

2SHB 1723 - S COMM AMD

By Committee on Ways & Means

NOT ADOPTED 04/15/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.215
4 RCW to read as follows:

5 The legislature finds that the first five years of a child's life
6 establish the foundation for educational success. The legislature also
7 finds that children who have high quality early learning opportunities
8 from birth through age five are more likely to succeed throughout their
9 K-12 education and beyond. The legislature further finds that the
10 benefits of high quality early learning experiences are particularly
11 significant for low-income parents and children, and provide an
12 opportunity to narrow the opportunity gap in Washington's K-12
13 educational system. The legislature understands that early supports
14 for high-risk parents of young children through home visiting services
15 show a high return on investment due to significantly improved chances
16 of better education, health, and life outcomes for children. The
17 legislature further recognizes that, when parents work or go to school,
18 high quality and full-day early learning opportunities should be
19 available and accessible for their children. In order to improve
20 education outcomes, particularly for low-income children, the
21 legislature is committed to expanding high quality early learning
22 opportunities and integrating currently disparate funding streams for
23 all birth-to-five early learning services including, working
24 connections child care and the early childhood education and assistance
25 program, into a single high quality continuum of learning that provides
26 essential services to low-income families and prepares all enrolled
27 children for success in school. The legislature therefore intends to
28 establish the early start program to provide a continuum of high
29 quality and accountable early learning opportunities for Washington's
30 parents and children.

1 **Sec. 2.** RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each
2 amended to read as follows:

3 (1) In order for students to have the opportunity to develop the
4 basic education knowledge and skills under RCW 28A.150.210, school
5 districts must provide instruction of sufficient quantity and quality
6 and give students the opportunity to complete graduation requirements
7 that are intended to prepare them for postsecondary education, gainful
8 employment, and citizenship. The program established under this
9 section shall be the minimum instructional program of basic education
10 offered by school districts.

11 (2) Each school district shall make available to students the
12 following minimum instructional offering each school year:

13 (a) For students enrolled in grades one through twelve, at least a
14 district-wide annual average of one thousand hours, which shall be
15 increased to at least one thousand eighty instructional hours for
16 students enrolled in each of grades seven through twelve and at least
17 one thousand instructional hours for students in each of grades one
18 through six according to an implementation schedule adopted by the
19 legislature, but not before the 2014-15 school year; and

20 (b) For students enrolled in kindergarten, at least four hundred
21 fifty instructional hours, which shall be increased to at least one
22 thousand instructional hours according to the implementation schedule
23 under RCW 28A.150.315.

24 (3) The instructional program of basic education provided by each
25 school district shall include:

26 (a) Instruction in the essential academic learning requirements
27 under RCW 28A.655.070;

28 (b) Instruction that provides students the opportunity to complete
29 twenty-four credits for high school graduation, subject to a phased-in
30 implementation of the twenty-four credits as established by the
31 legislature. Course distribution requirements may be established by
32 the state board of education under RCW 28A.230.090;

33 (c) If the essential academic learning requirements include a
34 requirement of languages other than English, the requirement may be met
35 by students receiving instruction in one or more American Indian
36 languages;

37 (d) Supplemental instruction and services for underachieving

1 students through the learning assistance program under RCW 28A.165.005
2 through 28A.165.065;

3 (e) Supplemental instruction and services for eligible and enrolled
4 students whose primary language is other than English through the
5 transitional bilingual instruction program under RCW 28A.180.010
6 through 28A.180.080;

7 (f) The opportunity for an appropriate education at public expense
8 as defined by RCW 28A.155.020 for all eligible students with
9 disabilities as defined in RCW 28A.155.020; and

10 (g) Programs for highly capable students under RCW 28A.185.010
11 through 28A.185.030.

12 (4) Nothing contained in this section shall be construed to require
13 individual students to attend school for any particular number of hours
14 per day or to take any particular courses.

15 (5) Each school district's kindergarten through twelfth grade basic
16 educational program shall be accessible to all students who are five
17 years of age, as provided by RCW 28A.225.160, and less than twenty-one
18 years of age and shall consist of a minimum of one hundred eighty
19 school days per school year in such grades as are conducted by a school
20 district, and one hundred eighty half-days of instruction, or
21 equivalent, in kindergarten, to be increased to a minimum of one
22 hundred eighty school days per school year according to the
23 implementation schedule under RCW 28A.150.315. However, schools
24 administering the Washington kindergarten inventory of developing
25 skills may use up to three school days at the beginning of the school
26 year to meet with parents and families as required in the parent
27 involvement component of the inventory. In addition, effective May 1,
28 1979, a school district may schedule the last five school days of the
29 one hundred and eighty day school year for noninstructional purposes in
30 the case of students who are graduating from high school, including,
31 but not limited to, the observance of graduation and early release from
32 school upon the request of a student, and all such students may be
33 claimed as a full-time equivalent student to the extent they could
34 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
35 28A.150.260.

36 (6) Nothing in this section precludes a school district from
37 enriching the instructional program of basic education, such as

1 offering additional instruction or providing additional services,
2 programs, or activities that the school district determines to be
3 appropriate for the education of the school district's students.

4 (7) The state board of education shall adopt rules to implement and
5 ensure compliance with the program requirements imposed by this
6 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
7 program approval requirements as the state board may establish.

8 **Sec. 3.** RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are
9 each reenacted and amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

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

16 (a) "Child day care center" means an agency that regularly provides
17 ~~((child day care))~~ early childhood education and early learning
18 services for a group of children for periods of less than twenty-four
19 hours;

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

25 (c) "Family day care provider" means a child ~~((day))~~ care provider
26 who regularly provides ~~((child day care))~~ early childhood education and
27 early learning services for not more than twelve children in the
28 provider's home in the family living quarters;

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

34 (e) "Service provider" means the entity that operates a community
35 facility.

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

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

1 (i) Any blood relative, including those of half-blood, and
2 including first cousins, nephews or nieces, and persons of preceding
3 generations as denoted by prefixes of grand, great, or great-great;
4 (ii) Stepfather, stepmother, stepbrother, and stepsister;
5 (iii) A person who legally adopts a child or the child's parent as
6 well as the natural and other legally adopted children of such persons,
7 and other relatives of the adoptive parents in accordance with state
8 law; or
9 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this
10 subsection (2)~~((a))~~, even after the marriage is terminated;
11 (b) Persons who are legal guardians of the child;
12 (c) Persons who care for a neighbor's or friend's child or
13 children, with or without compensation, where the person providing care
14 for periods of less than twenty-four hours does not conduct such
15 activity on an ongoing, regularly scheduled basis for the purpose of
16 engaging in business, which includes, but is not limited to,
17 advertising such care;
18 (d) Parents on a mutually cooperative basis exchange care of one
19 another's children;
20 (e) Nursery schools ~~((or kindergartens))~~ that are engaged primarily
21 in ~~((educational work))~~ early childhood education with preschool
22 children and in which no child is enrolled on a regular basis for more
23 than four hours per day;
24 (f) Schools, including boarding schools, that are engaged primarily
25 in education, operate on a definite school year schedule, follow a
26 stated academic curriculum, accept only school-age children, and do not
27 accept custody of children;
28 (g) Seasonal camps of three months' or less duration engaged
29 primarily in recreational or educational activities;
30 (h) Facilities providing child care for periods of less than
31 twenty-four hours when a parent or legal guardian of the child remains
32 on the premises of the facility for the purpose of participating in:
33 (i) Activities other than employment; or
34 (ii) Employment of up to two hours per day when the facility is
35 operated by a nonprofit entity that also operates a licensed child care
36 program at the same facility in another location or at another
37 facility;

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

5 ~~(j) An agency))~~ A program operated by any unit of local, state, or
6 federal government or an agency, located within the boundaries of a
7 federally recognized Indian reservation, licensed by the Indian tribe;

8 ~~((k) An agency))~~ (j) A program located on a federal military
9 reservation, except where the military authorities request that such
10 agency be subject to the licensing requirements of this chapter;

11 ~~((l) An agency))~~ (k) A program that offers early learning and
12 support services, such as parent education, and does not provide child
13 care services on a regular basis.

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

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

19 (5) "Department" means the department of early learning.

20 (6) "Director" means the director of the department.

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

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

27 ~~((+8))~~ (9) "Enforcement action" means denial, suspension,
28 revocation, modification, or nonrenewal of a license pursuant to RCW
29 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW
30 43.215.300(3).

31 ~~((+9))~~ (10) "Negative action" means a court order, court judgment,
32 or an adverse action taken by an agency, in any state, federal, tribal,
33 or foreign jurisdiction, which results in a finding against the
34 applicant reasonably related to the individual's character,
35 suitability, and competence to care for or have unsupervised access to
36 children in child care. This may include, but is not limited to:

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

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

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

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

9 (e) A final decision of a disciplinary board.

10 ~~((+10+))~~ (11) "Nonconviction information" means arrest, founded
11 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
12 or other negative action adverse to the applicant.

13 ~~((+11+))~~ (12) "Probationary license" means a license issued as a
14 disciplinary measure to an agency that has previously been issued a
15 full license but is out of compliance with licensing standards.

16 ~~((+12+))~~ (13) "Requirement" means any rule, regulation, or standard
17 of care to be maintained by an agency.

18 (14) "Washington state preschool program" means an education
19 program for children three-to-five years of age who have not yet
20 entered kindergarten, such as the early childhood education and
21 assistance program.

22 NEW SECTION. Sec. 4. (1)(a) The chairs of the early learning
23 committees of the legislature shall convene a technical working group
24 to:

25 (i) Review federal and state early education funding streams;

26 (ii) Develop technical options for aligning eligibility
27 requirements for child care and Washington state preschool;

28 (iii) Develop recommendations for an effective and responsive
29 eligibility system;

30 (iv) Develop technical options for system designs that blend and
31 braid disparate federal and state funding streams into a single
32 program, including the option of applying for waivers from existing
33 federal requirements; and

34 (v) Present findings and options in a report to the early learning
35 committees of both houses of the legislature by December 1, 2013.

36 (b) At a minimum, the technical working group must be composed of

1 financial and policy staff from the department of social and health
2 services and the department of early learning.

3 (2) Staff support for the technical working group must be provided
4 by senate committee services and the house of representatives office of
5 program research, with assistance from the department of social and
6 health services and the department of early learning.

7 (3) This section expires December 31, 2013.

8 **Sec. 5.** RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and
9 2010 c 231 s 6 are each reenacted and amended to read as follows:

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

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

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

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

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

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

30 (e) To apply data already collected comparing state-funded child
31 care and preschool program compensation rates to market rates of
32 similar programs to make biennial recommendations to the legislature
33 regarding compensation models that would attract and retain high
34 quality early learning professionals to state programs;

35 (f) To serve as the state lead agency for Part C of the federal
36 individuals with disabilities education act (IDEA);

1 ~~((f))~~ (g) To standardize internal financial audits, oversight
2 visits, performance benchmarks, and licensing criteria, so that
3 programs can function in an integrated fashion;

4 ~~((g))~~ (h) To support the implementation of the nongovernmental
5 private-public partnership and cooperate with that partnership in
6 pursuing its goals including providing data and support necessary for
7 the successful work of the partnership;

8 ~~((h))~~ (i) To work cooperatively and in coordination with the
9 early learning council;

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

13 ~~((j))~~ (k) To develop and adopt rules for administration of the
14 program of early learning established in RCW 43.215.141;

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

23 ~~((l))~~ (m) Upon the development of an early learning information
24 system, to make available to parents timely inspection and licensing
25 action information and provider comments through the internet and other
26 means.

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

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

34 (5) The legislature shall fund the expansion in the Washington
35 state preschool program pursuant to RCW 43.215.142 in fiscal year 2014.

36 (6) The department's programs shall be designed in a way that
37 respects and preserves the ability of parents and legal guardians to
38 direct the education, development, and upbringing of their children,

1 and that recognizes and honors cultural and linguistic diversity. The
2 department shall include parents and legal guardians in the development
3 of policies and program decisions affecting their children.

4 **Sec. 6.** RCW 43.215.100 and 2007 c 394 s 4 are each amended to read
5 as follows:

6 (1) Subject to the availability of amounts appropriated for this
7 specific purpose, the department, in collaboration with community and
8 statewide partners, shall implement a voluntary quality rating and
9 improvement system, called the early achievers program, that is
10 applicable to licensed or certified child care centers and homes and
11 early education programs.

12 (2) The purpose of the ((voluntary quality rating and improvement
13 system)) early achievers program is: (a) To give parents clear and
14 easily accessible information about the quality of child care and early
15 education programs, support improvement in early learning programs
16 throughout the state, increase the readiness of children for school,
17 and close the disparity in access to quality care; and (b) to establish
18 a common set of expectations and standards that define, measure, and
19 improve the quality of early learning settings.

20 (3) Participation in the early achievers program is voluntary for
21 licensed or certified child care centers and homes.

22 (4) By fiscal year 2015, Washington state preschool programs
23 receiving state funds must enroll in the early achievers program and
24 maintain a minimum score level.

25 (5) Before final implementation of the ((voluntary quality rating
26 and improvement system)) early achievers program, the department shall
27 report on program progress, as defined within the race to the top
28 federal grant award, and expenditures to the appropriate policy and
29 fiscal committees of the legislature. Nothing in this section changes
30 the department's responsibility to collectively bargain over mandatory
31 subjects.

32 **Sec. 7.** RCW 43.215.430 and 1994 c 166 s 8 are each amended to read
33 as follows:

34 The department shall review applications from public or private
35 nonsectarian organizations for state funding of early childhood
36 education and assistance programs ((and award funds as determined by

1 ~~department rules and based on)).~~ The department shall consider local
2 community needs ((and)), demonstrated capacity ((to provide services)),
3 and the need to support a mixed delivery system of early learning that
4 includes alternative models for delivery including licensed centers and
5 licensed family child care providers when reviewing applications.

6 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
7 section 5 of this act, referencing section 5 of this act by bill or
8 chapter and section number, is not provided by June 30, 2013, in the
9 omnibus appropriations act, section 5 of this act is null and void."

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10 On page 1, line 2 of the title, after "programs;" strike the
11 remainder of the title and insert "amending RCW 28A.150.220,
12 43.215.100, and 43.215.430; reenacting and amending RCW 43.215.010 and
13 43.215.020; adding a new section to chapter 43.215 RCW; creating new
14 sections; and providing an expiration date."

EFFECT: (1) The technical working group tasked with examining federal and state early learning funding streams will be convened and staffed by the Legislature and will report to the early learning committees of the Legislature.

(2) Adds a waiver for schools administering the Washington Kindergarten inventory of developing skills (WaKids) to use up to three school days to meet with parents and families.

(3) Removes language requiring the Department of Early Learning to annually compare child care subsidy rates and staff compensation to market rates. Reviews are replaced with a mandate to use existing data to compare compensation levels for state funded programs to market rates and to make recommendations to the Legislature regarding compensation models.

(4) Adds reporting requirements for DEL related to the Race to the Top grant.

(5) Specifies that a mixed-delivery system must include alternative models for delivery including licensed centers and licensed family child care providers.

(6) Strikes language regarding increasing subsidy rates and tiered subsidy rate enhancements for child care providers.

(7) Strikes language regarding directing revenues from Initiative 502 to early learning.

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