
SECOND SUBSTITUTE SENATE BILL 5595

State of Washington

63rd Legislature

2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Billig, Litzow, Darneille, Fain, Hargrove, McAuliffe, Harper, Nelson, Hobbs, Mullet, Frockt, Cleveland, Rolfes, Kohl-Welles, Shin, Kline, and Conway)

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; creating new
3 sections; and providing an expiration date.

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 designed to accomplish the
36 following goals:

37 (a) Provide parents clear and easily accessible information about
38 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 child 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 environments.

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

11 ~~((+8))~~ (9) "Enforcement action" means denial, suspension,
12 revocation, modification, or nonrenewal of a license pursuant to RCW
13 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW
14 43.215.300(3).

15 ~~((+9))~~ (10) "Negative action" means a court order, court judgment,
16 or an adverse action taken by an agency, in any state, federal, tribal,
17 or foreign jurisdiction, which results in a finding against the
18 applicant reasonably related to the individual's character,
19 suitability, and competence to care for or have unsupervised access to
20 children in child care. This may include, but is not limited to:

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

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

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

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

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

31 ~~((+10))~~ (11) "Nonconviction information" means arrest, founded
32 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
33 or other negative action adverse to the applicant.

34 ~~((+11))~~ (12) "Probationary license" means a license issued as a
35 disciplinary measure to an agency that has previously been issued a
36 full license but is out of compliance with licensing standards.

37 ~~((+12))~~ (13) "Requirement" means any rule, regulation, or standard
38 of care to be maintained by an agency.

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

3 (1) All licensed and certified child care programs may enroll in
4 the early achievers program. Child care programs may voluntarily
5 decide whether to participate.

6 (2) There are five quality levels to the early achievers program:

7 (a) Level one is licensing or certification that includes all
8 licensed child care centers and family child care, military, tribal
9 head start and early childhood education and assistance programs, and
10 other state funded programs.

11 (b) Level two focuses on ensuring that program leaders understand
12 the quality rating and improvement system, the program standards and
13 requirements and the child outcome and readiness goals of the system.
14 To attain level two, programs must complete a self-assessment and
15 attend trainings that support program improvements and policy
16 development. Programs must also participate in the department's
17 statewide professional development registry by creating program
18 profiles and ensuring all employees have an active record of their
19 educational achievements.

20 (c) Levels three through five are points-based ratings based on
21 four program standards:

22 (i) Child outcomes;

23 (ii) Curriculum, learning, environments, and training;

24 (iii) Professional development and training; and

25 (iv) Family engagement and partnership.

26 (3) The department shall develop rules consistent with this
27 section.

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

30 (1) This section may be known as the "child care consumer and
31 provider bill of rights."

32 (a) The department shall return all calls from consumers within
33 two business days of receiving them.

34 (b) Departmental employees working with child care consumers shall
35 receive training on professionalism.

36 (c) As soon as practicable, the department shall develop a process

1 by which consumers can submit required forms and information
2 electronically.

3 (d) The department shall provide consumers with a document that
4 explains in detail and in easily understood language what services they
5 are eligible for, how they can appeal an adverse decision, the
6 consumers' responsibilities in obtaining and maintaining eligibility
7 for working connections child care, and their rights as a consumer.
8 The department shall work collaboratively with the parent and provider
9 oversight board to develop the document required by this subsection.

10 (2)(a) The department shall convene a parent and provider oversight
11 board.

12 (b) The board must consist of ten members from across the state,
13 five representing consumers and five representing providers. There
14 must be geographic representation.

15 (c) The board shall meet at least three times a year.

16 (d) The purpose of the board is to listen to issues raised by
17 consumers and providers and provide feedback to the department on
18 recommended policy changes to address the issues raised.

19 (e) The department is not responsible for any of the expenses
20 incurred by the board members.

21 (3) For the purposes of this section, "department" means both the
22 department of early learning and the department of social and health
23 services.

24 (4) Nothing in this section is intended to create any right or
25 benefit, substantive or procedural, enforceable at law. Nothing in
26 this section creates any defense on the part of any consumer or
27 provider in any prosecution.

28 NEW SECTION. **Sec. 4.** (1)(a) A legislative task force on child
29 care improvements for the future is established with members as
30 provided in this subsection.

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

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

36 (iii) The president of the senate and the speaker of the house of

1 representatives shall appoint thirteen members representing the
2 following interests:

- 3 (A) The department of early learning;
- 4 (B) The department of social and health services;
- 5 (C) The early learning advisory committee;
- 6 (D) Thrive by five;
- 7 (E) Private pay child care consumers;
- 8 (F) Child care consumers receiving a subsidy;
- 9 (G) Family child care providers;
- 10 (H) Child care center providers;
- 11 (I) Exempt child care providers;
- 12 (J) The collective bargaining unit representing child care
13 providers;
- 14 (K) School-age child care providers;
- 15 (L) Child care aware; and
- 16 (M) The Washington state association of head start and the early
17 childhood education and assistance program.

18 (b) The task force shall choose its cochairs from among its
19 legislative leadership. The members of the majority party in each
20 house shall convene the first meeting.

21 (2) The task force shall address the following issues:

22 (a) The creation of a tiered reimbursement model that works for
23 both consumers and providers and provides incentives for quality child
24 care across communities;

25 (b) The long-term administrative changes that will help consumers
26 enroll their children in child care accurately and efficiently;

27 (c) The expansion of outreach to consumers of child care;

28 (d) Administrative improvements and structural changes to the
29 payment system;

30 (e) Increased and stable child care funding as a pivotal early
31 learning tool;

32 (f) An increase in reimbursement rates to increase low-income
33 families' access to high-quality providers;

34 (g) An increase in the eligibility threshold to achieve cross-
35 subsidies and allow parents to grow professionally without losing
36 affordable child care; and

37 (h) A further graduation of the copay scale to eliminate the cliff
38 that occurs at subsidy cut off.

1 (3) 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.

4 (4) The task force shall report its findings and recommendations to
5 the governor and the appropriate committees of the legislature no later
6 than December 31, 2013.

7 (5) This section expires July 1, 2014.

8 NEW SECTION. **Sec. 5.** (1) The legislature finds that the Aclara
9 group report on the eligibility requirements for working connections
10 child care which came from the pedagogy of lean management and focused
11 on identifying and eliminating nonvalue added work should be followed.
12 The legislature further finds that, following some of the
13 recommendations in the report, would result in simplifying and
14 streamlining the child care system to improve access and customer
15 service without decreasing the program's integrity.

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

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

21 (b) Create broad authorization categories so that relatively minor
22 changes in parents' work schedule does not require changes in
23 authorization;

24 (c) Eliminate the activity schedule and reduce the number of minor
25 changes that families are required to report; and

26 (d) Clarify and simplify the requirement to count child support as
27 income.

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