

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5828

Chapter 394, Laws of 2007

60th Legislature
2007 Regular Session

EARLY CHILD DEVELOPMENT AND LEARNING

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 16, 2007
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 6, 2007
YEAS 96 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 9, 2007, 9:48 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5828** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 11, 2007

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5828

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington **60th Legislature** **2007 Regular Session**

By Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, McAuliffe, Tom, Rasmussen, Eide, Oemig, Clements, Hobbs, Weinstein, Rockefeller, Kline and Kohl-Welles)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to early child development and learning; amending
2 RCW 43.215.010 and 43.215.020; adding new sections to chapter 43.215
3 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that education is the
6 single most effective investment that can be made in children, the
7 state, the economy, and the future. A well-educated citizenry is
8 essential both for the preservation of democracy and for enhancing the
9 state's ability to compete in the knowledge-based global economy.

10 As recommended by Washington learns, the legislature declares that
11 the overarching goal for education in the state is to have a world-
12 class, learner-focused, seamless education system that educates more
13 Washingtonians to the highest levels of educational attainment.

14 **Sec. 2.** RCW 43.215.010 and 2006 c 265 s 102 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

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

5 (a) "Child day care center" means an agency that regularly provides
6 child day care and early learning services for a group of children for
7 periods of less than twenty-four hours;

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

13 (c) "Family day care provider" means a child day care provider who
14 regularly provides child day care and early learning services for not
15 more than twelve children in the provider's home in the family living
16 quarters;

17 (d) "Nongovernmental private-public partnership" means an entity
18 registered as a nonprofit corporation in Washington state with a
19 primary focus on early learning, school readiness, and parental
20 support, and an ability to raise a minimum of five million dollars in
21 contributions;

22 (e) "Service provider" means the entity that operates a community
23 facility.

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

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

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

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

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

34 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
35 subsection (2)(a), even after the marriage is terminated;

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

37 (c) Persons who care for a neighbor's or friend's child or
38 children, with or without compensation, where the person providing care

1 for periods of less than twenty-four hours does not conduct such
2 activity on an ongoing, regularly scheduled basis for the purpose of
3 engaging in business, which includes, but is not limited to,
4 advertising such care;

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

7 (e) Nursery schools or kindergartens that are engaged primarily in
8 educational work with preschool children and in which no child is
9 enrolled on a regular basis for more than four hours per day;

10 (f) Schools, including boarding schools, that are engaged primarily
11 in education, operate on a definite school year schedule, follow a
12 stated academic curriculum, accept only school-age children, and do not
13 accept custody of children;

14 (g) Seasonal camps of three months' or less duration engaged
15 primarily in recreational or educational activities;

16 (h) Facilities providing care to children for periods of less than
17 twenty-four hours whose parents remain on the premises to participate
18 in activities other than employment;

19 (i) Any agency having been in operation in this state ten years
20 before June 8, 1967, and not seeking or accepting moneys or assistance
21 from any state or federal agency, and is supported in part by an
22 endowment or trust fund;

23 (j) An agency operated by any unit of local, state, or federal
24 government or an agency, located within the boundaries of a federally
25 recognized Indian reservation, licensed by the Indian tribe;

26 (k) An agency located on a federal military reservation, except
27 where the military authorities request that such agency be subject to
28 the licensing requirements of this chapter;

29 (l) An agency that offers early learning and support services, such
30 as parent education, and does not provide child care services on a
31 regular basis.

32 (3) "Department" means the department of early learning.

33 (4) "Director" means the director of the department.

34 (5) "Enforcement action" means denial, suspension, revocation,
35 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)
36 or assessment of civil monetary penalties pursuant to RCW
37 43.215.300(3).

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

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

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.215 RCW
7 to read as follows:

8 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
9 council is established to advise the department on statewide early
10 learning community needs and progress.

11 (2) The council shall work in conjunction with the department to
12 develop a statewide early learning plan that crosses systems and
13 sectors to promote alignment of private and public sector actions,
14 objectives, and resources, and to ensure school readiness.

15 (3) The council shall include diverse, statewide representation
16 from public, nonprofit, and for-profit entities. Its membership shall
17 reflect regional, racial, and cultural diversity to adequately
18 represent the needs of all children and families in the state.

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

26 (5) The council shall consist of not more than twenty-five members,
27 as follows:

28 (a) The governor shall appoint at least one representative from
29 each of the following: The department, the office of financial
30 management, the department of social and health services, the
31 department of health, the higher education coordinating board, and the
32 state board for community and technical colleges;

33 (b) One representative from the office of the superintendent of
34 public instruction, to be appointed by the superintendent of public
35 instruction;

36 (c) The governor shall appoint at least seven leaders in early
37 childhood education, with at least one representative with experience

1 or expertise in each of the following areas: Children with
2 disabilities, the K-12 system, family day care providers, and child
3 care centers;

4 (d) Two members of the house of representatives, one from each
5 caucus, and two members of the senate, one from each caucus, to be
6 appointed by the speaker of the house of representatives and the
7 president of the senate, respectively;

8 (e) Two parents, one of whom serves on the department's parent
9 advisory council, to be appointed by the governor;

10 (f) Two representatives of the private-public partnership created
11 in RCW 43.215.070, to be appointed by the partnership board;

12 (g) One representative designated by sovereign tribal governments;
13 and

14 (h) One representative from the Washington federation of
15 independent schools.

16 (6) The council shall be cochaired by one representative of a state
17 agency and one nongovernmental member, to be elected by the council for
18 two-year terms.

19 (7) Each member of the board shall be compensated in accordance
20 with RCW 43.03.240 and reimbursed for travel expenses incurred in
21 carrying out the duties of the board in accordance with RCW 43.03.050
22 and 43.03.060.

23 (8) The department shall provide staff support to the council.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.215 RCW
25 to read as follows:

26 VOLUNTARY QUALITY RATING AND IMPROVEMENT SYSTEM. Subject to the
27 availability of amounts appropriated for this specific purpose, the
28 department, in collaboration with community and statewide partners,
29 shall implement a voluntary quality rating and improvement system
30 applicable to licensed or certified child care centers and homes and
31 early education programs. The purpose of the voluntary quality rating
32 and improvement system is to give parents clear and easily accessible
33 information about the quality of child care and early education
34 programs, support improvement in early learning programs throughout the
35 state, increase the readiness of children for school, and close the
36 disparity in access to quality care. Before final implementation of
37 the voluntary quality rating and improvement system, the department

1 shall report to the appropriate policy and fiscal committees of the
2 legislature. Nothing in this section changes the department's
3 responsibility to collectively bargain over mandatory subjects.

4 **Sec. 5.** RCW 43.215.020 and 2006 c 265 s 103 are each amended to
5 read as follows:

6 (1) The department of early learning is created as an executive
7 branch agency. The department is vested with all powers and duties
8 transferred to it under this chapter and such other powers and duties
9 as may be authorized by law.

10 (2) The primary duties of the department are to implement state
11 early learning policy and to coordinate, consolidate, and integrate
12 child care and early learning programs in order to administer programs
13 and funding as efficiently as possible. The department's duties
14 include, but are not limited to, the following:

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

19 (b) To ~~((improve parent education and support))~~ make early learning
20 resources available to parents and caregivers;

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

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

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

30 (f) To ~~((assist in))~~ support the implementation of the
31 nongovernmental private-public partnership and cooperate with that
32 partnership in pursuing its goals including providing data and support
33 necessary for the successful work of the partnership;

34 (g) To work cooperatively and in coordination with the early
35 learning council; ~~((and))~~

36 (h) To collaborate with the K-12 school system at the state and

1 local levels to ensure appropriate connections and smooth transitions
2 between early learning and K-12 programs; and

3 (i) Upon the development of an early learning information system,
4 to make available to parents timely inspection and licensing action
5 information through the internet and other means.

6 (3) The department's programs shall be designed in a way that
7 respects and preserves the ability of parents and legal guardians to
8 direct the education, development, and upbringing of their children.
9 The department shall include parents and legal guardians in the
10 development of policies and program decisions affecting their children.

11 NEW SECTION. Sec. 6. A new section is added to chapter 43.215 RCW
12 to read as follows:

13 DEPARTMENT'S PARTNERSHIP RESPONSIBILITIES. (1) In order to meet
14 its partnership responsibilities, the department shall:

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

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

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

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

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

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

34 (d) Assist the statewide movement to high quality early learning
35 and the support of parents as a child's first and best teacher.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.215 RCW
2 to read as follows:

3 RULES REVIEW. In conjunction with child care providers and other
4 early learning leaders, the department shall review and revise child
5 care provider rules in order to emphasize the need for mutual respect
6 among parents, providers, and state staff who enforce rules. Revised
7 rules shall clearly focus on keeping children safe and improving early
8 learning outcomes for children. The department shall develop a plan by
9 July 2007 that outlines the process and timelines to complete the rules
10 review. Nothing in this section changes the department's
11 responsibility to collectively bargain over mandatory subjects.

12 NEW SECTION. **Sec. 8.** Captions used in this act are not any part
13 of the law.

Passed by the Senate April 16, 2007.

Passed by the House April 6, 2007.

Approved by the Governor May 9, 2007.

Filed in Office of Secretary of State May 11, 2007.