.215.330.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.360 Unlicensed providers—Notification to agency—Penalty—Posting on website. When the department suspects that an agency is providing child care services without a license, it shall send notice to that agency within ten days. The notice shall include, but not be limited to, the following information:

- (1) That a license is required and the reasons why;
- (2) That the agency is suspected of providing child care without a license;
- (3) That the agency must immediately stop providing child care until the agency becomes licensed;
- (4) That the department can issue a penalty of one hundred fifty dollars per day for each day a family day care home provided care without being licensed and two hundred fifty dollars for each day a child day care center or outdoor nature-based child care provider provided care without being licensed;
- (5) That if the agency does not initiate the licensing process within thirty days of the date of the notice, the department will post

on its website that the agency is providing child care without a license. [2021 c 304 § 17; 2011 c 296 § 3. Formerly RCW 43.215.335.]

Short title—2011 c 296: See note following RCW 43.216.325.

RCW 43.216.365 Operating without a license—Penalty. Any agency operating without a license shall be guilty of a misdemeanor. This section shall not be enforceable against an agency until sixty days after the effective date of new rules, applicable to such agency, have been adopted under this chapter. [2006 c 265 § 315. Formerly RCW 43.215.340.]

RCW 43.216.370 Negotiated rule making. The secretary shall have the power and it shall be the secretary's duty to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW 43.216.375 and with other affected interests before adopting requirements that affect family child care licensees. [2018 c 58 § 35; 2007 c 17 § 15. Formerly RCW 43.215.350.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 43.216.375 Negotiated rule making—Statewide unit of family child care licensees—Antitrust immunity, intent. (1) Solely for the purposes of negotiated rule making pursuant to RCW 34.05.310(2)(a) and *43.215.350, a statewide unit of all family child care licensees is appropriate. As of June 7, 2006, the exclusive representative of family child care licensees in the statewide unit shall be the representative selected as the majority representative in the election held under the directive of the governor to the secretary of the department of social and health services, dated September 16, 2005. If family child care licensees seek to select a different representative thereafter, the family child care licensees may request that the American arbitration association conduct an election and certify the results of the election.

(2) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care licensees and their exclusive representative to the extent such activities are authorized by this chapter. [2007 c 17 § 16. Formerly RCW 43.215.355.]

***Reviser's note:** RCW 43.215.350 was recodified as RCW 43.216.370 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

RCW 43.216.380 Minimum licensing requirements—Window blind pull cords. (1) Minimum licensing requirements under this chapter shall include a prohibition on the use of window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing a risk of strangulation to young children. Window blinds and other coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are not prohibited under this section.

(2) When developing and periodically reviewing minimum licensing requirements related to safety of the premises, the secretary shall consult and give serious consideration to publications of the United States consumer product safety commission.

(3) The department may provide information as available regarding reduced cost or no-cost options for retrofitting or replacing unsafe window blinds and window coverings. [2018 c 58 § 67; 2007 c 299 § 1. Formerly RCW 43.215.360.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Short title—2007 c 299: "This act may be known and cited as the Jaclyn Frank act." [2007 c 299 § 2.]

RCW 43.216.385 Reporting—Actions against agency licensees—Agencies notified of licensing requirement—Posting on website. For the purposes of reporting actions taken against agency licensees, upon the development of an early learning information system, the following actions shall be posted to the department's website accessible by the public: Suspension, surrender, revocation, denial, stayed suspension, or reinstatement of a license. The department shall also post on the website those agencies subject to licensing that have not initiated the licensing process within thirty days of the department's notification as required in *RCW 43.215.300. [2011 c 296 § 2; 2007 c 415 § 9. Formerly RCW 43.215.370.]

***Reviser's note:** RCW 43.215.300 was recodified as RCW 43.216.325 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Short title—2011 c 296: See note following RCW 43.216.325.

RCW 43.216.390 Reporting resignation or termination of individual working in child care agency. Upon resignation or termination with or without cause of any individual working in a child care agency, the child care agency shall report to the department within twenty-four hours if it has knowledge of the following with respect to the individual:

(1) Any charge or conviction for a crime listed in WAC 110-06-0120;

(2) Any other charge or conviction for a crime that could be reasonably related to the individual's suitability to provide care for or have unsupervised access to children or care; or

(3) Any negative action as defined in RCW 43.216.010. [2019 c 470 § 13; 2011 c 295 § 6. Formerly RCW 43.215.371.]

RCW 43.216.395 Child care inspection reports—Internal review process—Definitions—Final review. (1) The department shall develop an internal review process to determine whether department licensors have appropriately and consistently applied agency rules in inspection reports that do not involve a violation of health and safety standards. Adverse licensing decisions including license denial, suspension, revocation, modification, or nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines pursuant to RCW 43.216.335 are

not subject to the internal review process in this section, but may be appealed using the administrative procedure act, chapter 34.05 RCW.

(2) The definitions in this subsection apply throughout this section.

(a) "Child care facility licensing compliance agreement" means an agreement issued by the department in lieu of the department taking enforcement action against a child care provider that contains: (i) A description of the violation and the rule or law that was violated; (ii) a statement from the licensee regarding the proposed plan to comply with the rule or law; (iii) the date the violation must be corrected; (iv) information regarding other licensing action that may be imposed if compliance does not occur by the required date; and (v) the signature of the licensor and licensee or the licensee's delegate.

(b) "Health and safety standards" means rules or requirements developed by the department to protect the health and safety of children against risk of bodily, mental, or psychological injury, harm, illness, or death.

(3) The internal review process shall be conducted by the following six individuals:

(a) Three department employees who may include child care licensors; and

(b) Three child care providers selected by the department from names submitted by the oversight board for children, youth, and families established in RCW 43.216.015.

(4) The internal review process established in this section may overturn, change, or uphold a department licensing decision by majority vote. In the event that the six individuals conducting the internal review process are equally divided, the secretary or the secretary's designee shall make the decision of the internal review process. The internal review process must provide the parties with a written decision of the outcome after completion of the internal review process. A licensee must request a review under the internal review process within ten days of the development of an inspection report and the internal review process must be completed within sixty days after the request from the licensee to initiate the internal review process is received.

(5) A licensee may request a final review by the oversight board for children, youth, and families after completing the internal review process established in this section by giving notice to the department and the oversight board for children, youth, and families within ten days of receiving the written decision produced by the internal review process. [2021 c 304 § 18; 2017 3rd sp.s. c 6 § 114.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

EARLY CHILDHOOD EDUCATION AND ASSISTANCE

RCW 43.216.500 Intent. It is the intent of the legislature to establish an early childhood state education and assistance program. This special assistance program is a voluntary enrichment program to help prepare some children to enter the common school system and shall be offered only as funds are available. This program is not a part of

the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution. [1994 c 166 § 1; 1985 c 418 § 1. Formerly RCW 43.215.400, 28A.215.100, 28A.34A.010.]

Effective date—1994 c 166: "This act shall take effect July 1, 1994." [1994 c 166 § 12.]

RCW 43.216.505 Definitions. (Effective until July 1, 2026.)

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

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

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

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

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

(a) Has a family income at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services;

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

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

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

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

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

(c) Further their education and training;

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

(e) Increase their self-reliance.

(6) "Homeless" means a child without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2021. [2021 c 67 § 1; 2019 c 408 § 2; 2017 3rd sp.s. c 6 § 210; 2014 c 160 § 4; 2014 c 160 § 3; 2013 2nd sp.s. c 16 § 4. Prior: 2010 c 231 § 7; 2006 c 265 § 210; 1999 c 350 § 1; 1994 c 166 § 2; 1990 c 33 § 213; 1988 c 174 § 2; 1985 c 418 § 2. Formerly RCW 43.215.405, 28A.215.110, 28A.34A.020.]

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Effective date—2014 c 160 § 4: "Section 4 of this act takes effect June 30, 2018." [2014 c 160 § 5.]

Findings—Intent—2013 2nd sp.s. c 16: "The legislature finds that high quality early learning opportunities are an important factor in lifelong success. The legislature is committed to expanding high quality evidence-based early learning opportunities in order to improve educational outcomes. The legislature further finds that moving toward effective and research-based practices are critical in achieving educational and societal outcomes from early learning investments. The legislature intends to continue improvements in early learning through ongoing evaluation, application of emerging research, and enhanced quality assurance. It is the intent of the legislature that additional investments in early learning will be based on current information regarding the most efficient, research-based, and cost-effective investments." [2013 2nd sp.s. c 16 § 1.]

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: "The legislature finds that the early childhood education and assistance program provides for the educational, social, health, nutritional, and cultural development of children at risk of failure when they reach school age. The long-term benefits to society in the form of greater educational attainment, employment, and projected lifetime earnings as well as the savings to be realized, from lower crime rates, welfare support, and reduced teenage pregnancy, have been demonstrated through lifelong research of at-risk children and early childhood programs.

The legislature intends to encourage development of community partnerships for children at risk by authorizing a program of voluntary grants and contributions from business and community organizations to increase opportunities for children to participate in early childhood education." [1994 c 166 § 3; 1988 c 174 § 1.]

RCW 43.216.505 Definitions. (Effective July 1, 2026.) Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.216.500 through 43.216.559, 43.216.900, and 43.216.901.

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

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

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

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

(a) Has a family with financial need;

(b) Is experiencing homelessness;

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

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

(e) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to RCW 43.216.5052 and is at or below 100 percent of the state median income adjusted for family size; or

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

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

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

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

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

(c) Further their education and training;

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

(e) Increase their self-reliance; and

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

(7) "Family with financial need" means families with incomes at or below 36 percent of the state median income adjusted for family size until the 2030-31 school year. Beginning in the 2030-31 school year, "family with financial need" means families with incomes at or below 50 percent of the state median income adjusted for family size. [2021 c 199 § 204; 2021 c 67 § 1; 2019 c 408 § 2; 2017 3rd sp.s. c 6 § 210; 2014 c 160 § 4; 2014 c 160 § 3; 2013 2nd sp.s. c 16 § 4. Prior: 2010 c 231 § 7; 2006 c 265 § 210; 1999 c 350 § 1; 1994 c 166 § 2; 1990 c 33 § 213; 1988 c 174 § 2; 1985 c 418 § 2. Formerly RCW 43.215.405, 28A.215.110, 28A.34A.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2021 c 199 §§ 204-206 and 403: "Sections 204 through 206 and 403 of this act take effect July 1, 2026." [2021 c 199 § 604.]

Findings—Intent—2021 c 199 §§ 204-208: See note following RCW 43.216.513.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Effective date—2014 c 160 § 4: "Section 4 of this act takes effect June 30, 2018." [2014 c 160 § 5.]

Findings—Intent—2013 2nd sp.s. c 16: "The legislature finds that high quality early learning opportunities are an important factor in lifelong success. The legislature is committed to expanding high quality evidence-based early learning opportunities in order to improve educational outcomes. The legislature further finds that moving toward effective and research-based practices are critical in achieving educational and societal outcomes from early learning investments. The legislature intends to continue improvements in early learning through ongoing evaluation, application of emerging research, and enhanced quality assurance. It is the intent of the legislature that additional investments in early learning will be based on current information regarding the most efficient, research-based, and cost-effective investments." [2013 2nd sp.s. c 16 § 1.]

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: "The legislature finds that the early childhood education and assistance program provides for the educational, social, health, nutritional, and cultural development of children at risk of failure when they reach school age. The long-term benefits to society in the form of greater educational attainment, employment, and projected lifetime earnings as well as the savings to be realized, from lower crime rates, welfare support, and reduced teenage pregnancy, have been demonstrated through lifelong research of at-risk children and early childhood programs.

The legislature intends to encourage development of community partnerships for children at risk by authorizing a program of voluntary grants and contributions from business and community organizations to increase opportunities for children to participate in early childhood education." [1994 c 166 § 3; 1988 c 174 § 1.]

RCW 43.216.5052 Definition of "Indian"—Rule making. (Expires December 1, 2030.) (1) The department must consult, and obtain the advice and consent of, the governing bodies of the state's federally recognized tribes in developing an agreed-upon definition of the term "Indian" for the purposes of RCW 43.216.505 and, by July 1, 2024, must adopt the definition in rule.

(2) This section expires December 1, 2030. [2021 c 199 § 207.]

Findings—Intent—2021 c 199 §§ 204-208: See note following RCW 43.216.513.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.510 Admission and funding. The department shall administer a state-supported early childhood education and assistance program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system. Eligible children shall be admitted to approved early childhood programs to the extent that the legislature provides funds, and additional children may be admitted to the extent that grants and contributions from community sources provide sufficient funds for a program equivalent to that supported by state funds. Grants and contributions from community sources shall not supplant the funding required for the full statewide implementation of the early learning program in *RCW 43.215.456. [2017 c 178 § 4; 2006 c 265 § 211; 1994 c 166 § 4; 1988 c 174 § 3; 1985 c 418 § 3. Formerly RCW 43.215.410, 28A.215.120, 28A.34A.030.]

***Reviser's note:** RCW 43.215.456 was recodified as RCW 43.216.556 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Intent—2017 c 178: See note following RCW 43.216.080.

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: See note following RCW 43.216.505.

RCW 43.216.512 Expanded enrollment—Risk factors—Participation in other programs. (Effective until July 1, 2026.) (1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available if the number of such children equals not more than twenty-five percent of total statewide enrollment, whose family income is:

(a) Above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; or

(b) Above one hundred thirty percent but less than or equal to two hundred percent of the federal poverty level if the child meets at least one of the risk factor criterion described in subsection (2) of this section.

(2) Children enrolled in the early childhood education and assistance program pursuant to subsection (1)(b) of this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

(a) Family income as a percent of the federal poverty level;

(b) Homelessness;

(c) Child welfare system involvement;

(d) Developmental delay or disability that does not meet the eligibility criteria for special education described in RCW 28A.155.020;

(e) Domestic violence;

(f) English as a second language;

(g) Expulsion from an early learning setting;

(h) A parent who is incarcerated;

(i) A parent with a substance use disorder or mental health treatment need; and

(j) Other risk factors determined by the department to be linked by research to school performance.

(3) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below two hundred percent of the federal poverty level or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early support for infants and toddlers program;

(ii) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age; or

(iii) The birth to three early childhood education and assistance program, if such a program is established.

(4) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556. [2019 c 409 § 2; 2019 c 408 § 5; 2018 c 155 § 2.]

Contingent effective dates—2019 c 409 §§ 1 and 2: "(1) Section 2 of this act takes effect only if chapter 408, Laws of 2019 is enacted by July 28, 2019.

(2) Section 1 of this act takes effect only if section 2 of this act does not take effect by July 28, 2019." [2019 c 409 § 3.] Second Substitute Senate Bill No. 5437 was enacted into law May 21, 2019.

Contingent effective dates—2019 c 408 §§ 4 and 5: "(1) Section 5 of this act takes effect only if chapter 409, Laws of 2019 is enacted by July 28, 2019.

(2) Section 4 of this act takes effect only if section 5 of this act does not take effect by July 28, 2019." [2019 c 408 § 13.] Substitute Senate Bill No. 5089 was enacted into law May 21, 2019.

Findings—Intent—2019 c 408: "The legislature finds that the family income eligibility limit of one hundred ten percent of the federal poverty level for the early childhood education and assistance program hinders the state's ability to recruit and enroll qualified families, particularly in rural areas of the state and in tribal communities. This income barrier results in unused preschool slots and growing waiting lists of children who are from low-income families but who are over the established income limits. Therefore, the legislature intends to keep the qualifying income for the early childhood education and assistance program at one hundred ten percent of the

federal poverty level for the purposes of entitlement caseload forecasting and allow for the flexibility to serve additional children with family incomes up to two hundred percent of the federal poverty level." [2019 c 408 § 1.]

Effective date—2018 c 155: "This act takes effect July 1, 2018." [2018 c 155 § 5.]

Findings—Intent—2018 c 155: "The legislature finds that research continues to demonstrate the efficacy of the state's early childhood education and assistance program, known as ECEAP. Studies in Washington and from other states show that ECEAP prepares children for kindergarten success and has significant positive impacts on third, fourth, and fifth grade test scores. The legislature also finds that in some areas of the state, expanding ECEAP has proven challenging because there are too few eligible children to form an ECEAP classroom. The result is that children who are income eligible and the furthest from opportunity remain unserved. The legislature finds further that in other ECEAP classrooms, funded seats remain empty because providers do not have sufficient flexibility to serve families in need who are slightly over income but often have similar risk factors. The legislature intends, therefore, to provide more flexibility in determining eligibility for ECEAP in order to maximize the state's investment and assure that program funding is deployed to serve the greatest number of children and families." [2018 c 155 § 1.]

RCW 43.216.512 Expanded enrollment—Risk factors. (Effective July 1, 2026, until August 1, 2030.) (1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available, if the number of such children equals not more than 25 percent of total statewide enrollment, when the child is not eligible under RCW 43.216.505 and whose family income level is above 36 percent of the state median income but at or below 50 percent of the state median income adjusted for family size and the child meets at least one of the risk factor criterion described in subsection (2) of this section.

(2) Children enrolled in the early childhood education and assistance program pursuant to this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

- (a) Family income as a percent of the state median income;
- (b) Child welfare system involvement;
- (c) Eligible for services under part C of the federal individuals with disabilities education act but not eligible for services under part B of the federal individuals with disabilities education act;
- (d) Domestic violence;
- (e) English as a second language;
- (f) Expulsion from an early learning setting;
- (g) A parent who is incarcerated;
- (h) A parent with a behavioral health treatment need; and
- (i) Other risk factors determined by the department to be linked by research to school performance.

(3) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

(4) This section expires August 1, 2030. [2021 c 199 § 205; 2019 c 409 § 2; 2019 c 408 § 5; 2018 c 155 § 2.]

Effective date—2021 c 199 §§ 204-206 and 403: See note following RCW 43.216.505.

Findings—Intent—2021 c 199 §§ 204-208: See note following RCW 43.216.513.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Contingent effective dates—2019 c 409 §§ 1 and 2: "(1) Section 2 of this act takes effect only if chapter 408, Laws of 2019 is enacted by July 28, 2019.

(2) Section 1 of this act takes effect only if section 2 of this act does not take effect by July 28, 2019." [2019 c 409 § 3.] Second Substitute Senate Bill No. 5437 was enacted into law May 21, 2019.

Contingent effective dates—2019 c 408 §§ 4 and 5: "(1) Section 5 of this act takes effect only if chapter 409, Laws of 2019 is enacted by July 28, 2019.

(2) Section 4 of this act takes effect only if section 5 of this act does not take effect by July 28, 2019." [2019 c 408 § 13.] Substitute Senate Bill No. 5089 was enacted into law May 21, 2019.

Findings—Intent—2019 c 408: "The legislature finds that the family income eligibility limit of one hundred ten percent of the federal poverty level for the early childhood education and assistance program hinders the state's ability to recruit and enroll qualified families, particularly in rural areas of the state and in tribal communities. This income barrier results in unused preschool slots and growing waiting lists of children who are from low-income families but who are over the established income limits. Therefore, the legislature intends to keep the qualifying income for the early childhood education and assistance program at one hundred ten percent of the federal poverty level for the purposes of entitlement caseload forecasting and allow for the flexibility to serve additional children with family incomes up to two hundred percent of the federal poverty level." [2019 c 408 § 1.]

Effective date—2018 c 155: "This act takes effect July 1, 2018." [2018 c 155 § 5.]

Findings—Intent—2018 c 155: "The legislature finds that research continues to demonstrate the efficacy of the state's early childhood education and assistance program, known as ECEAP. Studies in Washington and from other states show that ECEAP prepares children for kindergarten success and has significant positive impacts on third, fourth, and fifth grade test scores. The legislature also finds that in some areas of the state, expanding ECEAP has proven challenging because there are too few eligible children to form an ECEAP

classroom. The result is that children who are income eligible and the furthest from opportunity remain unserved. The legislature finds further that in other ECEAP classrooms, funded seats remain empty because providers do not have sufficient flexibility to serve families in need who are slightly over income but often have similar risk factors. The legislature intends, therefore, to provide more flexibility in determining eligibility for ECEAP in order to maximize the state's investment and assure that program funding is deployed to serve the greatest number of children and families." [2018 c 155 § 1.]

RCW 43.216.513 Early entry—Participation in other programs.

(Effective July 1, 2026.) (1) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available and subject to the availability of amounts appropriated for this specific purpose, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below 50 percent of the state median income or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age;

(ii) The early support for infants and toddlers program or received class C developmental services;

(iii) The birth to three early childhood education and assistance program; or

(iv) The early childhood intervention and prevention services program.

(2) Children enrolled in the early childhood education and assistance program under this section are not eligible children as defined in RCW 43.216.505 and are not part of the state-funded entitlement required in RCW 43.216.556. [2021 c 199 § 206.]

Findings—Intent—2021 c 199 §§ 204-208: "(1) The legislature finds that eligibility guidelines for the national school lunch program require free meals for children with household incomes at or below 130 percent of the federal poverty level and that this income level is approximately equivalent to 36 percent of the state median income for a household of three. The legislature further finds that eligibility guidelines require reduced-price meals for children with household incomes at or below 185 percent of the federal poverty level and that this income level is approximately equivalent to 50 percent of the state median income for a household of three.

(2) Therefore, the legislature intends to raise the maximum family income for children entitled to enroll in the early childhood education and assistance program to 36 percent of the state median income beginning July 1, 2026. Beginning in the 2030-31 school year, the legislature intends to raise the maximum family income for children entitled to enroll in this program to 50 percent of the state median income. It is the intent of the legislature to standardize income eligibility levels for assistance programs in order to help families and social workers better understand the benefits for which

families qualify and to simplify and align state systems wherever feasible.

(3) The legislature further intends to support educational service districts to help school districts partner with early childhood education and assistance program contractors and providers to expand access." [2021 c 199 § 203.]

Effective date—2021 c 199 §§ 204-206 and 403: See note following RCW 43.216.505.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.514 Enrollment priority. (1)(a) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(b) A child who is eligible at the time of enrollment in the early childhood education and assistance program maintains program eligibility until the child begins kindergarten.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to RCW 43.216.512. [2021 c 199 § 507; 2020 c 343 § 3; 2019 c 408 § 7; 2018 c 155 § 3.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Short title—2020 c 343: "This act may be known and cited as the rural child care access act." [2020 c 343 § 1.]

Findings—Intent—2020 c 343: "(1) The legislature finds that many rural communities face child care and early learning supply shortages due to factors that include geographic isolation and fewer providers. These shortages contribute to economic challenges in the child care market, undermining child care affordability for families and threatening the viability of child care businesses. Families deserve access to a full range of child care and early learning choices and providers need stable funding that is essential to meet high quality standards.

(2) The legislature further finds that while federal child care and development fund rules allow child care subsidy rates to exceed private pay rates in order to pay for quality care and health and safety requirements, state rules require child care subsidy rates to be lower than a provider's private pay rate with limited exceptions. This limitation has the effect of forcing child care providers to raise private pay rates when state subsidy rates go up, resulting in families who do not qualify for subsidy leaving licensed care because it has become unaffordable.

(3) Therefore, it is the intent of the legislature to implement policies to relieve providers and families by streamlining child care access, balancing subsidy requirements, and supporting the needs of rural communities." [2020 c 343 § 2.]

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Effective date—Findings—Intent—2018 c 155: See notes following RCW 43.216.512.

RCW 43.216.515 Eligible providers—State-funded support—Requirements—Data collection—Pathways to early childhood education and assistance program. (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) 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) 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) 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) 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. [2021 c 304 § 19; 2020 c 321 § 1; 2019 c 369 § 3; 2015 3rd sp.s. c 7 § 9; 1994 c 166 § 5; 1988 c 174 § 4; 1985 c 418 § 4. Formerly RCW 43.215.415, 28A.215.130, 28A.34A.040.]

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: See note following RCW 43.216.505.

RCW 43.216.520 Advisory committee. The department shall establish an advisory committee composed of interested parents and representatives from the office of the superintendent of public instruction, early childhood education and development staff preparation programs, the head start programs, school districts, and such other community and business organizations as deemed necessary by the department to assist with the establishment of the preschool program and advise the department on matters regarding the ongoing promotion and operation of the program. [2017 3rd sp.s. c 6 § 211; 2006 c 263 § 413; 1988 c 174 § 5; 1985 c 418 § 5. Formerly RCW 43.215.420, 28A.215.140, 28A.34A.050.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Findings—1994 c 166; 1988 c 174: See note following RCW 43.216.505.

RCW 43.216.525 Rules. (1) The department shall adopt rules under chapter 34.05 RCW for the administration of the early childhood education and assistance program. Approved early childhood education and assistance programs shall conduct needs assessments of their service area and identify any targeted groups of children, to include but not be limited to children of seasonal and migrant farmworkers and native American populations living either on or off reservation. Approved early childhood education and assistance programs shall provide to the department a service delivery plan, to the extent practicable, that addresses these targeted populations.

(2) The department, in developing rules for the early childhood education and assistance program, shall consult with the early learning advisory council, and shall consider such factors as coordination with existing head start and other early childhood programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the early childhood programs to provide for parental involvement in participation with their child's program, in local program policy decisions, in development and revision of service delivery systems, and in parent education and training.

(3) By January 1, 2016, the department shall adopt rules requiring early childhood education and assistance program employees who have access to children to submit to a fingerprint background check. Fingerprint background check procedures for the early childhood education and assistance program shall be the same as the background check procedures in *RCW 43.215.215. [2015 3rd sp.s. c 7 § 8; 1994 c

166 § 6; 1988 c 174 § 6; 1987 c 518 § 101; 1985 c 418 § 6. Formerly RCW 43.215.425, 28A.215.150, 28A.34A.060.]

***Reviser's note:** RCW 43.215.215 was recodified as RCW 43.216.270 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: See note following RCW 43.216.505.

Intent—1994 c 166; 1987 c 518: "The long-term social, community welfare, and economic interests of the state will be served by an investment in our children. Conclusive studies and experiences show that providing children with developmental experiences and providing parents with effective parental partnership, empowerment, opportunities for involvement with their child's developmental learning, and expanding parenting skills, learning, and training can greatly improve children's performance in school as well as increase the likelihood of children's success as adults. National studies have also confirmed that special attention to, and educational assistance for, children, their school environment, and their families are the most effective ways in which to meet the state's social and economic goals.

The legislature intends to enhance the readiness to learn of certain children and students by: Providing for an expansion of the state early childhood education and assistance program for children from low-income families and establishing an adult literacy program for certain parents; assisting school districts to establish elementary counseling programs; instituting a program to address learning problems due to drug and alcohol use and abuse; and establishing a program directed at students who leave school before graduation.

The legislature intends further to establish programs that will allow for parental, business, and community involvement in assisting the school systems throughout the state to enhance the ability of children to learn." [1994 c 166 § 7; 1987 c 518 § 1.]

Severability—1987 c 518: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 518 § 411.]

RCW 43.216.530 Review of applications. The department shall review applications from public or private organizations for state funding of early childhood education and assistance programs. The department shall consider local community needs, demonstrated capacity, and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers, outdoor nature-based child care providers, and licensed family child care providers when reviewing applications. [2021 c 304 § 20; 2015 3rd sp.s. c 7 § 10; 2013 c 323 § 7; 1994 c 166

§ 8; 1988 c 174 § 7; 1985 c 418 § 7. Formerly RCW 43.215.430, 28A.215.160, 28A.34A.070.]

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: See note following RCW 43.216.505.

RCW 43.216.535 Reports. The department shall annually report to the governor and the legislature on the findings of the longitudinal study undertaken to examine and monitor the effectiveness of early childhood educational and assistance services for eligible children to measure, among other elements, if possible, how the average level of performance of children completing this program compare to the average level of performance of all state students in their grade level, and to the average level of performance of those eligible students who did not have access to this program. The evaluation system shall examine how the percentage of these children needing access to special education or remedial programs compares to the overall percentage of children needing such services and compares to the percentage of eligible students who did not have access to this program needing such services. [1995 c 335 § 501; 1994 c 166 § 9; 1988 c 174 § 8; 1985 c 418 § 8. Formerly RCW 43.215.435, 28A.215.170, 28A.34A.080.]

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: See note following RCW 43.216.505.

RCW 43.216.540 State support—Priorities—Program funding levels. For the purposes of RCW 43.216.500 through 43.216.550 and 43.216.900 and 43.216.901, the department may award state support under RCW 43.216.500 through 43.216.530 to increase the numbers of eligible children assisted by the federal or state-supported early childhood programs in this state. Priority shall be given to those geographical areas which include a high percentage of families qualifying under the "eligible child" criteria. The overall program funding level shall be based on an average grant per child consistent with state appropriations made for program costs: PROVIDED, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules. [2019 c 408 § 11; 1994 c 166 § 10; 1990 c 33 § 214; 1987 c 518 § 102; 1985 c 418 § 9. Formerly RCW 43.215.440, 28A.215.180, 28A.34A.090.]

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Effective date—1994 c 166: See note following RCW 43.216.500.

Intent—1994 c 166; 1987 c 518: See note following RCW 43.216.525.

Severability—1987 c 518: See note following RCW 43.216.525.

RCW 43.216.545 Reimbursement of advisory committee expenses.

The department from funds appropriated for the administration of the program under chapter 418, Laws of 1985 shall reimburse the expenses of the advisory committee. [1985 c 418 § 10. Formerly RCW 43.215.445, 28A.215.190, 28A.34A.100.]

RCW 43.216.550 Authority to solicit gifts, grants, and support.

The department may solicit gifts, grants, conveyances, bequests and devises for the use or benefit of the early childhood state education and assistance program established by RCW 43.216.500 through 43.216.550 and 43.216.900 and 43.216.901. The department shall actively solicit support from business and industry and from the federal government for the state early childhood education and assistance program and shall assist local programs in developing partnerships with the community for eligible children. [2019 c 408 § 12; 1994 c 166 § 11; 1990 c 33 § 215; 1988 c 174 § 9; 1985 c 418 § 11. Formerly RCW 43.215.450, 28A.215.200, 28A.34A.110.]

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Effective date—1994 c 166: See note following RCW 43.216.500.

Findings—1994 c 166; 1988 c 174: See note following RCW 43.216.505.

RCW 43.216.555 Early learning program—Voluntary preschool opportunities—Program standards—Prioritizing programs—Rules. (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.

[2019 c 408 § 9; 2018 c 155 § 4; 2018 c 58 § 34; 2015 3rd sp.s. c 7 § 11; 2010 c 231 § 3. Formerly RCW 43.215.455, 43.215.141.]

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Effective date—Findings—Intent—2018 c 155: See notes following RCW 43.216.512.

Effective date—2018 c 58: See note following RCW 28A.655.080.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.556 Early learning program—Funding and statewide implementation. (1) Funding for the program of early learning established under this chapter must be appropriated to the department. The department shall distribute funding to approved early childhood education and assistance program contractors on the basis of eligible children enrolled.

(2) The program shall be implemented in phases, so that full implementation is achieved in the 2026-27 school year.

(3) Funding shall continue to be phased in each year until full statewide implementation of the early learning program is achieved in the 2026-27 school year, at which time any eligible child is entitled to be enrolled in the program. Entitlement under this section is voluntary enrollment.

(4) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers. [2021 c 199 § 208; 2019 c 408 § 3; 2017 3rd sp.s. c 22 § 1; 2015 3rd sp.s. c 7 § 12; 2015 c 128 § 4; 2010 c 231 § 4. Formerly RCW 43.215.456, 43.215.142.]

Findings—Intent—2021 c 199 §§ 204-208: See note following RCW 43.216.513.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.559 Early learning program—Short title—2010 c 231. Chapter 231, Laws of 2010 may be known as the ready for school act of 2010. [2010 c 231 § 9. Formerly RCW 43.215.457, 43.215.143.]

RCW 43.216.565 Findings—Intent—Early start program. The legislature finds that the first five years of a child's life establish the foundation for educational success. The legislature also finds that children who have high quality early learning opportunities from birth through age five are more likely to succeed throughout their K-12 education and beyond. The legislature further finds that the benefits of high quality early learning experiences are particularly significant for low-income parents and children, and provide an opportunity to narrow the opportunity gap in Washington's K-12 educational system. The legislature understands that early supports for high-risk parents of young children through home visiting services show a high return on investment due to significantly improved chances of better education, health, and life outcomes for children. The legislature further recognizes that, when parents work or go to school, high quality and full-day early learning opportunities should be available and accessible for their children. In order to improve education outcomes, particularly for low-income children, the legislature is committed to expanding high quality early learning opportunities and integrating currently disparate funding streams for all birth-to-five early learning services including, working connections child care and the early childhood education and assistance program, into a single high quality continuum of learning that provides essential services to low-income families and prepares all enrolled children for success in school. The legislature therefore intends to establish the early start program to provide a continuum of high quality and accountable early learning opportunities for Washington's parents and children. [2013 c 323 § 1. Formerly RCW 43.215.460.]

RCW 43.216.567 Early therapeutic and preventative services and programs. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer early therapeutic and preventative services and programs, such as the early childhood intervention and prevention services program, and other related services for children who are:

- (a) Between the ages of birth and five years; and
- (b) Referred by a child welfare worker, a department of social and health services social worker, a primary care physician, a

behavioral health provider, or a public health nurse due to: (i) Risk of child abuse or neglect; (ii) exposure to complex trauma; or (iii) significant developmental delays.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall make all reasonable efforts to deliver early therapeutic and preventative services and programs statewide. These services and programs must focus first on children and families furthest from opportunity as defined by income and be delivered by programs that emphasize greater racial equity. [2021 c 199 § 405.]

Findings—Intent—2021 c 199 §§ 402-405: See note following RCW 43.216.577.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.570 Early intervention services—Findings. The legislature finds that there is an urgent and substantial need to:

(1) Enhance the development of infants and toddlers with disabilities in the state of Washington in order to minimize developmental delay and maximize individual potential and enhance the capability of families to meet the needs of their infants and toddlers with disabilities and maintain family integrity;

(2) Coordinate and enhance the state's existing early intervention services to ensure a statewide, community-based, coordinated, interagency program of early intervention services for infants and toddlers with disabilities and their families; and

(3) Facilitate the coordination of payment for early intervention services from federal, state, local, and private sources including public and private insurance coverage. [1992 c 198 § 14. Formerly RCW 43.215.470, 70.195.005.]

RCW 43.216.572 Early intervention services—Infants and toddlers with disabilities—Interagency coordinating council—Conditions and limitations. For the purposes of implementing this chapter, the governor shall appoint a state interagency coordinating council for infants and toddlers with disabilities and their families and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services.

No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources.

All state and local agencies shall ensure that the implementation of this chapter will not cause any interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities. [2020 c 114 § 6; 2016 c

57 § 1; 1998 c 245 § 125; 1992 c 198 § 15. Formerly RCW 43.215.472, 70.195.010.]

Effective date—2020 c 114: See note following RCW 28A.175.075.

RCW 43.216.574 Early intervention services—Infants and toddlers with disabilities—Interagency coordinating council—Coordination with counties and communities. The state interagency coordinating council for infants and toddlers with disabilities and their families shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families. [2020 c 114 § 7; 2016 c 57 § 2; 1992 c 198 § 17. Formerly RCW 43.215.474, 70.195.020.]

Effective date—2020 c 114: See note following RCW 28A.175.075.

RCW 43.216.576 Early intervention services—Interagency agreements. The department shall enter into formal interagency agreements, where appropriate, with school districts, counties, and other providers, to define their relationships and financial and service responsibilities. Local agencies or entities, including local school districts, counties, and service providers receiving public money for providing or paying for early intervention services shall enter into formal interagency agreements with each other that define their relationships and financial responsibilities to provide services within each county. In establishing priorities, school districts, counties, and other service providers shall give due regard to the needs of children birth to three years of age and shall ensure that they continue to participate in providing services and collaborate with each other. The interagency agreements shall include procedures for resolving disputes, provisions for establishing maintenance requirements, and all additional components necessary to ensure collaboration and coordination. [2020 c 90 § 5; 1992 c 198 § 16. Formerly RCW 43.215.476, 70.195.030.]

Effective date—2020 c 90: See note following RCW 43.216.580.

RCW 43.216.577 Prenatal to three family engagement strategy.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a prenatal to three family engagement strategy to support expectant parents, babies and toddlers from birth to three years of age, and their caregivers.

(2) Components of the prenatal to three family engagement strategy must include supports and services to improve maternal and infant health outcomes, reduce and mitigate trauma, promote attachment and other social-emotional assets, strengthen parenting skills, and provide early supports to help maximize healthy and robust childhood development and reduce isolation. Services and supports may include:

(a) In-home parent skill-based programs and training established in RCW 43.216.130;

(b) Facilitated play and learn groups;

(c) Parent peer-support groups, including groups designed for families with children with complex needs; families whose primary home language is not English; incarcerated parents; families coping with substance use disorder or mental health support needs; black, indigenous, and families of color; or other specific needs; and

(d) Other prenatal to age three programs and services.

(3) Continuity of services for babies and toddlers are important for early childhood brain development. Therefore, the services and supports described in this section may be made available to biological parents, foster parents, kinship care providers, and other family, friend, and neighbor caregivers. [2021 c 199 § 402.]

Findings—Intent—2021 c 199 §§ 402-405: "(1) The legislature finds that parental relationships and healthy interactions in the first few years of life help shape the development of babies' and toddlers' brains and bodies. Eighty percent of the brain is developed by the age of three and parents are a child's first teachers.

(2) The legislature finds that the federal family first prevention services act (P.L. 115-123) offers the state the opportunity to leverage federal funding for certain programs, including in-home parent skill-based programs, substance use disorder support, and mental health interventions. Culturally relevant, evidence-based programs that may qualify for these federal funds are limited. Therefore, state support may be necessary to serve traditionally underrepresented communities and increase positive engagement from parents and caregivers of children from before birth to age three.

(3) The legislature finds that small teacher-child ratios for infant and toddler care, as well as the existence of child care deserts with low levels of access to care for the birth to three age group, contribute to higher expenses for providers and families with babies and young children.

(4) Therefore, the legislature intends to expand parent and family education and support, incentivize the provision of infant and toddler care, and make early therapeutic and preventative services more readily available to families and young children." [2021 c 199 § 401.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.578 Birth to three early childhood education and assistance program—Pilot project—Reports. (Effective until July 1, 2026.) (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 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 percent of the federal poverty level and the child must be under thirty-six 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. [2019 c 408 § 8.]

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

RCW 43.216.578 Birth to three early childhood education and assistance program. (Effective July 1, 2026.) (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 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 months old. [2021 c 199 § 403; 2019 c 408 § 8.]

Effective date—2021 c 199 §§ 204-206 and 403: See note following RCW 43.216.505.

Findings—Intent—2021 c 199 §§ 402-405: See note following RCW 43.216.577.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Findings—Intent—2019 c 408: See note following RCW 43.216.512.

RCW 43.216.579 Infant child care incentives. (1) The legislature finds that our state suffers from an extreme shortage of infant child care, impacting the ability of parents to participate in the workforce. Further, parents returning to work after using paid family leave to care for a new child struggle to find readily available, high quality care during a time of critical growth and brain development for young children. Therefore, the legislature intends to incentivize the provision of high quality infant care.

(2) Beginning July 1, 2022, the department shall provide an infant rate enhancement for licensed or certified child care providers and birth to three early childhood education and assistance program contractors who are:

(a) Accepting state subsidy;

(b) In good standing with the early achievers quality rating and improvement system; and

(c) Caring for a child between the ages of birth and 11 months.

(3) The department must adopt rules to implement this section. [2021 c 199 § 404.]

Findings—Intent—2021 c 199 §§ 402-405: See note following RCW 43.216.577.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.580 Early intervention services—Funding. (1) The department is the state lead agency for Part C of the federal individuals with disabilities education act. The department shall administer the early support for infants and toddlers program, to provide early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education act or other applicable federal and state laws, and as specified in the Washington Administrative Code adopted by the department. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age.

(2) (a) Funding for the early support for infants and toddlers program shall be appropriated to the department based on the annual

average head count of children ages birth to three who are eligible for and receiving early intervention services, multiplied by the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools, multiplied by 1.15.

(b) The department shall distribute funds to early intervention services providers, and, when appropriate, to county lead agencies.

(c) For the purposes of this subsection (2), a child is receiving early intervention services if the child has received services within a month prior to the monthly count day.

(3) Federal funds associated with Part C of the federal individuals with disabilities education act shall be subject to payor of last resort requirements pursuant to 34 C.F.R. Sec. 303.510 (2020) for birth-to-three early intervention services provided under this section.

(4) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution. [2020 c 90 § 1; 2017 3rd sp.s. c 6 § 216; 2016 c 57 § 3; 2007 c 115 § 7; 2006 c 269 § 2. Formerly RCW 28A.155.065.]

Effective date—2020 c 90: "This act takes effect September 1, 2020." [2020 c 90 § 10.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Finding—2006 c 269: "The legislature finds an urgent and substantial need to enhance the development of all infants and toddlers with disabilities in Washington in order to minimize developmental delays and to maximize individual potential for learning and functioning." [2006 c 269 § 1.]

RCW 43.216.585 Program rates. (Expires June 30, 2027.) (1) For the 2021-22 school year, rates for the early childhood education and assistance program must be set at a level at least 10 percent higher than the rates established in section 225, chapter 415, Laws of 2019.

(2) It is the intent of the legislature that rate increases shall be informed by the department's 2020 early childhood education and assistance program rate study.

(3) This section expires June 30, 2027. [2021 c 199 § 302.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.587 Complex needs funds. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer two complex needs funds to promote inclusive, least restrictive environments and to support contractors and providers serving children who have developmental delays,

disabilities, behavioral needs, or other unique needs. The department shall work collaboratively with the office of the superintendent of public instruction and providers to best serve children. One fund must support early childhood education and assistance program contractors and providers and birth to three early childhood education and assistance program contractors and providers, and one fund must support licensed or certified child care providers and license-exempt child care programs.

(2) Support may include staffing, programming, therapeutic services, and equipment or technology support. Additional support may include activities to assist families with children expelled or at risk of expulsion from child care, and to help families transition in and out of child care. [2021 c 199 § 303.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.590 Trauma-informed care supports. (1) Beginning July 1, 2022, the department shall provide supports to aid eligible providers in providing trauma-informed care. Trauma-informed care supports may be used by eligible providers for the following purposes:

- (a) Additional compensation for individual staff who have an infant and early childhood mental health or other child development specialty credential;
- (b) Trauma-informed professional development and training;
- (c) The purchase of screening tools and assessment materials;
- (d) Supportive services for children with complex needs that are offered as fee-for-service within local communities; or
- (e) Other related expenses.

(2) The department must adopt rules to implement this section.

(3) For the purposes of this section, "eligible provider" means:
(a) An employee or owner of a licensed or certified child care center or outdoor nature-based care accepting state subsidy; (b) an employee or owner of a licensed family home provider accepting state subsidy; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; (d) a license-exempt child care program; or (e) an early achievers coach. [2021 c 199 § 304.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.592 Dual language designation—Rate enhancement. (1) Beginning July 1, 2022, the department shall establish a dual language designation and provide subsidy rate enhancements or site-specific grants for licensed or certified child care providers who are accepting state subsidy; early childhood education and assistance program contractors; or birth to three early childhood education and assistance program contractors. It is the intent of the legislature to allow uses of rate enhancements or site-specific grants to include increased wages for individual staff who provide bilingual instruction, professional development training, the purchase of dual language and culturally appropriate curricula and accompanying training programs, instructional materials, or other related expenses.

(2) The department must consult with a culturally and linguistically diverse stakeholder advisory group to develop criteria for the dual language designation.

(3) The department must adopt rules to implement this section.
[2021 c 199 § 305.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.595 Early childhood equity grants. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall distribute early childhood equity grants to eligible applicants. Eligible applicants include play and learn groups, licensed or certified child care centers and family home providers, license-exempt child care programs, and early childhood education and assistance program contractors. The equity grants are intended to serve as a step toward expanding access to early learning statewide and transforming Washington's early learning system to make it more inclusive and equitable. The department shall administer the early childhood equity grants to support inclusive and culturally and linguistically specific early learning and early childhood and parent support programs across the state.

(2) The department must conduct an equitable process to prioritize grant applications for early childhood equity grant assistance. An eligible applicant may receive an early childhood equity grant once every two years. When conducting the equitable grant process, the department must:

(a) Solicit project applications from a racially and geographically diverse pool of eligible applicants statewide;

(b) Provide application materials in the five most commonly spoken languages in the state and broadly communicate using a variety of strategies to reach diverse communities;

(c) Require applicants to demonstrate their proposed uses of early childhood equity grant funds to incorporate either inclusive practices or culturally and linguistically supportive and relevant practices, or both, into early learning program design, delivery, education, training, and evaluation; and

(d) Provide technical assistance to any applicant who needs it.
[2021 c 199 § 307.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.597 Play and learn groups—Resources and supports. Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with community-based programs, shall provide or contract to provide, or both, resources and supports for inclusive and culturally and linguistically relevant play and learn groups. Play and learn groups offer parents and other caregivers culturally responsive opportunities to support their children's early learning, build relationships that reduce isolation and encourage socialization, and promote kindergarten readiness.
[2021 c 199 § 310.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.600 Professional development supports. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall provide professional development supports to aid eligible providers in reaching the professional education and training standards adopted by the department. Professional development supports may include:

(a) Department-required trainings for child care providers conducted by department-approved trainers;

(b) Trainings for license-exempt family, friend, and neighbor child care providers conducted by department-approved trainers;

(c) Early achievers scholarships;

(d) Community-based training pathways and systems developed under RCW 43.216.755;

(e) Supporting a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor caregivers, child care centers, and licensed family home providers, and their work to help providers start their businesses; and

(f) Other professional development activities such as updating training content, data collection and reporting, trainer recruitment, retention, program monitoring, and trainings delivered by department-approved trainers on topics such as small business management, antibias and antiracist training, providing care for children with developmental disabilities, social-emotional learning, implementing inclusionary practices in early learning environments, infant and toddler care, dual language program development, and providing trauma-informed care.

(2) For the purposes of this section, "eligible provider" means:

(a) An owner of a licensed or certified child care center, licensed or certified outdoor nature-based care, or licensed family home provider accepting state subsidy; (b) an employee of a licensed or certified child care center, licensed or certified outdoor nature-based care, or a licensed family home provider; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; or (d) an early achievers coach. [2021 c 199 § 311.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.602 Child care deserts grant program. (Expires June 30, 2026.) (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a grant program to expand child care in child care deserts. Grants must be used for one-time costs associated with the opening of a child care site, including program costs, for providers who are newly licensed or are in the process of becoming licensed.

(2) The department must use the child care industry insights dashboard from the child care industry assessment as a tool to identify areas in which additional investments are needed in order to

expand existing child care capacity to meet family demand and reduce child care deserts.

(3) This section expires June 30, 2026. [2021 c 199 § 314.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

CHILD CARE AND WELFARE

RCW 43.216.650 Child fatality reviews. (1) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(2) (a) The department shall conduct a child fatality review if a child fatality occurs in an early learning program described in RCW 43.216.500 through 43.216.550 or a licensed child care center, licensed outdoor nature-based child care, or a licensed child care home.

(b) The department shall convene a child fatality review committee and determine the membership of the review committee. The committee shall comprise individuals with appropriate expertise, including but not limited to experts from outside the department with knowledge of early learning licensing requirements and program standards, a law enforcement officer with investigative experience, a representative from a county or state health department, and a child advocate with expertise in child fatalities. The department shall invite one parent or guardian for membership on the child fatality review committee who has had a child die in a child care setting. The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case.

(c) The department shall allow the parents or guardians whose child's death is being reviewed to testify before the child fatality review committee.

(d) The primary purpose of the fatality review shall be the development of recommendations to the department and legislature regarding changes in licensing requirements, practice, or policy to prevent fatalities and strengthen safety and health protections for children.

(e) Upon conclusion of a child fatality review required pursuant to this section, the department shall, within one hundred eighty days following the fatality, issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public website where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public website, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(3) The department shall consult with the office of the family and children's ombuds to determine if a review should be conducted in the case of a near child fatality that occurs in an early learning program described in RCW 43.216.500 through 43.216.550 or licensed

child care center, licensed outdoor nature-based child care, or licensed child care home.

(4) In any review of a child fatality or near fatality, the department and the fatality review team must have access to all records and files regarding the child or that are otherwise relevant to the review and that have been produced or retained by the early education and assistance program provider or licensed child care center, licensed outdoor nature-based child care, or licensed family home provider.

(5) The child fatality review committee shall coordinate with local law enforcement to ensure that the fatality or near fatality review does not interfere with any ongoing or potential criminal investigation.

(6) (a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding the following:

- (i) The work of the child fatality or near fatality review team;
- (ii) The incident under review;
- (iii) The employee's or member's statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review; or
- (iv) Statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting a person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

(7) The department shall develop and implement procedures to carry out the requirements of this section.

(8) Nothing in this section creates a duty for the office of the family and children's ombuds under RCW 43.06A.030 as related to children in the care of an early learning program described in RCW 43.216.500 through 43.216.550, a licensed child care center, a licensed outdoor nature-based child care, or a licensed child care home. [2021 c 304 § 21; 2015 c 199 § 1. Formerly RCW 43.215.490.]

Short title—2015 c 199: "This act may be known and cited as the Eve Uphold act." [2015 c 199 § 3.]

RCW 43.216.655 Data collection and program evaluation—Reports.

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

- (a) Daily program attendance;
- (b) Identification of classroom and teacher;
- (c) Early achievers program quality level rating;
- (d) Program hours;
- (e) Program duration;

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

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

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

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

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

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

(5) By December 31, 2021, and subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall update the outcome evaluation of the early childhood education and assistance program required by chapter 16, Laws of 2013 and report to the governor and the legislature on the outcomes of program participants. The evaluation must include the demographics of program participants including race, ethnicity, and socioeconomic status. The evaluation must examine short and long-term impacts on program participants, including high school graduation rates for up to two cohorts. When conducting the evaluation, the institute must consider, to the extent that data is available, the education levels and demographics, including race, ethnicity, and socioeconomic status, of early childhood education and assistance program staff and the effects of full-day programming and half-day programming on outcomes. [2019 c 369 § 7; 2015 3rd sp.s. c 7 § 13. Formerly RCW 43.215.492.]

Findings—Intent—2019 c 369: See note following RCW 43.216.091.

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.660 Child care services—Declaration of policy. It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. The availability of quality, affordable child care is a concern for working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to workplaces and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, outdoor nature-based child care, centers, and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry through the department. [2021 c 304 § 22; 2017 3rd sp.s. c 6 § 212; 2006 c 265 § 202; 1989 c 381 § 2; 1988 c 213 § 1. Formerly RCW 43.215.495, 74.13.085.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Effective date—2006 c 265: See RCW 43.216.902.

Findings—1989 c 381: "The legislature finds that the increasing difficulty of balancing work life and family needs for parents in the workforce has made the availability of quality, affordable child care a critical concern for the state and its citizens. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the workforce to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state and its businesses.

The legislature further finds that making information on child care options available to businesses can help the market for child care adjust to the needs of businesses and working families. The legislature further finds that investments are necessary to promote partnerships between the public and private sectors, educational institutions, and local governments to increase the supply, affordability, and quality of child care in the state." [1989 c 381 § 1.]

Severability—1989 c 381: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 381 § 7.]

Severability—1988 c 213: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 213 § 5.]

RCW 43.216.665 Child care workers—Findings—Intent. The legislature finds that as of 2000, child care workers in the state earned an average hourly wage of eight dollars and twenty-two cents, only fifty-eight percent received medical insurance through employers, only sixty-six percent received paid sick leave, and only seventy-three percent received paid vacation. The legislature further finds that low wages for child care workers create a barrier for individuals entering the profession, result in child care workers leaving the profession in order to earn a living wage in another profession, and make it difficult for child care workers to afford professional education and training. As a result, the availability of quality child care in the state suffers.

The legislature intends to increase wages to child care workers through establishing a child care career and wage ladder that provides increased wages for child care workers based on their work experience, level of responsibility, and education. To the extent practicable within available funds, this child care career and wage ladder shall mirror the successful child care career and wage ladder pilot project operated by the state between 2000 and 2003. While it is the intent of the legislature to establish the vision of a statewide child care career and wage ladder that will enhance employment quality and stability for child care workers, the legislature also recognizes that funding allocations will determine the extent of statewide implementation of a child care career and wage ladder. [2005 c 507 § 1. Formerly RCW 43.215.500, 74.13.097.]

RCW 43.216.670 Child care provider rules review. In conjunction with child care providers and other early learning leaders, the department shall review and revise child care provider rules in order to emphasize the need for mutual respect among parents, providers, and state staff who enforce rules. Revised rules shall clearly focus on keeping children safe and improving early learning outcomes for children. The department shall develop a plan by July 2007 that outlines the process and timelines to complete the rules review. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects. [2007 c 394 § 7. Formerly RCW 43.215.502.]

Finding—Declaration—Captions not law—2007 c 394: See notes following RCW 43.216.010.

RCW 43.216.675 Child care workers—Career and wage ladder. (1) Subject to the availability of funds appropriated for this specific purpose, the department shall establish a child care career and wage ladder in licensed child care centers that meet the following criteria: (a) At least ten percent of child care slots are dedicated to children whose care is subsidized by the state or any political subdivision thereof or any local government; (b) the center agrees to adopt the child care career and wage ladder, which, at a minimum, shall be at the same pay schedule as existed in the previous child care career and wage ladder pilot project; and (c) the center meets further program standards as established by rule pursuant to *section 4, chapter 507, Laws of 2005.

The child care career and wage ladder shall include wage increments for levels of education, years of relevant experience, levels of work responsibility, relevant early childhood education credits, and relevant requirements in the state training and registry system.

(2) The department shall establish procedures for the allocation of funds to implement the child care career and wage ladder among child care centers meeting the criteria identified in subsection (1) of this section. In developing these procedures, the department shall:

(a) Review past efforts or administration of the child care career and wage ladder pilot project in order to take advantage of any findings, recommendations, or administrative practices that contributed to that pilot project's success;

(b) Consult with stakeholders, including organizations representing child care teachers and providers, in developing an allocation formula that incorporates consideration of geographic and demographic distribution of child care centers adopting the child care career and wage ladder; and

(c) Develop a system for prioritizing child care centers interested in adopting the child care career and wage ladder that is based on the criteria identified in subsection (1) of this section.

(3) Notwithstanding the requirements of subsection (2) of this section, child care centers meeting the criteria in subsection (1) of this section located in urban areas of the department of social and health services region one shall receive a minimum of fifteen percent of the funds allocated through the child care career and wage ladder, and of these centers, child care centers meeting the criteria in subsection (1) of this section participating in the Spokane tiered

reimbursement pilot project shall have first priority for child care career and wage ladder funding. [2006 c 265 § 205; 2005 c 507 § 2. Formerly RCW 43.215.505, 74.13.098.]

***Reviser's note:** Section 4 of this act was vetoed.

RCW 43.216.680 Child care workers—Career and wage ladder—Wage increases. Child care centers adopting the child care career and wage ladder established pursuant to *RCW 43.215.505 shall increase wages for child care workers who have earned a high school diploma or high school equivalency certificate as provided in RCW 28B.50.536, gain additional years of experience, or accept increasing levels of responsibility in providing child care, in accordance with the child care career and wage ladder. The adoption of a child care career and wage ladder shall not prohibit the provision of wage increases based upon merit. The department shall pay wage increments for child care workers employed by child care centers adopting the child care career and wage ladder established pursuant to *RCW 43.215.505 who earn early childhood education credits or meet relevant requirements in the state training and registry system, in accordance with the child care career and wage ladder. [2013 c 39 § 20; 2006 c 265 § 206; 2005 c 507 § 3. Formerly RCW 43.215.510, 74.13.099.]

***Reviser's note:** RCW 43.215.505 was recodified as RCW 43.216.675 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

RCW 43.216.685 Child care—Toll-free information number. (1) The department shall establish and maintain a toll-free telephone number, and an interactive web-based system through which persons may obtain information regarding child day care centers, outdoor nature-based child care providers, and family day care providers. This number shall be available twenty-four hours a day for persons to request information. The department shall respond to recorded messages left at the number within two business days. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a number through which persons may obtain information regarding child day care centers and family day care providers as set forth in this section.

(2) Through the toll-free telephone line established by this section, the department shall provide information to callers about: (a) Whether a day care provider is licensed; (b) whether a day care provider's license is current; (c) the general nature of any enforcement against the providers; (d) how to report suspected or observed noncompliance with licensing requirements; (e) how to report alleged abuse or neglect in a day care; (f) how to report health, safety, and welfare concerns in a day care; (g) how to receive follow-up assistance, including information on the office of the family and children's ombuds; and (h) how to receive referral information on other agencies or entities that may be of further assistance to the caller.

(3) The department shall print the toll-free number established by this section on the face of new licenses issued to child day care centers, outdoor nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW. [2021 c 304 § 23; 2013 c 23 § 99; 2006 c 209 § 10; 2005 c 473 § 3. Formerly RCW 43.215.520, 74.15.310.]

Purpose—2005 c 473: See note following RCW 74.15.300.

RCW 43.216.687 Child care—Required postings—Disclosure of

complaints. (1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW 43.216.685;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose the receipt, general nature, and resolution or current status of all complaints on record with the department after July 24, 2005, against a child day care center or family day care provider that result in an enforcement action.

Information may be posted:

(a) On a website; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW. [2021 c 304 § 24; 2007 c 415 § 6; 2006 c 209 § 11; 2005 c 473 § 4. Formerly RCW 43.215.525, 74.15.320.]

Purpose—2005 c 473: See note following RCW 74.15.300.

RCW 43.216.689 Child care—Public access to reports and

enforcement action notices. (1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day care centers, outdoor nature-based child care providers, and family day care providers. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible website all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child

day care centers, outdoor nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW. [2021 c 304 § 25; 2007 c 415 § 7; 2006 c 209 § 12; 2005 c 473 § 5. Formerly RCW 43.215.530, 74.15.330.]

Purpose—2005 c 473: See note following RCW 74.15.300.

RCW 43.216.690 Child day care centers and outdoor nature-based child care providers—Immunization. (1) Except as provided in subsection (2) of this section, child day care centers and outdoor nature-based child care providers licensed under this chapter may not allow on the premises an employee or volunteer, who has not provided the child day care center or outdoor nature-based child care provider with:

(a) Immunization records indicating that he or she has received the measles, mumps, and rubella vaccine; or

(b) Proof of immunity from measles through documentation of laboratory evidence of antibody titer or a health care provider's attestation of the person's history of measles sufficient to provide immunity against measles.

(2) (a) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises for up to thirty calendar days if he or she signs a written attestation that he or she has received the measles, mumps, and rubella vaccine or is immune from measles, but requires additional time to obtain and provide the records required in subsection (1) (a) or (b) of this section.

(b) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises if the person provides the child day care center or outdoor nature-based child care provider with a written certification signed by a health care practitioner, as defined in RCW 28A.210.090, that the measles, mumps, and rubella vaccine is, in the practitioner's judgment, not advisable for the person. This subsection (2) (b) does not apply if it is determined that the measles, mumps, and rubella vaccine is no longer contraindicated.

(3) The child day care center and outdoor nature-based child care provider shall maintain the documents required in subsection (1) or (2) of this section in the person's personnel record maintained by the child day care center.

(4) For purposes of this section, "volunteer" means a nonemployee who provides care and supervision to children at the child day care center or outdoor nature-based child care program. [2021 c 304 § 26; 2019 c 362 § 3.]

RCW 43.216.692 Family home providers—Capacity flexibility. The department may waive the limit, as established in RCW 43.216.010(1)(c), that restricts family home providers from serving not more than 12 children. The department must establish conditions for such waivers by rule and must assess, at a minimum, the provider's available square footage and staffing capabilities prior to issuing any waiver of the limit of 12 children. [2021 c 199 § 313.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

**RCW 43.216.695 County regulation of family day-care centers—
Twelve-month pilot projects.** (1) Notwithstanding RCW 74.15.030, counties with a population of three thousand or less may adopt and enforce ordinances and regulations as provided in this section for family day-care providers as defined in *RCW 74.15.020(1)(f) as a twelve-month pilot project. Before a county may regulate family day-care providers in accordance with this section, it shall adopt ordinances and regulations that address, at a minimum, the following: (a) The size, safety, cleanliness, and general adequacy of the premises; (b) the plan of operation; (c) the character, suitability, and competence of a family day-care provider and other persons associated with a family day-care provider directly responsible for the care of children served; (d) the number of qualified persons required to render care; (e) the provision of necessary care, including food, clothing, supervision, and discipline; (f) the physical, mental, and social well-being of children served; (g) educational and recreational opportunities for children served; and (h) the maintenance of records pertaining to children served.

(2) The county shall notify the department of social and health services in writing sixty days prior to adoption of the family day-care regulations required pursuant to this section. The transfer of jurisdiction shall occur when the county has notified the department in writing of the effective date of the regulations, and shall be limited to a period of twelve months from the effective date of the regulations. Regulation by counties of family day-care providers as provided in this section shall be administered and enforced by those counties. The department shall not regulate these activities nor shall the department bear any civil liability under chapter 74.15 RCW for the twelve-month pilot period. Upon request, the department shall provide technical assistance to any county that is in the process of adopting the regulations required by this section, and after the regulations become effective.

(3) Any county regulating family day-care providers pursuant to this section shall report to the governor and the appropriate committees of the legislature concerning the outcome of the pilot project upon expiration of the twelve-month pilot period. The report shall include the ordinances and regulations adopted pursuant to subsection (1) of this section and a description of how those ordinances and regulations address the specific areas of regulation identified in subsection (1) of this section. [2005 c 509 § 1. Formerly RCW 43.215.532, 74.15.031.]

***Reviser's note:** Chapter 265, Laws of 2006, deleted the definition of "family day-care provider" in RCW 74.15.020 and created it in RCW 43.215.010. RCW 43.215.010 was recodified as RCW 43.216.010 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Effective date—2005 c 509: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 17, 2005]." [2005 c 509 § 2.]

RCW 43.216.700 Day care insurance. (1) Every licensed child day care center and outdoor nature-based child care provider shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day care center and outdoor nature-based child care provider shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care center or outdoor nature-based child care location, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW 43.216.325 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day care centers and outdoor nature-based child care providers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b) or (c) of this subsection.

(b) Any licensed family day care provider that provides to the department proof that the licensee has insurance as provided under

(a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW 43.216.325 if the licensee fails to comply with the requirements of this subsection.

(e) A family day care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation. [2021 c 304 § 27; 2007 c 415 § 10; 2005 c 473 § 7. Formerly RCW 43.215.535, 74.15.340.]

Purpose—2005 c 473: See note following RCW 74.15.300.

RCW 43.216.705 Child care providers—Tiered-reimbursement system—Pilot sites. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall implement the tiered-reimbursement system developed pursuant to section 6, chapter 490, Laws of 2005. Implementation of the tiered-reimbursement system shall initially consist of two pilot sites in different geographic regions of the state with demonstrated public-private partnerships, with statewide implementation to follow.

(2) In implementing the tiered-reimbursement system, consideration shall be given to child care providers who provide staff wage progression.

(3) The department shall begin implementation of the two pilot sites by March 30, 2006. [2006 c 265 § 207; 2005 c 490 § 7. Formerly RCW 43.215.540, 74.15.350.]

Effective date—2005 c 409: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 16, 2005]." [2005 c 490 § 15.]

RCW 43.216.710 Child care services. The department shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with household incomes at or below 100 percent of the state median income;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department licensors to provide information to local child care resource and referral organizations about licensed or certified child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers;

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services;

(9) Subject to the availability of amounts appropriated for this specific purpose, increase the base rate for all child care providers by ten percent;

(10) Subject to the availability of amounts appropriated for this specific purpose, provide tiered subsidy rate enhancements to child care providers if the provider meets the following requirements:

(a) The provider enrolls in quality rating and improvement system levels 2, 3, 4, or 5;

(b) The provider is actively participating in the early achievers program;

(c) The provider continues to advance towards level 5 of the early achievers program; and

(d) The provider must complete level 2 within thirty months or the reimbursement rate returns the level 1 rate; and

(11) Require exempt providers to participate in continuing education, if adequate funding is available. [2021 c 199 § 506; 2017 3rd sp.s. c 6 § 213; 2013 c 323 § 8; 2006 c 265 § 204; 2005 c 490 § 10; 1997 c 58 § 404; 1993 c 453 § 2; 1991 sp.s. c 16 § 924; 1989 c 381 § 5. Formerly RCW 43.215.545, 74.13.0903.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Effective date—2006 c 265: See RCW 43.216.902.

Effective date—2005 c 490: See note following RCW 43.216.705.

Finding—1997 c 58: "The legislature finds that informed choice is consistent with individual responsibility and that parents should be given a range of options for available child care while participating in the program." [1997 c 58 § 401.]

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Finding—1993 c 453: "The legislature finds that building a system of quality, affordable child care requires coordinated efforts toward constructing partnerships at state and community levels. Through the office of child care policy, the department of social and health services is responsible for facilitating the coordination of child care efforts and establishing working partnerships among the affected entities within the public and private sectors. Through these collaborative efforts, the office of child care policy encouraged the coalition of locally based child care resource and referral agencies into a statewide network. The statewide network, in existence since 1989, supports the development and operation of community-based resource and referral programs, improves the quality and quantity of child care available in Washington by fostering statewide strategies, and generates then nurtures effective public-private partnerships. The statewide network provides important training, standards of service, and general technical assistance to its locally based child care resource and referral programs. The locally based programs enrich the availability, affordability, and quality of child care in their communities." [1993 c 453 § 1.]

Effective date—1993 c 453: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 17, 1993]." [1993 c 453 § 3.]

Severability—Effective date—1991 sp.s. c 16: See notes following RCW 9.46.100.

Findings—Severability—1989 c 381: See notes following RCW 43.216.660.

RCW 43.216.715 Child care partnership employer liaison. An employer liaison position is established in the department to be colocated with the department of commerce. The employer liaison shall, within appropriated funds:

(1) Staff and assist the child care partnership in the implementation of its duties;

(2) Provide technical assistance to employers regarding child care services, working with and through local resource and referral organizations whenever possible. Such technical assistance shall include at a minimum:

(a) Assessing the child care needs of employees and prospective employees;

(b) Reviewing options available to employers interested in increasing access to child care for their employees;

(c) Developing techniques to permit small businesses to increase access to child care for their employees;

(d) Reviewing methods of evaluating the impact of child care activities on employers; and

(e) Preparing, collecting, and distributing current information for employers on options for increasing involvement in child care; and

(3) Provide assistance to local child care resource and referral organizations to increase their capacity to provide quality technical assistance to employers in their community. [2017 3rd sp.s. c 6 § 214; 2006 c 265 § 203; 1989 c 381 § 6. Formerly RCW 43.215.550, 74.13.0902.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Effective date—2006 c 265: See RCW 43.216.902.

Findings—Severability—1989 c 381: See notes following RCW 43.216.660.

RCW 43.216.720 Child care expansion grant fund. (1) The legislature recognizes that a severe shortage of child care exists to the detriment of all families and employers throughout the state. Many workers are unable to enter or remain in the workforce due to a shortage of child care resources. The high costs of starting a child care business create a barrier to the creation of new slots, especially for children with special needs.

(2) A child care expansion grant fund is created in the custody of the secretary of the department of social and health services. Grants shall be awarded on a one-time only basis to persons, organizations, or schools needing assistance to start a child care center or mini-center as defined by the department by rule, or to existing licensed child care providers, including family home providers, for the purpose of making capital improvements in order to accommodate children with disabilities, sick children, or infant care, or children needing nighttime care. No grant may exceed ten thousand dollars. Start-up costs shall not include operational costs after the first three months of business.

(3) Child care expansion grants shall be awarded on the basis of need for the proposed services in the community, within appropriated funds.

(4) The department shall adopt rules under chapter 34.05 RCW setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section. [2020 c 274 § 26; 1988 c 213 § 3. Formerly RCW 43.215.555, 74.13.095.]

Severability—1988 c 213: See note following RCW 43.216.660.

RCW 43.216.725 Subsidized child care report and assessment. The department and the department of social and health services, in consultation with interested individuals and organizations, shall jointly:

(1) Identify different options to track subsidized child care attendance, including methods using a land line or cellular telephone, a computer, a point of sale system, or some combination of these methods and report their recommended method to the legislature no later than December 31, 2011. Each department's recommendations must include implementation issues to be addressed and a proposed implementation timeline, and should assume a January 2013 implementation date for the attendance tracking system. The legislature shall review the recommendations and authorize implementation. The method that is chosen must interface smoothly with the current and future payment systems for subsidized child care payments.

(2) Conduct an assessment of the current subsidized child care eligibility determination system and develop recommendations to improve the accuracy, efficiency, and responsiveness of the system, including consideration of the most appropriate entity or entities to make eligibility determinations. The results of the assessment shall be reported to the legislature no later than December 31, 2011. [2011 1st sp.s. c 42 § 12. Formerly RCW 43.215.560.]

Findings—Intent—Effective date—2011 1st sp.s. c 42: See notes following RCW 74.08A.260.

Finding—2011 1st sp.s. c 42: See note following RCW 74.04.004.

RCW 43.216.730 Child care subsidy fraud—Referral—Collection of overpayments. (1) The department must refer all suspected incidents of child care subsidy fraud to the department of social and health services office of fraud and accountability for appropriate investigation and action.

(2) For the purposes of this section, "fraud" has the definition in RCW 74.04.004.

(3) This section does not limit or preclude the department or the department of social and health services from establishing and collecting overpayments consistent with federal regulation or seek other remedies that may be legally available, including but not limited to criminal investigation or prosecution. [2013 2nd sp.s. c 29 § 2. Formerly RCW 43.215.562.]

Finding—Intent—2013 2nd sp.s. c 29: "The legislature finds that child care providers positively contribute to local communities by offering important services that support the well-being of children and their families. The legislature further recognizes that most child care providers make every effort to ensure that subsidy payments received are correct and align with agency rules. When a child care provider is found to have fraudulently accepted subsidy payments, however, it is the legislature's intent to prohibit such a provider from receiving future child care subsidy payments." [2013 2nd sp.s. c 29 § 1.]

RCW 43.216.735 Placement of children ages sixty months through six years. For children ages sixty months through six years, the child's school enrollment status may not be used as a reason to require the child be placed within a specific mixed-age group. Nothing

in this section changes or requires the department to change the staff-to-child ratio requirements for mixed-age groups that include children who are ages thirty months through six years. [2016 c 169 § 2. Formerly RCW 43.215.564.]

Finding—Intent—2016 c 169: "(1) The legislature recognizes that the high cost of quality child care places a heavy burden on Washington's poorest families. The legislature further acknowledges the administrative burden unnecessary regulations place on child care providers and the families they serve. The legislature finds that under current rule, child care providers may not serve five year olds attending school in the same group as five year olds not attending school.

(2) The legislature intends to allow child care centers to serve kindergartners in a mixed group or classroom without having to go through a waiver process. The legislature further intends to streamline the delivery of services to children while continuing to protect their safety and well-being." [2016 c 169 § 1.]

RCW 43.216.742 Outdoor nature-based child care program. (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 the early achievers program to the outdoor nature-based child care program to assess quality in outdoor learning environments 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. [2021 c 304 § 28.]

RCW 43.216.745 Child care consultation program—Creation, operation, and duties. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a child care consultation program linking child care providers with evidence-based, trauma-informed, and best practice resources regarding caring for infants and young children who present behavioral concerns or symptoms of trauma. The department may contract with an entity with expertise in child development and early learning programs in order to operate the child care consultation program.

(2) In establishing and operating the program, the department or contracted entity shall: (a) Assist child care providers in recognizing the signs and symptoms of trauma in children; (b) provide

support and guidance to child care staff; (c) consult and coordinate with parents, other caregivers, and experts or practitioners involved with the care and well-being of the young children; and (d) provide referrals for children who need additional services. [2017 c 202 § 5. Formerly RCW 43.215.570.]

Findings—Intent—2017 c 202: See note following RCW 74.09.495.

RCW 43.216.749 Child care subsidy rates—Use of cost model. (1)

It is the intent of the legislature to systemically increase child care subsidy rates over time until rates are equal to the full cost of providing high quality child care.

(2) Beginning July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers. The state and the exclusive representative for family child care providers must enter into bargaining over the implementation of the subsidy rate increase under this subsection.

(3) (a) The department shall build upon the work of the child care collaborative task force to develop and implement a child care cost estimate model and use the completed child care cost model to recommend subsidy rates at levels that are sufficient to compensate licensed or certified child care providers for the full costs of providing high quality child care. The department shall consider:

(i) Adjusting rates to reflect cost of living such as area median income, cost of living by zip code, and grouping by categories such as rural, suburban, or urban; and

(ii) Incorporating the rate model for nonstandard child care hours developed under section 306, chapter 199, Laws of 2021.

(b) The department shall build upon the work of the child care collaborative task force to evaluate options to support access to affordable health care insurance coverage for licensed or certified child care providers.

(4) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028. [2021 c 199 § 301; 2019 c 368 § 7.]

Effective date—2021 c 199 §§ 201, 202, 301, 309, and 504: See note following RCW 43.216.1368.

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.

Findings—Intent—2019 c 368: "(1) The legislature finds that child care is a sector that is critical to the vitality and economic security of our state and communities and families, and that families in Washington face significant barriers to accessing and affording high quality child care. The legislature finds that Washington's committed caregivers and state investments and advancements in our quality rating and improvement system ensure that quality, culturally relevant child care supports children's healthy development and prepares them for success in school and in life. The legislature recognizes that provider diversity and cultural relevance are

fundamental components of quality, and that parent choice is a priority throughout the state's early learning system.

(2) The legislature finds that the cost of quality child care is unaffordable for many families and state support is needed to ensure that all children and families in Washington can access safe, enriching child care.

(3) The legislature recognizes that expanding access to quality child care requires preparing the market of child care providers to meet existing and expanded demand. The legislature finds that the market of child care providers is shrinking, that child care deserts are expanding, and that fewer providers are offering services to working connections child care subsidy recipients. The legislature additionally finds that child care providers are unable to recruit and retain a qualified workforce; that wages in the industry remain among the lowest of all professions, at or near minimum wage; and that the relationship between a child and a qualified caregiver is of paramount importance to parents and, according to a rapidly accumulating body of brain science, is foundational to supporting healthy development.

(4) Further, while the system awaits systemic change, the legislature finds that steps must be taken to begin to preserve and expand access to child care for child care subsidy recipients, stabilize the child care industry, and reduce turnover in the workforce.

(5) Therefore, the legislature intends to promote high quality child care from diverse providers that is accessible and affordable to all families of Washington's children ages birth to twelve." [2019 c 368 § 1.]

Short title—2019 c 368: "This act may be known and cited as the Washington child care access now act." [2019 c 368 § 9.]

RCW 43.216.750 Child welfare workers—Department duties—Technical work group to develop workload model—Annual report to legislature. (1) The department shall provide child welfare workers and those supervising child welfare workers with access to:

(a) A critical incident protocol that establishes a process for appropriately responding to traumatic or high stress incidents in a manner that provides employees with proper mental health and stress management support, guidance, and education; and

(b) Peer counseling from someone trained in providing peer counseling and support.

(2) The department shall systematically collect workforce data regarding child welfare workers including staff turnover, workload distribution, exit interviews, and regular staff surveys to assess organizational culture and psychological safety.

(3) The department shall make a concerted effort to increase efficiency through the reduction of paperwork.

(4) The department shall develop a scientifically based method for measuring the direct service time of child welfare workers and contracted resources.

(5) The department shall convene a technical work group to develop a workload model including standardized ratios for supervisors, clerical, and other child welfare worker support staff and child welfare worker caseload ratios by case type.

(a) The technical work group must include:

(i) Two child welfare worker representatives, one from west of the crest of the Cascade mountain range, and one from east of the crest of the Cascade mountain range;

(ii) Fiscal staff from the department;

(iii) Human resources staff from the department; and

(iv) A representative from the office of financial management.

(b) The department shall provide a report to the relevant committees of the legislature in compliance with RCW 43.01.036 by December 1, 2019, that includes a description of the workload model recommended by the technical work group and the steps the department is taking to implement this model.

(c) The technical work group established in this section shall continue to meet and provide an annual report to the relevant committees of the legislature in compliance with RCW 43.01.036 by December 1st of each year regarding any recommended modifications to the workload model and steps the department is taking to implement those changes.

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

(a) "Child welfare worker" means an employee of the department whose job includes supporting or providing child welfare services as defined in RCW 74.13.020 including those providing family assessment response services as defined in RCW 26.44.020 or child protective services as defined in RCW 26.44.020.

(b) "Critical incident" means an incident that is unusual and involves a perceived or actual threat of harm to an individual which includes but is not limited to child fatalities or near fatalities. [2019 c 470 § 28.]

RCW 43.216.755 Child care providers—Community-based training pathway. (1) By July 1, 2021, the department shall implement a noncredit-bearing, community-based training pathway for licensed child care providers to meet professional education requirements associated with child care licensure. The community-based training pathway must be offered as an alternative to existing credit-bearing pathways available to providers.

(2) The department shall consult with the following stakeholders in the development and implementation of the community-based training pathway: The statewide child care resource and referral network, a community-based training organization that provides training to licensed family day care providers, a statewide organization that represents the interests of family day care providers, a statewide organization that represents the interests of licensed child day care centers, an organization that represents the interests of refugee and immigrant communities, a bilingual child care provider whose first language is not English, an organization that advocates for early learning, an organization representing private and independent schools, and the state board for community and technical colleges.

(3) The community-based training pathway must:

(a) Align with adopted core competencies for early learning professionals;

(b) Be made available to providers in multiple languages;

(c) Include culturally relevant practices; and

(d) Be made available at low cost to providers and at prices comparable to the cost of similar community-based trainings, not to exceed two hundred and fifty dollars per person; and

(e) Be accessible to providers in rural and urban settings.

(4) The department shall allow licensed child care providers until at least August 1, 2026, to:

(a) Comply with child care licensing rules that require a provider to hold an early childhood education initial certificate or an early childhood education short certificate; or

(b) Complete community-based trainings.

(5) For the purposes of this section, "demonstrated competence" means an individual has shown that he or she has the skills to complete the required work independently. [2020 c 342 § 2.]

Findings—Intent—2020 c 342: "The legislature finds that a nurturing and loving relationship between an early learning provider and a child the provider cares for is an essential component of early learning and has a strong influence on that child's healthy development. Further, the legislature finds that successfully operating a child care center or licensed family home is becoming more financially challenging as the state's regulatory framework for child care and early learning has grown more comprehensive. The legislature recognizes the value of demonstrated competence that comes with a provider's experience in delivering quality child care. Therefore, in response to our state's urgent child care crisis, the legislature intends to provide relief to early learning providers by building the early learning workforce to meet the needs of working families across our state. The legislature further intends for providers to have a range of options to meet education requirements, including a noncredit-bearing[,] community-based training pathway." [2020 c 342 § 1.]

RCW 43.216.760 Child care and early learning providers—Firearms, dangerous weapons. (1) Every child day care center and early childhood education and assistance program provider is subject to RCW 9.41.282.

(2) (a) A family day care provider must store any firearm, ammunition, or other dangerous weapon as described in RCW 9.41.250 in a secure area when children for whom the family day care provider is licensed to provide care are present on the premises.

(b) The secure area must be inaccessible to children and must consist of a locked gun safe or a locked room. If stored in a locked room, each firearm must be stored unloaded and with a trigger lock or other disabling feature.

(3) The department may deny, suspend, revoke, modify or not renew the license of a child care provider in violation of this section. [2020 c 189 § 2.]

RCW 43.216.762 Child care and early learning providers—Firearms, dangerous weapons—Rules. The department must adopt rules to implement RCW 9.41.282 and 43.216.760. [2020 c 189 § 3.]

RCW 43.216.770 Fair start for kids account. (1) The fair start for kids account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for child care and early learning purposes. [2021 c 199 § 101.]

Short title—2021 c 199: "This act may be known and cited as the fair start for kids act." [2021 c 199 § 1.]

Findings—Intent—2021 c 199: "(1) The legislature finds that high quality child care and early learning is critical to a child's success in school and life. The legislature recognizes that COVID-19 has devastated the existing child care industry, making it unduly burdensome for families to find care. The legislature recognizes that without immediate action to support child care providers, and without expanded access to affordable child care, especially infant and school-age care, parents will not be able to return to work while children lose valuable learning opportunities. In order to bolster a full economic recovery, the legislature finds that every child deserves a fair start.

(2) The legislature finds that access to affordable child care increases economic growth and labor force participation. The legislature further finds that an affordable, accessible system of high quality child care is necessary to the health of Washington's economy because employers benefit when parents have safe, stable, and appropriate care for their children. The legislature recognizes that too many working parents are forced to reduce their hours, decline promotional opportunities, or leave the workforce completely due to a lack of affordable and appropriate child care. The legislature finds that a report commissioned by the department of commerce in 2019 found that working parents in Washington forego \$14,000,000,000 each year directly due to child care scarcity. The legislature recognizes that this disproportionately impacts women in the workforce and that in September 2020 alone, 78,000 men left the workforce, compared to 600,000 women.

(3) The legislature recognizes that quality child care can be a stabilizing factor for children experiencing homelessness, and is a proven protective factor against the impacts of trauma they may experience. Access to child care is also a necessary support for families with young children in resolving homelessness and securing employment.

(4) The legislature finds that the scarcity of child care, exacerbated by COVID-19, most significantly impacts families furthest from opportunity. The legislature recognizes that there are additional barriers to accessing this foundational support for immigrant communities and families whose first language is not English, families who have children with disabilities, rural communities, or other child care deserts. The legislature recognizes that high quality, inclusive child care and early learning programs have been shown to reduce the opportunity gap for low-income children and black, indigenous, and children of color while consistently improving outcomes for all children both inside and outside of the classroom.

(5) The legislature finds that without access to comprehensive, high quality prenatal to five services, children often enter kindergarten without the social-emotional, physical, cognitive, and language skills they need to be successful and fall behind their

peers, facing compounding developmental challenges throughout their K-12 education. The legislature finds that cascading impacts of inaccessible child care and early learning programs create systemic barriers for children and their families that result in higher special education needs, greater likelihood of needing to repeat grades, increased child welfare and juvenile justice involvement, reduced high school graduation rates, limited postsecondary education attainment, and greater barriers to employment in adulthood.

(6) The legislature finds the vast majority of child care providers are small businesses and nonprofit organizations. In addition to adhering to federal, state, and local regulations to ensure healthy and safe environments for children, the legislature recognizes that child care providers must ensure their employees are adequately compensated and supported. However, the legislature acknowledges that the reduced staffing ratios for health and safety, additional cost of personal protective equipment and extra cleaning supplies, increased use of substitutes needed during COVID-19-related absences, and increased technology demands during school closures from the pandemic are further straining the viability of the child care business model in Washington state.

(7) The legislature finds that the health and stability of the early learning workforce is pivotal to any expansion of child care in Washington state. The legislature recognizes that the child care workforce, predominantly comprised of women of color, is structurally afflicted by low wages, limited or no health care, and a severe lack of retirement benefits. The legislature further recognizes that the threat of COVID-19 compounds these underlying issues, forcing providers to navigate increased stress, anxiety, and behavioral issues all while risking their lives to care for children. The legislature recognizes that families, friends, and neighbors who provide care are a critical component of the child care system. The legislature finds that child care workers are essential and deserve to be compensated and benefited accordingly.

(8) Therefore, the legislature resolves to respond to the COVID-19 crisis by first stabilizing the child care industry and then expanding access to a comprehensive continuum of high quality early childhood development programs, including infant and school-age child care, preschool, parent and family supports, and prenatal to three services. The legislature recognizes this continuum as critical to meeting different families' needs and offering every child in Washington access to a fair start.

(9) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M., and the American rescue plan act of 2021. The purpose of the additional federal funding is to ensure access to affordable child care and stabilize and support child care providers affected by COVID-19. Therefore, it is the intent of the legislature to use the additional federal funding to supplement state funding in order to accelerate these investments.

(10) The legislature recognizes the strengths that multilingual, diverse early learning providers and caregivers contribute to early learning across the state. Therefore, the legislature intends to expand language access services to create an inclusive early learning system that specifically supports underserved providers.

(11) The legislature intends to expand eligibility for existing child care and preschool programs to increase access. The legislature

recognizes that expansion must be accompanied by an investment to make child care more affordable. Therefore, the legislature intends to eliminate copayments for low-income families and limit copayments for any family on subsidy to no more than seven percent of their income.

(12) The legislature further intends to stabilize, support, and grow the diverse early learning workforce by funding living wages and affordable health benefits while providing training, infant and early childhood mental health consultation, shared business services, and a variety of other supports that recognize the critical role that early learning providers serve for all Washington children.

(13) The legislature intends to accelerate Washington's economic recovery from the devastating impacts of COVID-19 by dramatically expanding access to affordable, high quality child care and preschool, in order to get parents back to work and provide every child with a fair start." [2021 c 199 § 2.]

Conflict with federal requirements—2021 c 199: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2021 c 199 § 603.]

RCW 43.216.772 Fair start for kids account—Spending goals and strategies. (1) The spending goals and strategies for the fair start for kids account created under RCW 43.216.770 include, but are not limited to:

(a) Increasing child care subsidy rates, with the goal of moving toward the full cost of providing high quality child care;

(b) Expanding health care coverage through state sponsorship of child care workers on the Washington health benefit exchange and providing consumer assistance through navigators, as well as any other expansions of access to affordable health care for staff in child care centers, family home providers, outdoor nature-based care, and early childhood education and assistance program staff;

(c) Increasing child care and early learning providers' compensation;

(d) Implementing the provisions of collective bargaining agreements for family child care providers negotiated pursuant to RCW 41.56.028;

(e) Supporting and expanding access to the early childhood education and assistance program to reach state-funded entitlement required in RCW 43.216.556;

(f) Making child care affordable for families;

(g) Providing resources and supports for family, friend, and neighbor caregivers that better reflect the full cost of care;

(h) Providing child care subsidies for families working to resolve homelessness;

(i) Providing professional development opportunities and supporting the substitute pool for child care and early learning providers;

(j) Delivering infant and early childhood mental health consultation services;

(k) Establishing prekindergarten through third grade systems coordinators at educational service districts;

(l) Supporting youth development programs serving children and youth ages birth through 12 including, but not limited to, expanded learning opportunities, mentoring, school-age child care, and wraparound supports or integrated student supports;

(m) Awarding grants and loans through the early learning facilities grant and loan program established under chapter 43.31 RCW;

(n) Funding special designations in the working connections child care programs, early childhood education and assistance programs, and birth to three early childhood education and assistance programs including designations established in RCW 43.216.579, 43.216.585, 43.216.590, and 43.216.592;

(o) Supporting costs for transparent data collection and information technology systems operated by the department and department contractors, in particular, to ensure equitable systemic service provision and outcomes;

(p) Providing access to learning technology;

(q) Providing child care resource and referral services;

(r) Conducting quality rating and improvement system activities through the early achievers program;

(s) Expanding prenatal to three services and supports, including the birth to three early childhood education and assistance program and the in-home parent skill-based programs established in RCW 43.216.130;

(t) Building and delivering a family resource and referral linkage system;

(u) Allowing the exploration of options to provide regulatory relief and make licensing more affordable for child care providers;

(v) Administering comprehensive shared services hubs to allow the ongoing pooling and shared use of services by licensed or certified child care centers and family home providers;

(w) Training department staff to ensure consistent and equitable application of child care licensing and quality standards across the state including antibias and antiracist training;

(x) Providing incentives and supports for child care providers to become licensed;

(y) Studying and evaluating options to incentivize business participation in child care and early learning systems;

(z) Providing start-up grants to eligible organizations as described in RCW 43.31.575 who provide or commit to providing the early childhood education and assistance program or working connections child care. Start-up grants must be used for one-time start-up costs associated with the start-up of a new child care or early childhood education and assistance program site; and

(aa) Recognizing the benefits of the diverse workforce and facilitating communication in the three most commonly spoken languages by developing a language access plan that centers on equity and access for immigrants, multilingual providers, caregivers, and families.

(2) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028. [2021 c 199 § 102.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

RCW 43.216.775 Inflationary adjustments to rates. Beginning July 1, 2023, and subject to the availability of amounts appropriated for this specific purpose, rates paid under RCW 43.216.579, 43.216.585, 43.216.592, and 43.216.578 must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established in RCW 43.216.579, 43.216.585, 43.216.592, and 43.216.578. Any funded inflationary increase must be included in the rate used to determine inflationary increases in subsequent years. For the purposes of this section, "inflationary adjustment index" means the implicit price deflator averaged for each fiscal year, using the official current base rate, compiled by the bureau of economic analysis, United States department of commerce. [2021 c 199 § 106.]

Short title—Findings—Intent—Conflict with federal requirements
—2021 c 199: See notes following RCW 43.216.770.

TECHNICAL PROVISIONS

RCW 43.216.900 Early childhood education and assistance program
—**Short title—1985 c 418.** This act shall be known as the early childhood assistance act of 1985. [1985 c 418 § 13. Formerly RCW 43.215.900, 28A.215.900, 28A.34A.904.]

RCW 43.216.901 Contingency—Effective date—1985 c 418. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect. [1985 c 418 § 12. Formerly RCW 43.215.901, 28A.215.904, 28A.34A.900.]

Reviser's note: (1) 1986 c 312 § 211 provides specific funding for the purposes of this act.

(2) 1986 c 312 took effect April 4, 1986.

RCW 43.216.902 Effective date—2006 c 265. This act takes effect July 1, 2006. [2006 c 265 § 604. Formerly RCW 43.215.905.]

Reviser's note: RCW 43.215.905 was recodified by 2017 3rd sp.s. c 6 § 821, effective July 1, 2018, and decodified by 2017 3rd sp.s. c 25 § 7.

RCW 43.216.903 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife,

widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 § 110. Formerly RCW 43.215.908.]

RCW 43.216.904 Short title—2015 3rd sp.s. c 7. Chapter 7, Laws of 2015 3rd sp. sess. may be known and cited as the early start act. [2015 3rd sp.s. c 7 § 22. Formerly RCW 43.215.909.]

Finding—Intent—2015 3rd sp.s. c 7: See note following RCW 43.216.085.

RCW 43.216.905 Transfer of powers, duties, and functions of the department of early learning. (1) The department of early learning is hereby abolished and its powers, duties, and functions are hereby transferred to the department of children, youth, and families. All references to the director or the department of early learning in the Revised Code of Washington shall be construed to mean the secretary or the department of children, youth, and families.

(2) (a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of early learning shall be delivered to the custody of the department of children, youth, and families. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of early learning shall be made available to the department of children, youth, and families. All funds, credits, or other assets held by the department of early learning shall be assigned to the department of children, youth, and families.

(b) Any appropriations made to the department of early learning shall, on July 1, 2018, be transferred and credited to the department of children, youth, and families.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of early learning are transferred to the jurisdiction of the department of children, youth, and families. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of children, youth, and families to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of early learning shall be continued and acted upon by the department of children, youth, and families. All existing contracts and obligations shall remain in full force and shall be performed by the department of children, youth, and families.

(5) The transfer of the powers, duties, functions, and personnel of the department of early learning shall not affect the validity of any act performed before July 1, 2018.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) (a) The bargaining units of employees at the department of early learning existing on July 1, 2018, that are transferred to the department of children, youth, and families shall be considered separate appropriate units within the department of children, youth, and families unless and until modified by the public employment relations commission pursuant to Title 391 WAC. The exclusive bargaining representatives recognized as representing the bargaining units of employees at the department of early learning existing on July 1, 2018, shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

(b) The public employment relations commission may review the appropriateness of the collective bargaining units that are a result of the transfer from the department of early learning to the department of children, youth, and families under chapter 6, Laws of 2017 3rd sp. sess. The employer or the exclusive bargaining representative may petition the public employment relations commission to review the bargaining units in accordance with this section. [2018 c 58 § 81; 2017 3rd sp.s. c 6 § 802.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.906 Transfer of child welfare provisions from the department of social and health services. (1) All powers, duties, and functions of the department of social and health services pertaining to child welfare services under chapters 13.32A, 13.34, 13.36, 13.38, 13.50, 13.60, 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are transferred to the department of children, youth, and families. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or the department of children, youth, and families when referring to the functions transferred in this section.

(2) (a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the

department of children, youth, and families. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, duties, and functions transferred shall be made available to the department of children, youth, and families. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the department of children, youth, and families.

(b) Any appropriations made to the department of social and health services for carrying out the powers, duties, and functions transferred shall, on July 1, 2018, be transferred and credited to the department of children, youth, and families.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of social and health services engaged in performing the powers, duties, and functions transferred are transferred to the jurisdiction of the department of children, youth, and families. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of children, youth, and families to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of social and health services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of children, youth, and families. All existing contracts and obligations shall remain in full force and shall be performed by the department of children, youth, and families.

(5) The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed before July 1, 2018.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) (a) The portions of any bargaining units of employees at the department of social and health services existing on July 1, 2018, that are transferred to the department of children, youth, and families shall be considered separate appropriate units within the department of children, youth, and families unless and until modified by the public employment relations commission pursuant to Title 391 WAC. The exclusive bargaining representatives recognized as representing the portions of the bargaining units of employees at the department of social and health services existing on July 1, 2018, shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

(b) The public employment relations commission may review the appropriateness of the collective bargaining units that are a result of the transfer from the department of social and health services to

the department of children, youth, and families under chapter 6, Laws of 2017 3rd sp. sess. The employer or the exclusive bargaining representative may petition the public employment relations commission to review the bargaining units in accordance with this section. [2018 c 58 § 80; 2017 3rd sp.s. c 6 § 803.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

RCW 43.216.907 Transfer of juvenile justice services provisions from the department of social and health services. (1) All powers, duties, and functions of the department of social and health services pertaining to juvenile justice services under chapters 13.04, 13.06, 13.16, 13.40, 28A.190, 28A.225, 74.14A, 72.01, 72.05, 72.09, 72.19, 71.34, and 72.72 RCW are transferred to the department of children, youth, and families. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or the department of children, youth, and families when referring to the functions transferred in this section.

(2) (a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the department of children, youth, and families. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, duties, and functions transferred shall be made available to the department of children, youth, and families. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the department of children, youth, and families.

(b) Any appropriations made to the department of social and health services for carrying out the powers, duties, and functions transferred shall, on July 1, 2019, be transferred and credited to the department of children, youth, and families.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of social and health services engaged in performing the powers, duties, and functions transferred are transferred to the jurisdiction of the department of children, youth, and families. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of children, youth, and families to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of social and health services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of children, youth, and families. All existing contracts and obligations shall remain in full force and shall be performed by the department of children, youth, and families.

(5) The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed before July 1, 2019.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) (a) The portions of any bargaining units of employees at the department of social and health services existing on July 1, 2019, that are transferred to the department of children, youth, and families shall be considered separate appropriate units within the department of children, youth, and families unless and until modified by the public employment relations commission pursuant to Title 391 WAC. The exclusive bargaining representatives recognized as representing the portions of the bargaining units of employees at the department of social and health services existing on July 1, 2019, shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

(b) The public employment relations commission may review the appropriateness of the collective bargaining units that are a result of the transfer from the department of social and health services to the department of children, youth, and families under chapter 6, Laws of 2017 3rd sp. sess. The employer or the exclusive bargaining representative may petition the public employment relations commission to review the bargaining units in accordance with this section. [2017 3rd sp.s. c 6 § 804.]

Effective date—2017 3rd sp.s. c 6 §§ 601-631, 701-728, and 804:
See note following RCW 13.04.011.

RCW 43.216.908 Conflict with federal requirements—2017 3rd sp.s. c 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. [2017 3rd sp.s. c 6 § 823.]

RCW 43.216.909 Transfer of working connections child care and seasonal child care programs from the department of social and health services. (1) All powers, duties, and functions of the department of social and health services pertaining to the working connections child care and seasonal child care programs are transferred to the

department of children, youth, and families. All references to the secretary or the department of social and health services in the Revised Code of Washington mean the secretary or the department of children, youth, and families when referring to the working connections child care program and seasonal child care program functions transferred in this section.

(2) (a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services pertaining to the powers, duties, and functions transferred must be delivered to the custody of the department of children, youth, and families. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, duties, and functions transferred must be made available to the department of children, youth, and families. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred are assigned to the department of children, youth, and families.

(b) Any appropriations made to the department of social and health services for carrying out the powers, duties, and functions transferred are, on July 1, 2019, transferred and credited to the department of children, youth, and families.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of social and health services engaged in performing the powers, duties, and working connections child care program and seasonal child care program functions transferred are transferred to the jurisdiction of the department of children, youth, and families. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of children, youth, and families to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of social and health services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of children, youth, and families. All existing contracts and obligations remain in full force and shall be performed by the department of children, youth, and families.

(5) The transfer of the powers, duties, functions, and personnel of the department of social and health services does not affect the validity of any act performed before July 1, 2019.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of social and health services assigned to the department of children, youth, and families under this section whose positions are within an existing

bargaining unit description at the department of children, youth, and families must become a part of the existing bargaining unit at the department of children, youth, and families and are considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2018 c 52 § 2.]

Effective date—2018 c 52: "This act takes effect July 1, 2019."
[2018 c 52 § 7.]

Intent—Finding—2018 c 52: "(1) The legislature recognizes that child care subsidy programs include the working connections child care program and the seasonal child care program. Child care subsidy programs provide children with stable, nurturing, and enriching activities while parents are supported in stable employment that contributes to financial independence. The legislature acknowledges that the department of early learning develops subsidized child care policy and conducts quality assurance for provider payments and the department of social and health services is responsible for other aspects of service delivery. The legislature intends for these child care subsidy programs to be thoughtfully integrated into the department of children, youth, and families while maintaining a delivery system that continues to support families and providers with consistent, accurate, and effective services.

(2) The legislature finds that the department of children, youth, and families submitted a report according to section 103, chapter 6, Laws of 2017 3rd sp. sess. with recommendations for effectively transferring working connections child care eligibility into the department of children, youth, and families by July 1, 2019. The legislature intends for the transfer of all aspects of service delivery of child care subsidy programs from the department of social and health services to the department of children, youth, and families to follow the recommendations of that report." [2018 c 52 § 1.]

RCW 43.216.910 Savings clause—2021 c 199. Nothing in chapter 199, Laws of 2021 changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d). [2021 c 199 § 601.]

Short title—Findings—Intent—Conflict with federal requirements—2021 c 199: See notes following RCW 43.216.770.