
SECOND SUBSTITUTE HOUSE BILL 1723

State of Washington

63rd Legislature

2013 Regular Session

By House Appropriations (originally sponsored by Representatives Kagi, Walsh, Farrell, Maxwell, Roberts, Freeman, Goodman, Sawyer, Sullivan, Jinkins, Seaquist, Lytton, Haigh, Hunter, Morrell, Sells, Ryu, Morris, McCoy, Reykdal, Tarleton, Tharinger, Pollet, Fey, Moscoso, Bergquist, Ormsby, and Santos)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to expanding and streamlining early learning
2 services and programs; amending RCW 43.215.100, 43.215.430, and
3 43.215.545; reenacting and amending RCW 43.215.010 and 43.215.020;
4 reenacting RCW 43.215.135; adding new sections to chapter 43.215 RCW;
5 creating new sections; and providing an expiration date.

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

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

9 The legislature finds that the first five years of a child's life
10 establish the foundation for educational success. The legislature also
11 finds that children who have high quality early learning opportunities
12 from birth through age five are more likely to succeed throughout their
13 K-12 education and beyond. The legislature further finds that the
14 benefits of high quality early learning experiences are particularly
15 significant for low-income parents and children, and provide an
16 opportunity to narrow the opportunity gap in Washington's K-12
17 educational system. The legislature understands that early supports
18 for high-risk parents of young children through home visiting services
19 show a high return on investment due to significantly improved chances

1 of better education, health, and life outcomes for children. The
2 legislature further recognizes that, when parents work or go to school,
3 high quality and full-day early learning opportunities should be
4 available and accessible for their children. In order to improve
5 education outcomes, particularly for low-income children, the
6 legislature is committed to expanding high quality early learning
7 opportunities and integrating currently disparate funding streams for
8 all birth-to-five early learning services including, working
9 connections child care and the early childhood education and assistance
10 program, into a single high quality continuum of learning that provides
11 essential services to low-income families and prepares all enrolled
12 children for success in school. The legislature therefore intends to
13 establish the early start program to provide a continuum of high
14 quality and accountable early learning opportunities for Washington's
15 parents and children.

16 **Sec. 2.** RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are
17 each reenacted and amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

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

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

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

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

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

6 (e) "Service provider" means the entity that operates a community
7 facility.

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

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

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

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

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

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

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

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

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

29 (e) Nursery schools (~~(or kindergartens)~~) that are engaged primarily
30 in (~~(educational work)~~) early childhood education with preschool
31 children and in which no child is enrolled on a regular basis for more
32 than four hours per day;

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

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

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

4 (i) Activities other than employment; or

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

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

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

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

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

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

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

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

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

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

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

35 ~~((8))~~ (9) "Enforcement action" means denial, suspension,
36 revocation, modification, or nonrenewal of a license pursuant to RCW
37 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW
38 43.215.300(3).

1 ~~((9))~~ (10) "Negative action" means a court order, court judgment,
2 or an adverse action taken by an agency, in any state, federal, tribal,
3 or foreign jurisdiction, which results in a finding against the
4 applicant reasonably related to the individual's character,
5 suitability, and competence to care for or have unsupervised access to
6 children in child care. This may include, but is not limited to:

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

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

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

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

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

17 ~~((10))~~ (11) "Nonconviction information" means arrest, founded
18 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
19 or other negative action adverse to the applicant.

20 ~~((11))~~ (12) "Probationary license" means a license issued as a
21 disciplinary measure to an agency that has previously been issued a
22 full license but is out of compliance with licensing standards.

23 ~~((12))~~ (13) "Requirement" means any rule, regulation, or standard
24 of care to be maintained by an agency.

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

29 NEW SECTION. Sec. 3. (1)(a) A legislative task force on early
30 learning is established, with members as provided in this subsection.

31 (i) The president of the senate shall appoint one member from each
32 of the two largest caucuses of the senate.

33 (ii) The speaker of the house of representatives shall appoint one
34 member from each of the two largest caucuses of the house of
35 representatives.

36 (iii) The president of the senate and the speaker of the house of
37 representatives shall jointly appoint:

- 1 (A) One member representing the early learning action council;
2 (B) One member representing the Washington state association of
3 head start and early childhood education and assistance program;
4 (C) One member from an educational service district;
5 (D) One member representing thrive by five;
6 (E) One member from the birth-to-three community;
7 (F) One member representing the Washington state child care
8 resource and referral system;
9 (G) One member who is a child care center provider;
10 (H) One member who provides early intervention services to infants
11 and toddlers with disabilities;
12 (I) One member representing the office of the superintendent of
13 public instruction;
14 (J) One member representing the service employees international
15 union 925;
16 (K) One member who is a family child care provider;
17 (L) One member who is a parent who is utilizing a state-funded
18 early learning program; and
19 (M) One member representing the Washington federation of
20 independent schools.

21 (iv) The governor shall appoint one representative each from the
22 department of social and health services and the department of early
23 learning.

24 (b) The task force shall choose its chair from among its
25 membership. The chair of the house of representatives early learning
26 and human services committee shall convene the initial meeting of the
27 task force.

28 (2) The task force shall complete the following objectives:

29 (a) Review the existing funding sources, program goals, and
30 restrictions associated with different funding streams for early
31 learning programs and services as identified by the technical working
32 group;

33 (b) Identify areas of alignment and conflicts in restrictions and
34 eligibility requirements associated with early learning funding and
35 services;

36 (c) Develop an implementation plan to create an accessible
37 integrated, high quality early learning program for children ages birth

1 to five. The implementation plan, at a minimum, must include the
2 following:

3 (i) A timeline for implementation of child care quality
4 improvements;

5 (ii) A timeline for increasing eligibility for the Washington state
6 preschool program to one hundred thirty percent of the federal poverty
7 rate;

8 (iii) A funding plan that blends and maximizes existing resources
9 and identifies new revenue from funds distributed to the general fund
10 pursuant to RCW 69.50.540 and other funding sources;

11 (iv) Incentives for integrating child care and preschool
12 programming to better serve working families;

13 (v) Provisions for full-day and half-day early learning programs;

14 (vi) Provisions for parent education and home visiting programs;

15 (vii) A variety of mixed settings for service delivery, including
16 but not limited to family child care, child care centers, schools, and
17 educational service districts;

18 (viii) Provisions for compensation for early learning professional
19 development; and

20 (ix) A plan for a single point of entry for families wanting early
21 learning services.

22 (3)(a) The chair of the task force shall appoint a technical
23 working group to:

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

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

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

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

33 (v) Present findings and options to the task force.

34 (b) At a minimum, the technical working group must be composed of
35 financial and policy staff from the department of social and health
36 services and the department of early learning. Legislative staff may
37 provide technical support as needed to the technical working group, at
38 the request of the task force.

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

5 (5) Nonlegislative members, except those representing an employer
6 or organization, are entitled to be reimbursed for travel expenses in
7 accordance with RCW 43.03.050 and 43.03.060.

8 (6) The expenses of the task force must be paid jointly by the
9 senate and the house of representatives. Task force expenditures are
10 subject to approval by the senate facilities and operations committee
11 and the house of representatives executive rules committee, or their
12 successor committees.

13 (7) The implementation plan shall be submitted to the legislature
14 for approval by December 1, 2013. The plan may not be implemented
15 without authorization by the legislature.

16 (8) This section expires December 31, 2013.

17 **Sec. 4.** RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and
18 2010 c 231 s 6 are each reenacted and amended to read as follows:

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

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

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

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

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

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

2 (e) To annually review rates for child care compared to market
3 rates and make recommendations to the legislature;

4 (f) To conduct an annual survey of staff compensation in licensed
5 child care programs and the Washington state preschool program,
6 including early achievers and nonearly achievers programs, using data
7 generated by the managed education and registry information tool and
8 the early achievers program and report survey findings to the
9 legislature;

10 (g) To serve as the state lead agency for Part C of the federal
11 individuals with disabilities education act (IDEA);

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

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

19 (~~(h)~~) (j) To work cooperatively and in coordination with the
20 early learning council;

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

24 (~~(j)~~) (l) To develop and adopt rules for administration of the
25 program of early learning established in RCW 43.215.141;

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

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

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

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

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

10 (6) The department's programs shall be designed in a way that
11 respects and preserves the ability of parents and legal guardians to
12 direct the education, development, and upbringing of their children,
13 and that recognizes and honors cultural and linguistic diversity. The
14 department shall include parents and legal guardians in the development
15 of policies and program decisions affecting their children.

16 NEW SECTION. Sec. 5. A new section is added to chapter 43.215 RCW
17 to read as follows:

18 Funds distributed to the general fund pursuant to RCW 69.50.540
19 must be utilized to phase in an integrated high quality continuum of
20 early learning program, called early start, for children birth-to-five
21 years of age. Components of early start include, but are not limited
22 to, the following:

- 23 (1) Home visiting and parent education and support programs;
24 (2) The early achievers program described in RCW 43.215.100;
25 (3) Integrated full-day, high quality early learning programs; and
26 (4) High quality preschool for children whose family income is at
27 or below one hundred thirty percent of the federal poverty level.

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

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

1 (2) The purpose of the ((voluntary quality rating and improvement
2 system)) early achievers program is: (a) To give parents clear and
3 easily accessible information about the quality of child care and early
4 education programs, support improvement in early learning programs
5 throughout the state, increase the readiness of children for school,
6 and close the disparity in access to quality care; and (b) to establish
7 a common set of expectations and standards that define, measure, and
8 improve the quality of early learning settings.

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

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

14 (5) Before final implementation of the ((voluntary quality rating
15 and improvement system)) early achievers program, the department shall
16 report to the appropriate policy and fiscal committees of the
17 legislature. Nothing in this section changes the department's
18 responsibility to collectively bargain over mandatory subjects.

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

21 The department shall review applications from public or private
22 nonsectarian organizations for state funding of early childhood
23 education and assistance programs ((and award funds as determined by
24 department rules and based on)). The department shall consider local
25 community needs ((and)), demonstrated capacity ((to provide services)),
26 and the need to support a mixed delivery system of early learning when
27 reviewing applications.

28 **Sec. 8.** RCW 43.215.545 and 2006 c 265 s 204 are each amended to
29 read as follows:

30 The department of early learning shall:

31 (1) Work in conjunction with the statewide child care resource and
32 referral network as well as local governments, nonprofit organizations,
33 businesses, and community child care advocates to create local child
34 care resource and referral organizations. These organizations may
35 carry out needs assessments, resource development, provider training,
36 technical assistance, and parent information and training;

1 (2) Actively seek public and private money for distribution as
2 grants to the statewide child care resource and referral network and to
3 existing or potential local child care resource and referral
4 organizations;

5 (3) Adopt rules regarding the application for and distribution of
6 grants to local child care resource and referral organizations. The
7 rules shall, at a minimum, require an applicant to submit a plan for
8 achieving the following objectives:

9 (a) Provide parents with information about child care resources,
10 including location of services and subsidies;

11 (b) Carry out child care provider recruitment and training
12 programs, including training under RCW 74.25.040;

13 (c) Offer support services, such as parent and provider seminars,
14 toy-lending libraries, and substitute banks;

15 (d) Provide information for businesses regarding child care supply
16 and demand;

17 (e) Advocate for increased public and private sector resources
18 devoted to child care;

19 (f) Provide technical assistance to employers regarding employee
20 child care services; and

21 (g) Serve recipients of temporary assistance for needy families and
22 working parents with incomes at or below household incomes of ~~((one))~~
23 two hundred ~~((seventy-five))~~ percent of the federal poverty line;

24 (4) Provide staff support and technical assistance to the statewide
25 child care resource and referral network and local child care resource
26 and referral organizations;

27 (5) Maintain a statewide child care licensing data bank and work
28 with department licensors to provide information to local child care
29 resource and referral organizations about licensed child care providers
30 in the state;

31 (6) Through the statewide child care resource and referral network
32 and local resource and referral organizations, compile data about local
33 child care needs and availability for future planning and development;

34 (7) Coordinate with the statewide child care resource and referral
35 network and local child care resource and referral organizations for
36 the provision of training and technical assistance to child care
37 providers; ~~((and))~~

1 (8) Collect and assemble information regarding the availability of
2 insurance and of federal and other child care funding to assist state
3 and local agencies, businesses, and other child care providers in
4 offering child care services;

5 (9) Beginning September 1, 2013, increase the base rate for all
6 child care providers by ten percent;

7 (10) Subject to the availability of amounts appropriated for this
8 specific purpose, provide tiered subsidy rate enhancements to child
9 care providers if the provider meets the following requirements:

10 (a) The provider meets quality rating and improvement system levels
11 2, 3, 4, or 5;

12 (b) The provider is actively participating in the early achievers
13 program;

14 (c) The provider continues to advance towards level 5 of the early
15 achievers program; and

16 (d) The provider must complete level 2 within eighteen months or
17 the reimbursement rate will return the level 1 rate; and

18 (11) Require exempt providers to participate in continuing
19 education, if adequate funding is available.

20 **Sec. 9.** RCW 43.215.135 and 2012 c 253 s 5 and 2012 c 251 s 1 are
21 each reenacted to read as follows:

22 (1) The department shall establish and implement policies in the
23 working connections child care program to promote stability and quality
24 of care for children from low-income households. Policies for the
25 expenditure of funds constituting the working connections child care
26 program must be consistent with the outcome measures defined in RCW
27 74.08A.410 and the standards established in this section intended to
28 promote continuity of care for children.

29 (2) Beginning in fiscal year 2013, authorizations for the working
30 connections child care subsidy shall be effective for twelve months
31 unless a change in circumstances necessitates reauthorization sooner
32 than twelve months. The twelve-month certification applies only if the
33 enrollments in the child care subsidy or working connections child care
34 program are capped.

35 (3) Beginning September 1, 2013, working connections child care
36 providers shall receive a five percent increase in the subsidy rate for

1 achieving level 2 in the early achievers programs. Providers must
2 complete level 2 and advance to level 3 within eighteen months in order
3 to maintain this increase.

4 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
5 section 4 of this act, referencing section 4 of this act by bill or
6 chapter and section number, is not provided by June 30, 2013, in the
7 omnibus appropriations act, section 4 of this act is null and void.

8 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
9 section 8 of this act, referencing section 8 of this act by bill or
10 chapter and section number, is not provided by June 30, 2013, in the
11 omnibus appropriations act, section 8 of this act is null and void.

12 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
13 section 9 of this act, referencing section 9 of this act by bill or
14 chapter and section number, is not provided by June 30, 2013, in the
15 omnibus appropriations act, section 9 of this act is null and void.

--- END ---