
SECOND SUBSTITUTE HOUSE BILL 1671

State of Washington

63rd Legislature

2013 Regular Session

By House Appropriations (originally sponsored by Representatives Farrell, Walsh, Kagi, Green, Sullivan, Jinkins, Pettigrew, Hunt, Ormsby, Stonier, Fitzgibbon, Goodman, Cody, Morrell, Maxwell, Appleton, Wylie, Orwall, Reykdal, Freeman, Riccelli, Fey, Tarleton, Ryu, Pollet, Bergquist, and Santos)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to child care reform; reenacting and amending RCW
2 43.215.010; adding new sections to chapter 43.215 RCW; and creating a
3 new section.

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

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

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

16 (b) "Early learning" includes but is not limited to programs and
17 services for child care; state, federal, private, and nonprofit
18 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional
2 development for early learning professionals;

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

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

12 (e) "Service provider" means the entity that operates a community
13 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (i) Activities other than employment; or

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

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

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

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

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

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

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

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

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

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

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

4 ~~((+8+))~~ (9) "Enforcement action" means denial, suspension,
5 revocation, modification, or nonrenewal of a license pursuant to RCW
6 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW
7 43.215.300(3).

8 ~~((+9+))~~ (10) "Negative action" means a court order, court judgment,
9 or an adverse action taken by an agency, in any state, federal, tribal,
10 or foreign jurisdiction, which results in a finding against the
11 applicant reasonably related to the individual's character,
12 suitability, and competence to care for or have unsupervised access to
13 children in child care. This may include, but is not limited to:

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

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

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

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

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

24 ~~((+10+))~~ (11) "Nonconviction information" means arrest, founded
25 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
26 or other negative action adverse to the applicant.

27 ~~((+11+))~~ (12) "Probationary license" means a license issued as a
28 disciplinary measure to an agency that has previously been issued a
29 full license but is out of compliance with licensing standards.

30 ~~((+12+))~~ (13) "Requirement" means any rule, regulation, or standard
31 of care to be maintained by an agency.

32 NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW
33 to read as follows:

34 (1) The early achievers program is designed to accomplish the
35 following goals:

36 (a) Provide parents clear and easy accessible information about
37 quality child care and early education programs;

- 1 (b) Improve early learning programs throughout Washington state;
2 (c) Increase school readiness for children;
3 (d) Close the disparity between segments of the population with
4 regard to access to quality care; and
5 (e) Establish a uniform set of expectations and standards that
6 define, measure, and improve the quality of the early learning
7 environment.

8 (2) All licensed and certified child care programs may enroll in
9 the early achievers program. Child care providers may voluntarily
10 decide whether to participate.

11 (3) There are five quality levels in the early achievers program.

12 (4) The department shall prepare and implement rules in accordance
13 with the early achievers program and this section.

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

16 (1) The standards and guidelines described in this section are
17 intended for the guidance of the department and the department of
18 social and health services. They are not intended to, do not, and may
19 not be relied upon to create a right or benefit, substantive or
20 procedural, enforceable at law by a party in litigation with the state.

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

24 (3) When providing services to parents applying for or receiving
25 working connections child care benefits, the department of social and
26 health services has the following responsibilities:

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

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

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

34 (d) To provide parents with a document that explains in detail and
35 in easily understood language what services they are eligible for, how
36 they can appeal an adverse decision, and the parents' responsibilities

1 in obtaining and maintaining eligibility for working connections child
2 care.

3 (4) The department shall convene a parent and provider oversight
4 board.

5 (a) The oversight board must, at a minimum, consist of the
6 following:

7 (i) Five parents receiving working connections child care benefits
8 from diverse geographic locations; and

9 (ii) Five working connections child care providers from diverse
10 geographic locations.

11 (b) The oversight board shall meet at least three times a year.

12 (c) The purpose of the oversight board is to listen to issues
13 raised by parents receiving working connections child care and child
14 care providers and report to the department on recommended policy
15 changes to address the issues raised.

16 (d) The department is not responsible for any of the expenses
17 incurred by the oversight board members.

18 NEW SECTION. **Sec. 4.** (1) The legislature finds that the Aclara
19 group report on the eligibility requirements for working connections
20 child care which came from the pedagogy of lean management and focused
21 on identifying and eliminating nonvalue added work should be followed.
22 The legislature further finds that, following some of the
23 recommendations in the report, would result in simplifying and
24 streamlining the child care system to improve access and customer
25 service without decreasing the program's integrity.

26 (2) By December 1, 2013, the department and the department of
27 social and health services shall accomplish the following:

28 (a) Eliminate the current custody/visitation policy and design a
29 subsidy system that is flexible and accounts for small fluctuations in
30 family circumstances;

31 (b) Create broad authorization categories so that relatively minor
32 changes in parents' work schedules do not require changes in
33 authorization;

34 (c) Establish rules to specify that parents who receive working
35 connections child care benefits and participate in one hundred ten
36 hours or more of approved work or related activities are eligible for
37 full-time child care services; and

1 (d) Clarify and simplify the requirement to count child support as
2 income.

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