

**E2SSB 5452** - H COMM AMD

By Committee on Early Learning & Human Services

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

3 "NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that  
4 quality early care and education builds the foundation for a child's  
5 success in school and in life. The legislature acknowledges that a  
6 quality framework is necessary for the early care and education  
7 system in Washington. The legislature recognizes that empirical  
8 evidence supports the conclusion that high quality programs  
9 consistently yield more positive outcomes for children, with the  
10 strongest positive impacts on the most vulnerable children. The  
11 legislature acknowledges that critical developmental windows exist in  
12 early childhood, and low quality child care has damaging effects for  
13 children. The legislature further understands that the proper dosage,  
14 duration of programming, and stability of care are critical to  
15 enhancing program quality and improving child outcomes. The  
16 legislature acknowledges that the early care and education system  
17 should strive to address the needs of Washington's culturally and  
18 linguistically diverse populations. The legislature understands that  
19 parental choice and provider diversity are guiding principles for  
20 early learning programs.

21 (2) The legislature intends to prioritize the integration of  
22 child care and preschool in an effort to promote full day  
23 programming. The legislature further intends to reward quality and  
24 create incentives for providers to participate in a quality rating  
25 and improvement system that will also provide valuable information to  
26 parents regarding the quality of care available in their communities.

27 **Sec. 2.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to  
28 read as follows:

29 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)  
30 (~~(Subject to the availability of amounts appropriated for this~~  
31 ~~specific purpose,~~) The department, in collaboration with tribal  
32 governments and community and statewide partners, shall implement a  
33 (~~voluntary~~) quality rating and improvement system, called the early

1 achievers program(~~(, that)~~). The early achievers program provides a  
2 foundation of quality for the early care and education system. The  
3 early achievers program is applicable to licensed or certified child  
4 care centers and homes and early (~~(education)~~) learning programs such  
5 as working connections child care and early childhood education and  
6 assistance programs.

7 (2) The (~~(purpose)~~) objectives of the early achievers program  
8 (~~(is)~~) are to:

9 (a) (~~(To)~~) Improve short-term and long-term educational outcomes  
10 for children as measured by assessments including, but not limited  
11 to, the Washington kindergarten inventory of developing skills in RCW  
12 28A.655.080;

13 (b) Give parents clear and easily accessible information about  
14 the quality of child care and early education programs(~~(,)~~);

15 (c) Support improvement in early learning and child care programs  
16 throughout the state(~~(,)~~);

17 (d) Increase the readiness of children for school(~~(, and)~~);

18 (e) Close the (~~(disparity)~~) disparities in access to quality  
19 care;

20 (f) Provide professional development and coaching opportunities  
21 to early child care and education providers; and (~~(b) to)~~)

22 (g) Establish a common set of expectations and standards that  
23 define, measure, and improve the quality of early learning and child  
24 care settings.

25 (3)(a) Licensed or certified child care centers and homes serving  
26 nonschool age children and receiving state subsidy payments must  
27 participate in the early achievers program by the required deadlines  
28 established in RCW 43.215.135.

29 (b) Approved early childhood education and assistance program  
30 providers receiving state-funded support must participate in the  
31 early achievers program by the required deadlines established in RCW  
32 43.215.415.

33 (c) Participation in the early achievers program is voluntary  
34 for:

35 (i) Licensed or certified child care centers and homes not  
36 receiving state subsidy payments; and

37 (ii) Early learning programs not receiving state funds.

38 (d) School age child care providers are exempt from participating  
39 in the early achievers program. By July 1, 2017, the department and  
40 the office of the superintendent of public instruction shall jointly

1 design a plan to incorporate school age child care providers into the  
2 early achievers program or other appropriate quality improvement  
3 system. To test implementation of the early achievers system for  
4 school age child care providers the department and the office of the  
5 superintendent of public instruction shall implement a pilot program.

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

9 ~~(5) Before final implementation of the early achievers program,~~  
10 ~~the department shall report on program progress, as defined within~~  
11 ~~the race to the top federal grant award, and expenditures to the~~  
12 ~~appropriate policy and fiscal committees of the legislature.)) There~~  
13 are five levels in the early achievers program. Participants are  
14 expected to actively engage and continually advance within the  
15 program.

16 (5) The department has the authority to determine the rating  
17 cycle for the early achievers program. The department shall  
18 streamline and eliminate duplication between early achievers  
19 standards and state child care rules in order to reduce costs  
20 associated with the early achievers rating cycle and child care  
21 licensing.

22 (a) Early achievers program participants may request to be rated  
23 at any time after the completion of all level 2 activities.

24 (b) The department shall provide an early achievers program  
25 participant an update on the participant's progress toward completing  
26 level 2 activities after the participant has been enrolled in the  
27 early achievers program for fifteen months.

28 (c) The first rating is free for early achievers program  
29 participants.

30 (d) Each subsequent rating within the established rating cycle is  
31 free for early achievers program participants.

32 (6)(a) Early achievers program participants may request to be  
33 rerated outside the established rating cycle.

34 (b) The department may charge a fee for optional rerating  
35 requests made by program participants that are outside the  
36 established rating cycle.

37 (c) Fees charged are based on, but may not exceed, the cost to  
38 the department for activities associated with the early achievers  
39 program.

1 (7)(a) The department must create a single source of information  
2 for parents and caregivers to access details on a provider's early  
3 achievers program rating level, licensing history, and other  
4 indicators of quality and safety that will help parents and  
5 caregivers make informed choices.

6 (b) The department shall publish to the department's web site, or  
7 offer a link on its web site to, the following information:

8 (i) By August 1, 2015, early achievers program rating levels 1  
9 through 5 for all child care programs that receive state subsidy,  
10 early childhood education and assistance programs, and federal head  
11 start programs in Washington; and

12 (ii) New early achievers program ratings within thirty days after  
13 a program becomes licensed or certified, or receives a rating.

14 (c) The early achievers program rating levels shall be published  
15 in a manner that is easily accessible to parents and caregivers and  
16 takes into account the linguistic needs of parents and caregivers.

17 (d) The department must publish early achievers program rating  
18 levels for child care programs that do not receive state subsidy but  
19 have voluntarily joined the early achievers program.

20 (e) Early achievers program participants who have published  
21 rating levels on the department's web site or on a link on the  
22 department's web site may include a brief description of their  
23 program, contingent upon the review and approval by the department,  
24 as determined by established marketing standards.

25 (8)(a) The department shall create a professional development  
26 pathway for early achievers program participants to obtain a high  
27 school diploma or equivalency or higher education credential in early  
28 childhood education, early childhood studies, child development, or  
29 an academic field related to early care and education.

30 (b) The professional development pathway must include  
31 opportunities for scholarships and grants to assist early achievers  
32 program participants with the costs associated with obtaining an  
33 educational degree.

34 (c) The department shall address cultural and linguistic  
35 diversity when developing the professional development pathway.

36 (9) The early achievers quality improvement awards shall be  
37 reserved for participants offering programs to an enrollment  
38 population consisting of at least five percent of children receiving  
39 a state subsidy.

1 (10) In collaboration with tribal governments, community and  
2 statewide partners, and the early achievers review subcommittee  
3 created in RCW 43.215.090, the department shall develop a protocol  
4 for granting early achievers program participants an extension in  
5 meeting rating level requirement timelines outlined for the working  
6 connections child care program and the early childhood education and  
7 assistance program.

8 (a) The department may grant extensions only under exceptional  
9 circumstances, such as when early achievers program participants  
10 experience an unexpected life circumstance.

11 (b) Extensions shall not exceed six months, and early achievers  
12 program participants are only eligible for one extension in meeting  
13 rating level requirement timelines.

14 (c) Extensions may only be granted to early achievers program  
15 participants who have demonstrated engagement in the early achievers  
16 program.

17 (11)(a) The department shall accept national accreditation that  
18 meets the requirements of this subsection (11) as a qualification for  
19 the early achievers program ratings.

20 (b) Each national accreditation agency will be allowed to submit  
21 its most current standards of accreditation to establish potential  
22 credit earned in the early achievers program. The department shall  
23 grant credit to accreditation bodies that can demonstrate that their  
24 standards meet or exceed the current early achievers program  
25 standards.

26 (c) Licensed child care centers and child care home providers  
27 must meet national accreditation standards approved by the department  
28 for the early achievers program in order to be granted credit for the  
29 early achievers program standards. Eligibility for the early  
30 achievers program is not subject to bargaining, mediation, or  
31 interest arbitration under RCW 41.56.028, consistent with the  
32 legislative reservation of rights under RCW 41.56.028(4)(d).

33 (12) A child care or early learning program that is operated by a  
34 federally recognized tribe and receives state funds shall participate  
35 in the early achievers program. The tribe may choose to participate  
36 through an interlocal agreement between the tribe and the department.  
37 The interlocal agreement must reflect the government-to-government  
38 relationship between the state and the tribe, including recognition  
39 of tribal sovereignty. The interlocal agreement must provide that:

1 (a) Tribal child care facilities and early learning programs may  
2 volunteer, but are not required, to be licensed by the department;

3 (b) Tribal child care facilities and early learning programs are  
4 not required to have their early achievers program rating level  
5 published to the department's web site or through a link on the  
6 department's web site; and

7 (c) Tribal child care facilities and early learning programs must  
8 provide notification to parents or guardians who apply for or have  
9 been admitted into their program that early achievers program rating  
10 level information is available and provide the parents or guardians  
11 with the program's early achievers program rating level upon request.

12 (13) The department shall consult with the early achievers review  
13 subcommittee on all substantial policy changes to the early achievers  
14 program.

15 (14) Nothing in this section changes the department's  
16 responsibility to collectively bargain over mandatory subjects or  
17 limits the legislature's authority to make programmatic modifications  
18 to licensed child care and early learning programs under RCW  
19 41.56.028(4)(d).

20 NEW SECTION. Sec. 3. A new section is added to chapter 43.215  
21 RCW to read as follows:

22 SINGLE SET OF LICENSING STANDARDS. (1) No later than July 1,  
23 2016, the department shall implement a single set of licensing  
24 standards for child care and the early childhood education and  
25 assistance program. The department shall produce the single set of  
26 licensing standards within the department's available appropriations.  
27 The new licensing standards must:

28 (a) Provide minimum health and safety standards for child care  
29 and preschool programs;

30 (b) Rely on the standards established in the early achievers  
31 program to address quality issues in participating early childhood  
32 programs;

33 (c) Take into account the separate needs of family care providers  
34 and child care centers; and

35 (d) Promote the continued safety of child care settings.

36 (2) Private schools that operate early learning programs and do  
37 not receive state subsidy payments shall be subject only to state  
38 licensing requirements necessary to assure the health and safety of  
39 all students in the state and to assure a sufficient early childhood

1 education to meet usual requirements needed for transition into  
2 elementary school. The state, and any agency thereof, shall not  
3 restrict or dictate any specific educational or other programs for  
4 early learning programs operated by private schools except for  
5 programs that receive state subsidy payments.

6 **Sec. 4.** RCW 43.215.200 and 2011 c 359 s 2 and 2011 c 253 s 3 are  
7 each reenacted and amended to read as follows:

8 DIRECTOR'S LICENSING DUTIES. It shall be the director's duty with  
9 regard to licensing:

10 (1) In consultation and with the advice and assistance of persons  
11 representative of the various type agencies to be licensed, to  
12 designate categories of child care facilities for which separate or  
13 different requirements shall be developed as may be appropriate  
14 whether because of variations in the ages and other characteristics  
15 of the children served, variations in the purposes and services  
16 offered or size or structure of the agencies to be licensed, or  
17 because of any other factor relevant thereto;

18 (2) In consultation with the state fire marshal's office, the  
19 director shall use an interagency process to address health and  
20 safety requirements for child care programs that serve school-age  
21 children and are operated in buildings that contain public or private  
22 schools that safely serve children during times in which school is in  
23 session. For child care programs serving only school-age children and  
24 operating in the same facilities used by public or private schools,  
25 the director shall not impose additional health and safety licensing  
26 requirements related to the physical facility beyond the health and  
27 safety standards established by the state board of health for primary  
28 and secondary schools pursuant to its authority in RCW 43.20.050;

29 (3) In consultation and with the advice and assistance of parents  
30 or guardians, and persons representative of the various type agencies  
31 to be licensed, to adopt and publish minimum requirements for  
32 licensing applicable to each of the various categories of agencies to  
33 be licensed under this chapter;

34 (4) In consultation with law enforcement personnel, the director  
35 shall investigate the conviction record or pending charges of each  
36 agency and its staff seeking licensure or relicensure, and other  
37 persons having unsupervised access to children in care;

38 (5) To satisfy the shared background check requirements provided  
39 for in RCW 43.215.215 and 43.20A.710, the department of early

1 learning and the department of social and health services shall share  
2 federal fingerprint-based background check results as permitted under  
3 the law. The purpose of this provision is to allow both departments  
4 to fulfill their joint background check responsibility of checking  
5 any individual who may have unsupervised access to vulnerable adults,  
6 children, or juveniles. Neither department may share the federal  
7 background check results with any other state agency or person;

8 (6) To issue, revoke, or deny licenses to agencies pursuant to  
9 this chapter. Licenses shall specify the category of care that an  
10 agency is authorized to render and the ages and number of children to  
11 be served;

12 (7) To prescribe the procedures and the form and contents of  
13 reports necessary for the administration of this chapter and to  
14 require regular reports from each licensee;

15 (8) To inspect agencies periodically to determine whether or not  
16 there is compliance with this chapter and the requirements adopted  
17 under this chapter;

18 (9) To review requirements adopted under this chapter at least  
19 every two years and to adopt appropriate changes after consultation  
20 with affected groups for child day care requirements; and

21 (10) To consult with public and private agencies in order to help  
22 them improve their methods and facilities for the care and early  
23 learning of children.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.215  
25 RCW to read as follows:

26 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY  
27 ACHIEVERS. (1)(a) The department shall, in collaboration with tribal  
28 governments and community and statewide partners, implement a  
29 protocol to maximize and encourage participation in the early  
30 achievers program for culturally diverse and low-income center and  
31 family home child care providers. Amounts appropriated for the  
32 encouragement of culturally diverse and low-income center and family  
33 home child care provider participation shall be appropriated  
34 separately from the other funds appropriated for the department, are  
35 the only funds that may be used for the protocol, and may not be used  
36 for any other purposes. Funds appropriated for the protocol shall be  
37 considered an ongoing program for purposes of future departmental  
38 budget requests.



1 (b) During the first thirty months of implementation of the early  
2 achievers program the department shall prioritize the resources  
3 authorized in this section to assist providers rating at a level 2 in  
4 the early achievers program to help them reach a level 3 rating  
5 wherever access to subsidized care is at risk.

6 (2) The protocol should address barriers to early achievers  
7 program participation and include at a minimum the following:

8 (a) The creation of a substitute pool;

9 (b) The development of needs-based grants for providers at level  
10 2 in the early achievers program to assist with purchasing curriculum  
11 development, instructional materials, supplies, and equipment to  
12 improve program quality. Priority for the needs-based grants shall be  
13 given to culturally diverse and low-income providers;

14 (c) The development of materials and assessments in a timely  
15 manner, and to the extent feasible, in the provider and family home  
16 languages; and

17 (d) The development of flexibility in technical assistance and  
18 coaching structures to provide differentiated types and amounts of  
19 support to providers based on individual need and cultural context.

20 **Sec. 6.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to  
21 read as follows:

22 WORKING CONNECTIONS CHILD CARE. (1) The department shall  
23 establish and implement policies in the working connections child  
24 care program to promote stability and quality of care for children  
25 from low-income households. These policies shall focus on supporting  
26 school readiness for young learners. Policies for the expenditure of  
27 funds constituting the working connections child care program must be  
28 consistent with the outcome measures defined in RCW 74.08A.410 and  
29 the standards established in this section intended to promote  
30 ~~((continuity of care for children))~~ stability, quality, and  
31 continuity of early care and education programming.

32 (2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public  
33 Law 113-186, authorizations for the working connections child care  
34 subsidy shall be effective for twelve months ~~((unless a change in~~  
35 ~~circumstances necessitates reauthorization sooner than twelve months.~~  
36 ~~The twelve month certification applies only if the enrollments in the~~  
37 ~~child care subsidy or working connections child care program are~~  
38 ~~eapped.~~

1 ~~(3) Subject to the availability of amounts appropriated for this~~  
2 ~~specific purpose, beginning September 1, 2013, working connections~~  
3 ~~child care providers shall receive a five percent increase in the~~  
4 ~~subsidy rate for enrolling in level 2 in the early achievers~~  
5 ~~programs. Providers must complete level 2 and advance to level 3~~  
6 ~~within thirty months in order to maintain this increase)) beginning~~  
7 January 1, 2016.

8 (3) Existing child care providers serving nonschool age children  
9 and receiving state subsidy payments must complete the following  
10 requirements to be eligible for a state subsidy under this section:

11 (a) Enroll in the early achievers program by August 1, 2016;

12 (b) Complete level 2 activities in the early achievers program by  
13 August 1, 2017; and

14 (c) Rate at a level 3 or higher in the early achievers program by  
15 December 31, 2019. If a child care provider rates below a level 3 by  
16 December 31, 2019, the provider must complete remedial activities  
17 with the department, and rate at a level 3 or higher no later than  
18 June 30, 2020.

19 (4) Effective July 1, 2016, a new child care provider serving  
20 nonschool age children and receiving state subsidy payments must  
21 complete the following activities to be eligible to receive a state  
22 subsidy under this section:

23 (a) Enroll in the early achievers program within thirty days of  
24 receiving the initial state subsidy payment;

25 (b) Complete level 2 activities in the early achievers program  
26 within twelve months of enrollment; and

27 (c) Rate at a level 3 or higher in the early achievers program  
28 within thirty months of enrollment. If a child care provider rates  
29 below a level 3 within thirty months from enrollment into the early  
30 achievers program, the provider must complete remedial activities  
31 with the department, and rate at a level 3 or higher within six  
32 months of beginning remedial activities.

33 (5) If a child care provider does not rate at a level 3 or higher  
34 following the remedial period, the provider is no longer eligible to  
35 receive state subsidy under this section.

36 (6) If a child care provider serving nonschool age children and  
37 receiving state subsidy payments has successfully completed all level  
38 2 activities and is waiting to be rated by the deadline provided in  
39 this section, the provider may continue to receive a state subsidy  
40 pending the successful completion of the level 3 rating activity.

1       (7) The department shall implement tiered reimbursement for early  
2 achievers program participants in the working connections child care  
3 program rating at level 3, 4, or 5.

4       (8) The department shall account for a child care copayment  
5 collected by the provider from the family for each contracted slot  
6 and establish the copayment fee by rule.

7       **Sec. 7.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to  
8 read as follows:

9       WORKING CONNECTIONS CHILD CARE. When an applicant or recipient  
10 applies for or receives working connections child care benefits, (~~he~~  
11 ~~or she~~) the applicant or recipient is required to(~~+~~

12 ~~(1)~~) notify the department of social and health services, within  
13 five days, of any change in providers(~~+~~and

14 ~~(2) Notify the department of social and health services, within~~  
15 ~~ten days, about any significant change related to the number of child~~  
16 ~~care hours the applicant or recipient needs, cost sharing, or~~  
17 ~~eligibility)).~~

18       **Sec. 8.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to  
19 read as follows:

20       EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The  
21 department shall adopt rules under chapter 34.05 RCW for the  
22 administration of the early childhood education and assistance  
23 program. Approved early childhood education and assistance programs  
24 shall conduct needs assessments of their service area(~~+~~) and  
25 identify any targeted groups of children, to include but not be  
26 limited to children of seasonal and migrant farmworkers and native  
27 American populations living either on or off reservation(~~+~~and)).  
28 Approved early childhood education and assistance programs shall  
29 provide to the department a service delivery plan, to the extent  
30 practicable, that addresses these targeted populations.

31       (2) The department, in developing rules for the early childhood  
32 education and assistance program, shall consult with the early  
33 learning advisory (~~committee~~) council, and shall consider such  
34 factors as coordination with existing head start and other early  
35 childhood programs, the preparation necessary for instructors,  
36 qualifications of instructors, adequate space and equipment, and  
37 special transportation needs. The rules shall specifically require  
38 the early childhood programs to provide for parental involvement in

1 participation with their child's program, in local program policy  
2 decisions, in development and revision of service delivery systems,  
3 and in parent education and training.

4 (3)(a) The department shall adopt rules pertaining to the early  
5 childhood education and assistance program that outline allowable  
6 periods of child absences, required contact with parents or  
7 caregivers to discuss child absences and encourage regular  
8 attendance, and a de-enrollment procedure when allowable child  
9 absences are exceeded. The department shall adopt rules on child  
10 absences and attendance within the department's appropriations.

11 (b) Rules pertaining to child absences and de-enrollment  
12 procedures shall be adopted no later than July 31, 2016. The  
13 department shall adopt rules on child absences and attendance within  
14 the department's appropriations.

15 (4) The department shall adopt rules requiring early childhood  
16 education and assistance program employees who have access to  
17 children to submit to a fingerprint background check. Fingerprint  
18 background check procedures for the early childhood education and  
19 assistance program shall be the same as the background check  
20 procedures in RCW 43.215.215.

21 **Sec. 9.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to  
22 read as follows:

23 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved  
24 early childhood education and assistance programs shall receive  
25 state-funded support through the department. Public or private  
26 ((nonsectarian)) organizations((,)) including, but not limited to,  
27 school districts, educational service districts, community and  
28 technical colleges, local governments, or nonprofit organizations,  
29 are eligible to participate as providers of the state early childhood  
30 education and assistance program. ((Funds appropriated for the state  
31 program shall be used to continue to operate existing programs or to  
32 establish new or expanded early childhood programs, and shall not be  
33 used to supplant federally supported head start programs.))

34 (2) Funds obtained by providers through voluntary grants or  
35 contributions from individuals, agencies, corporations, or  
36 organizations may be used to expand or enhance preschool programs so  
37 long as program standards established by the department are  
38 maintained((, but shall not be used to supplant federally supported  
39 head start programs or state-supported early childhood programs)).

1       (3) Persons applying to conduct the early childhood education and  
2 assistance program shall identify targeted groups and the number of  
3 children to be served, program components, the qualifications of  
4 instructional and special staff, the source and amount of grants or  
5 contributions from sources other than state funds, facilities and  
6 equipment support, and transportation and personal care arrangements.

7       (4) Existing early childhood education and assistance program  
8 providers must complete the following requirements to be eligible to  
9 receive state-funded support under the early childhood education and  
10 assistance program:

11       (a) Enroll in the early achievers program by August 1, 2015;

12       (b) Rate at a level 4 or 5 in the early achievers program by  
13 January 1, 2016. If an early childhood education and assistance  
14 program provider rates below a level 4 by January 1, 2016, the  
15 provider must complete remedial activities with the department, and  
16 rate at a level 4 or 5 within six months of beginning remedial  
17 activities.

18       (5) Effective August 1, 2015, a new early childhood education and  
19 assistance program provider must complete the requirements in this  
20 subsection (5) to be eligible to receive state-funded support under  
21 the early childhood education and assistance program:

22       (a) Enroll in the early achievers program within thirty days of  
23 the start date of the early childhood education and assistance  
24 program contract;

25       (b)(i) Except as provided in (b)(ii) of this subsection, rate at  
26 a level 4 or 5 in the early achievers program within twelve months of  
27 enrollment. If an early childhood education and assistance program  
28 provider rates below a level 4 within twelve months of enrollment,  
29 the provider must complete remedial activities with the department,  
30 and rate at a level 4 or 5 within six months of beginning remedial  
31 activities.

32       (ii) Licensed or certified child care centers and homes that  
33 administer an early childhood education and assistance program shall  
34 rate at a level 4 or 5 in the early achievers program within eighteen  
35 months of the start date of the early childhood education and  
36 assistance program contract. If an early childhood education and  
37 assistance program provider rates below a level 4 within eighteen  
38 months, the provider must complete remedial activities with the  
39 department, and rate at a level 4 or 5 within six months of beginning  
40 remedial activities.

1 (6)(a) If an early childhood education and assistance program  
2 provider has successfully completed all of the required early  
3 achievers program activities and is waiting to be rated by the  
4 deadline provided in this section, the provider may continue to  
5 participate in the early achievers program as an approved early  
6 childhood education and assistance program provider and receive state  
7 subsidy pending the successful completion of a level 4 or 5 rating.

8 (b) To avoid disruption, the department may allow for early  
9 childhood education and assistance program providers who have rated  
10 below a level 4 after completion of the six-month remedial period to  
11 continue to provide services until the current school year is  
12 finished.

13 (7) The department shall collect data periodically to determine  
14 the demand for full-day programming for early childhood education and  
15 assistance program providers. The department shall analyze this  
16 demand by geographic region and shall include the findings in the  
17 annual report required under section 17(5) of this act.

18 (8) By December 1, 2015, the department shall develop a pathway  
19 for licensed or certified child care centers and homes to administer  
20 an early childhood education and assistance program. The pathway  
21 shall include an accommodation for these providers to rate at a level  
22 4 or 5 in the early achievers program according to the timelines and  
23 standards established in subsection (5)(b)(ii) of this section.

24 **Sec. 10.** RCW 43.215.430 and 2013 c 323 s 7 are each amended to  
25 read as follows:

26 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. The department  
27 shall review applications from public or private (~~nonsectarian~~)  
28 organizations for state funding of early childhood education and  
29 assistance programs. The department shall consider local community  
30 needs, demonstrated capacity, and the need to support a mixed  
31 delivery system of early learning that includes alternative models  
32 for delivery including licensed centers and licensed family child  
33 care providers when reviewing applications.

34 **Sec. 11.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to  
35 read as follows:

36 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning  
37 September 1, 2011, an early learning program to provide voluntary  
38 preschool opportunities for children three and four years of age

1 shall be implemented according to the funding and implementation plan  
2 in RCW (~~(43.215.142)~~) 43.215.456. The program must ~~((be))~~ offer a  
3 comprehensive program (~~(providing)~~) of early childhood education and  
4 family support, (~~(options for)~~) including parental involvement~~((,))~~  
5 and health information, screening, and referral services, (~~(as))~~  
6 based on family need (~~(is determined)~~). Participation in the program  
7 is voluntary. On a space available basis, the program may allow  
8 enrollment of children who are not otherwise eligible by assessing a  
9 fee.

10 (2) The (~~(first phase of the))~~ program shall be implemented by  
11 utilizing the program standards and eligibility criteria in the early  
12 childhood education and assistance program in RCW 43.215.400 through  
13 43.215.450.

14 (3)(a) Beginning in the 2015-16 school year, the program  
15 implementation in this section shall prioritize early childhood  
16 education and assistance programs located in low-income neighborhoods  
17 within high-need geographical areas.

18 (b) Following the priority in (a) of this subsection, preference  
19 shall be given to programs meeting at least one of the following  
20 characteristics:

21 (i) Programs offering an extended day program for early care and  
22 education;

23 (ii) Programs offering services to children diagnosed with a  
24 special need; or

25 (iii) Programs offering services to children involved in the  
26 child welfare system.

27 (4) The director shall adopt rules for the following program  
28 components, as appropriate and necessary during the phased  
29 implementation of the program, consistent with early achievers  
30 program standards established in RCW 43.215.100:

31 (a) Minimum program standards~~((, including lead teacher,~~  
32 ~~assistant teacher, and staff qualifications));~~

33 (b) Approval of program providers; and

34 (c) Accountability and adherence to performance standards.

35 (~~((4))~~) (5) The department has administrative responsibility for:

36 (a) Approving and contracting with providers according to rules  
37 developed by the director under this section;

38 (b) In partnership with school districts, monitoring program  
39 quality and assuring the program is responsive to the needs of  
40 eligible children;

1 (c) Assuring that program providers work cooperatively with  
2 school districts to coordinate the transition from preschool to  
3 kindergarten so that children and their families are well-prepared  
4 and supported; and

5 (d) Providing technical assistance to contracted providers.

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

8 PROGRAM DATA COLLECTION AND EVALUATION. (1) The education data  
9 center established in RCW 43.41.400 must collect longitudinal,  
10 student-level data on all children attending an early childhood  
11 education and assistance program. Upon completion of an electronic  
12 time and attendance record system, the education data center must  
13 collect longitudinal, student-level data on all children attending a  
14 working connections child care program. Data collected should capture  
15 at a minimum the following characteristics:

16 (a) Daily program attendance;

17 (b) Identification of classroom and teacher;

18 (c) Early achievers program quality level rating;

19 (d) Program hours;

20 (e) Program duration;

21 (f) Developmental results from the Washington kindergarten  
22 inventory of developing skills in RCW 28A.655.080; and

23 (g) To the extent data is available, the distinct ethnic  
24 categories within racial subgroups of children and providers that  
25 align with categories recognized by the education data center.

26 (2) The department shall provide early learning providers  
27 student-level data collected pursuant to this section that are  
28 specific to the early learning provider's program. Upon completion of  
29 an electronic time and attendance record system identified in  
30 subsection (1) of this section, the department shall provide child  
31 care providers student-level data that are specific to the child care  
32 provider's program.

33 (3)(a) The department shall review available research and best  
34 practices literature on cultural competency in early learning  
35 settings. The department shall review the K-12 components for  
36 cultural competency developed by the professional educator standards  
37 board and identify components appropriate for early learning  
38 professional development.



1 (b) By July 31, 2016, the department shall provide  
2 recommendations to the appropriate committees of the legislature and  
3 the early learning advisory council on research-based cultural  
4 competency standards for early learning professional training.

5 (4)(a) The Washington state institute for public policy shall  
6 conduct a longitudinal analysis examining relationships between the  
7 early achievers program quality ratings levels and outcomes for  
8 children participating in subsidized early care and education  
9 programs.

10 (b) The institute shall submit the first report to the  
11 appropriate committees of the legislature and the early learning  
12 advisory council by December 31, 2019. The institute shall submit  
13 subsequent reports annually to the appropriate committees of the  
14 legislature and the early learning advisory council by December 31st,  
15 with the final report due December 31, 2022. The final report shall  
16 include a cost-benefit analysis.

17 (5)(a) The department shall complete an annual early learning  
18 program implementation report on the early childhood education and  
19 assistance program and the working connections child care program.

20 (b) The early learning program implementation report must be  
21 posted annually on the department's web site and delivered to the  
22 appropriate committees of the legislature. The first report is due by  
23 December 31, 2015, and the final report is due by December 31, 2019.

24 (c) The early learning program implementation report must address  
25 the following:

26 (i) Progress on early childhood education and assistance program  
27 implementation as required pursuant to RCW 43.215.415, 43.215.425,  
28 and 43.215.455;

29 (ii) An examination of the regional distribution of new preschool  
30 programming by zip code;

31 (iii) An analysis of the impact of preschool expansion on low-  
32 income neighborhoods and communities;

33 (iv) Recommendations to address any identified barriers to access  
34 to quality preschool for children living in low-income neighborhoods;

35 (v) An analysis of any impact from quality strengthening efforts  
36 on the availability and quality of infant and toddler care;

37 (vi) An analysis of any impact of extended day early care and  
38 education opportunities directives;

39 (vii) An examination of any identified barriers for providers to  
40 offer extended day early care and education opportunities;

1 (viii) The number of contracted slots that use both early  
2 childhood education and assistance program funding and working  
3 connections child care program funding;

4 (ix) An analysis of the demand for full-day programming for early  
5 childhood education and assistance program providers required under  
6 RCW 43.215.415; and

7 (x) To the extent data is available, an analysis of the cultural  
8 diversity of early childhood education and assistance program  
9 providers and participants.

10 (6) The first annual report due under subsection (5) of this  
11 section also shall include a description of the early achievers  
12 program extension protocol required under RCW 43.215.100.

13 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.215  
14 RCW to read as follows:

15 CONTRACTED CHILD CARE SLOTS AND VOUCHERS. (1) The department may  
16 employ a combination of vouchers and contracted slots for the  
17 subsidized child care programs in RCW 43.215.135. Child care vouchers  
18 preserve parental choice. Child care contracted slots promote access  
19 to continuous quality care for children, provide parents and  
20 caregivers stable child care that supports employment, and allow  
21 providers to have predictable funding. Any contracted slots the  
22 department may create under this section must meet the requirements  
23 in subsections (2) through (7) of this section.

24 (2) Only child care providers who participate in the early  
25 achievers program and rate at a level 3, 4, or 5 are eligible to be  
26 awarded a contracted slot.

27 (3)(a) The department is required to use data to calculate a set  
28 number of targeted contracted slots. In calculating the number, the  
29 department must take into account a balance of family home and center  
30 child care programs and the overall geographic distribution of child  
31 care programs in the state and the distribution of slots between ages  
32 zero and five.

33 (b) The targeted contracted slots are reserved for programs  
34 meeting both of the following conditions:

35 (i) Programs in low-income neighborhoods; and

36 (ii) Programs that consist of at least fifty percent of children  
37 receiving subsidy pursuant to RCW 43.215.135.

38 (c) Until August 1, 2017, the department shall assure an even  
39 distribution of contracted slots for children birth to age five.

1 (4) The department shall award the remaining contracted slots via  
2 a competitive process and prioritize child care programs with at  
3 least one of the following characteristics:

4 (a) Programs located in a high-need geographic area;

5 (b) Programs partnering with elementary schools to offer  
6 transitional planning and support to children as they advance to  
7 kindergarten;

8 (c) Programs serving children involved in the child welfare  
9 system; or

10 (d) Programs serving children diagnosed with a special need.

11 (5)(a) The department shall adopt rules pertaining to the working  
12 connections child care program for both contracted slots and child  
13 care vouchers that outline the following:

14 (i) Allowable periods of child absences;

15 (ii) Required contact with parents or caregivers to discuss child  
16 absences and encourage regular program attendance; and

17 (iii) A de-enrollment procedure when allowable child absences are  
18 exceeded.

19 (b) Rules pertaining to child absences and de-enrollment  
20 procedures shall be adopted no later than July 31, 2016. The  
21 department shall adopt rules on child absences and attendance within  
22 the department's appropriations.

23 (6) The department shall pay a provider for each contracted slot,  
24 unless a contracted slot is not used for thirty days.

25 (7) The department shall include the number of contracted slots  
26 that use both early childhood education and assistance program  
27 funding and working connections child care program funding in the  
28 annual report to the legislature required under section 17 of this  
29 act.

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

32 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of  
33 quality in the early care and education system in Washington is the  
34 quality rating and improvement system entitled the early achievers  
35 program. In an effort to build on the existing quality framework,  
36 enhance access to quality care for children, and strengthen the  
37 entire early care and education systems in the state, it is important  
38 to integrate the efforts of state and local governments.

1 (2) Local governments are encouraged to collaborate with the  
2 department when establishing early learning programs for residents.

3 (3) Local governments may contribute funds to the department for  
4 the following purposes:

5 (a) Initial investments to build capacity and quality in local  
6 early care and education programming; and

7 (b) Reductions in copayments charged to parents or caregivers.

8 (4) Funds contributed to the department by local governments must  
9 be deposited in the early start account established in section 16 of  
10 this act.

11 **Sec. 15.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to  
12 read as follows:

13 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory  
14 council is established to advise the department on statewide early  
15 learning issues that would build a comprehensive system of quality  
16 early learning programs and services for Washington's children and  
17 families by assessing needs and the availability of services,  
18 aligning resources, developing plans for data collection and  
19 professional development of early childhood educators, and  
20 establishing key performance measures.

21 (2) The council shall work in conjunction with the department to  
22 develop a statewide early learning plan that guides the department in  
23 promoting alignment of private and public sector actions, objectives,  
24 and resources, and ensuring school readiness.

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

29 (4) Councilmembers shall serve two-year terms. However, to  
30 stagger the terms of the council, the initial appointments for twelve  
31 of the members shall be for one year. Once the initial one-year to  
32 two-year terms expire, all subsequent terms shall be for two years,  
33 with the terms expiring on June 30th of the applicable year. The  
34 terms shall be staggered in such a way that, where possible, the  
35 terms of members representing a specific group do not expire  
36 simultaneously.

37 (5) The council shall consist of not more than twenty-three  
38 members, as follows:

1 (a) The governor shall appoint at least one representative from  
2 each of the following: The department, the office of financial  
3 management, the department of social and health services, the  
4 department of health, the student achievement council, and the state  
5 board for community and technical colleges;

6 (b) One representative from the office of the superintendent of  
7 public instruction, to be appointed by the superintendent of public  
8 instruction;

9 (c) The governor shall appoint seven leaders in early childhood  
10 education, with at least one representative with experience or  
11 expertise in one or more of the areas such as the following: The K-12  
12 system, family day care providers, and child care centers with four  
13 of the seven governor's appointees made as follows:

14 (i) The head start state collaboration office director or the  
15 director's designee;

16 (ii) A representative of a head start, early head start, migrant/  
17 seasonal head start, or tribal head start program;

18 (iii) A representative of a local education agency; and

19 (iv) A representative of the state agency responsible for  
20 programs under section 619 or part C of the federal individuals with  
21 disabilities education act;

22 (d) Two members of the house of representatives, one from each  
23 caucus, and two members of the senate, one from each caucus, to be  
24 appointed by the speaker of the house of representatives and the  
25 president of the senate, respectively;

26 (e) Two parents, one of whom serves on the department's parent  
27 advisory group, to be appointed by the governor;

28 (f) One representative of the private-public partnership created  
29 in RCW 43.215.070, to be appointed by the partnership board;

30 (g) One representative designated by sovereign tribal  
31 governments; and

32 (h) One representative from the Washington federation of  
33 independent schools.

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

37 (7) The council shall appoint two members and stakeholders with  
38 expertise in early learning to sit on the technical working group  
39 created in section 2, chapter 234, Laws of 2010.

1 (8) Each member of the board shall be compensated in accordance  
2 with RCW 43.03.240 and reimbursed for travel expenses incurred in  
3 carrying out the duties of the board in accordance with RCW 43.03.050  
4 and 43.03.060.

5 (9)(a) The council shall convene an early achievers review  
6 subcommittee to provide feedback and guidance on strategies to  
7 improve the quality of instruction and environment for early learning  
8 and provide input and recommendations on the implementation and  
9 refinement of the early achievers program. The review conducted by  
10 the subcommittee shall be a part of the annual progress report  
11 required in section 17 of this act. At a minimum the review shall  
12 address the following:

13 (i) Adequacy of data collection procedures;

14 (ii) Coaching and technical assistance standards;

15 (iii) Progress in reducing barriers to participation for low-  
16 income providers and providers from diverse cultural backgrounds,  
17 including a review of the early achievers program's rating tools,  
18 quality standard areas, and components, and how they are applied;

19 (iv) Strategies in response to data on the effectiveness of early  
20 achievers program standards in relation to providers and children  
21 from diverse cultural backgrounds;

22 (v) Status of the life circumstance exemption protocols; and

23 (vi) Analysis of early achievers program data trends.

24 (b) The subcommittee must include consideration of cultural  
25 linguistic responsiveness when analyzing the areas for review  
26 required by (a) of this subsection.

27 (c) The subcommittee shall include representatives from child  
28 care centers, family child care, the early childhood education and  
29 assistance program, contractors for early achievers program technical  
30 assistance and coaching, the organization responsible for conducting  
31 early achiever program ratings, and parents of children participating  
32 in early learning programs, including working connections child care  
33 and early childhood education and assistance programs. The  
34 subcommittee shall include representatives from diverse cultural and  
35 linguistic backgrounds.

36 (10) The department shall provide staff support to the council.

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

1 EARLY START ACCOUNT. The early start account is created in the  
2 state treasury. Revenues in the account shall consist of  
3 appropriations by the legislature and all other sources deposited  
4 into the account. Moneys in the account may only be used after  
5 appropriation. Expenditures from the account may be used only to  
6 improve the quality of early care and education programming. The  
7 department oversees the account.

8 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.215  
9 RCW to read as follows:

10 ANNUAL PROGRESS REPORT. Beginning December 1, 2015, and each  
11 December 1st thereafter, the department, in collaboration with the  
12 early achievers review subcommittee of the early learning advisory  
13 council, shall submit, in compliance with RCW 43.01.036, a progress  
14 report to the governor and the legislature regarding providers'  
15 progress in the early achievers program. Each progress report must  
16 include the following elements:

17 (1) The number, and relative percentage, of providers by region  
18 who have enrolled in early achievers and who have:

19 (a) Completed the level 2 activities;

20 (b) Achieved the required rating level to remain eligible for  
21 state-funded support under the early childhood education and  
22 assistance program or a subsidy under the working connections child  
23 care program;

24 (c) Failed to achieve the required rating level and engaged in  
25 remedial activities before successfully achieving the required rating  
26 level;

27 (d) Failed to achieve the required rating level after completing  
28 remedial activities; or

29 (e) Received an extension from the department based on  
30 exceptional circumstances pursuant to RCW 43.215.100;

31 (2) A review of the services available to providers and children  
32 from diverse cultural backgrounds;

33 (3) An examination of the effectiveness of efforts to increase  
34 successful participation by providers serving children and families  
35 from diverse cultural and linguistic backgrounds and providers who  
36 serve children from low-income households;

37 (4) A description of the primary obstacles and challenges faced  
38 by providers who have not achieved the required rating level to  
39 remain eligible to receive:

- 1 (a) A subsidy under the working connections child care program;  
2 or  
3 (b) State-funded support under the early childhood education and  
4 assistance program;  
5 (5) A summary of the types of exceptional circumstances for which  
6 the department has granted an extension pursuant to RCW 43.215.100;  
7 (6) To the extent data is available, an analysis of the  
8 distribution of early achievers program rated facilities in relation  
9 to child and provider demographics, including but not limited to race  
10 and ethnicity, home language, and geographical location;  
11 (7) Recommendations for improving access for children from  
12 diverse cultural backgrounds to providers rated at a level 3 or  
13 higher in the early achievers program; and  
14 (8) Recommendations for improving the early achievers program  
15 standards.

16 **Sec. 18.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1  
17 are each reenacted and amended to read as follows:

18 DEFINITIONS. The definitions in this section apply throughout  
19 this chapter 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  
25 provides early childhood education and early learning services for a  
26 group of children for periods of less than twenty-four hours;

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

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

36 (d) "Nongovernmental private-public partnership" means an entity  
37 registered as a nonprofit corporation in Washington state with a  
38 primary focus on early learning, school readiness, and parental



1 support, and an ability to raise a minimum of five million dollars in  
2 contributions;

3 (e) "Service provider" means the entity that operates a community  
4 facility.

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

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

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

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

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

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

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

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

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

26 (e) Nursery schools that are engaged primarily in early childhood  
27 education with preschool children and in which no child is enrolled  
28 on a regular basis for more than four hours per day;

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

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

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

39 (i) Activities other than employment; or

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

5 (i) Any entity that provides recreational or educational  
6 programming for school((-))age((@)) children only and the entity  
7 meets all of the following requirements:

8 (i) The entity utilizes a drop-in model for programming, where  
9 children are able to attend during any or all program hours without a  
10 formal reservation;

11 (ii) The entity does not assume responsibility in lieu of the  
12 parent, unless for coordinated transportation;

13 (iii) The entity is a local affiliate of a national nonprofit;  
14 and

15 (iv) The entity is in compliance with all safety and quality  
16 standards set by the associated national agency;

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

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

23 (l) A program that offers early learning and support services,  
24 such as parent education, and does not provide child care services on  
25 a regular basis.

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

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

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

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

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

36 (8) "Early childhood education and assistance program contractor"  
37 means an organization that provides early childhood education and  
38 assistance program services under a signed contract with the  
39 department.

1       (9) "Early childhood education and assistance program provider"  
2 means an organization that provides site level, direct, and high  
3 quality early childhood education and assistance program services  
4 under the direction of an early childhood education and assistance  
5 program contractor.

6       (10) "Early start" means an integrated high quality continuum of  
7 early learning programs for children birth-to-five years of age.  
8 Components of early start include, but are not limited to, the  
9 following:

10       (a) Home visiting and parent education and support programs;

11       (b) The early achievers program described in RCW 43.215.100;

12       (c) Integrated full-day and part-day high quality early learning  
13 programs; and

14       (d) High quality preschool for children whose family income is at  
15 or below one hundred ten percent of the federal poverty level.

16       ~~((9))~~ (11) "Education data center" means the education data  
17 center established in RCW 43.41.400, commonly referred to as the  
18 education research and data center.

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

22       ~~((10))~~ (13) "Enforcement action" means denial, suspension,  
23 revocation, modification, or nonrenewal of a license pursuant to RCW  
24 43.215.300(1) or assessment of civil monetary penalties pursuant to  
25 RCW 43.215.300(3).

26       ~~((11))~~ (14) "Extended day program" means an early childhood  
27 education and assistance program that offers early learning education  
28 for at least ten hours per day, a minimum of two thousand hours per  
29 year, at least four days per week, and operates year round.

30       (15) "Full day program" means an early childhood education and  
31 assistance program that offers early learning education for a minimum  
32 of one thousand hours per year.

33       (16) "Low-income child care provider" means a person who  
34 administers a child care program that consists of at least eighty  
35 percent of children receiving working connections child care subsidy.

36       (17) "Low-income neighborhood" means a district or community  
37 where more than twenty percent of households are below the federal  
38 poverty level.

39       (18) "Negative action" means a court order, court judgment, or an  
40 adverse action taken by an agency, in any state, federal, tribal, or

1 foreign jurisdiction, which results in a finding against the  
2 applicant reasonably related to the individual's character,  
3 suitability, and competence to care for or have unsupervised access  
4 to children in child care. This may include, but is not limited to:

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

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

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

12 (d) A revocation, denial, or restriction placed on any  
13 professional license; or

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

15 ~~((+12+))~~ (19) "Nonconviction information" means arrest, founded  
16 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
17 or other negative action adverse to the applicant.

18 ~~((+13+))~~ (20) "Nonschool age child" means a child who is age six  
19 years or younger and who is not enrolled in a public or private  
20 school.

21 (21) "Part day program" means an early childhood education and  
22 assistance program that offers early learning education for at least  
23 two and one-half hours per class session, at least three hundred  
24 twenty hours per year, for a minimum of thirty weeks per year.

25 (22) "Private school" means a private school approved by the  
26 state under chapter 28A.195 RCW.

27 (23) "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 ~~((+14+))~~ (24) "Requirement" means any rule, regulation, or  
31 standard of care to be maintained by an agency.

32 ~~((+15+))~~ (25) "School age child" means a child who is between the  
33 ages of five years and twelve years and is attending a public or  
34 private school or is receiving home-based instruction under chapter  
35 28A.200 RCW.

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

1        NEW SECTION.    **Sec. 19.**    A new section is added to chapter 43.215  
2    RCW to read as follows:

3        JOINT SELECT COMMITTEE ON THE EARLY ACHIEVERS PROGRAM. (1)(a) A  
4    joint select committee on the early achievers program is established  
5    with members as provided in this subsection.

6        (i) Chair and ranking minority member of the house of  
7    representatives appropriations committee, or his or her designee;

8        (ii) Chair and ranking minority member of the senate ways and  
9    means committee, or his or her designee;

10       (iii) Chair and ranking minority member of the house of  
11    representatives early learning and human services committee, or his  
12    or her designee; and

13       (iv) Chair and ranking minority member of the senate early  
14    learning and K-12 education committee, or his or her designee.

15       (b) The committee shall choose its chair or cochairs from among  
16    its legislative membership. The chair of the house of representatives  
17    appropriations committee, or his or her designee, and the chair of  
18    the senate ways and means committee, or his or her designee, shall  
19    convene the initial meeting of the committee.

20       (2) Between July 1, 2017, and December 1, 2017, the early  
21    achievers joint select committee shall review the demand and  
22    availability of licensed or certified child care family homes and  
23    centers, approved early childhood education and assistance programs,  
24    head start programs, and family, friend, and neighbor caregivers by  
25    geographic region, including rural and low-income areas. This review  
26    shall specifically look at the following:

27       (a) The geographic distribution of these child care programs by  
28    type of program, programs that accept state subsidy, enrollment in  
29    the early achievers program, and early achievers rating levels; and

30       (b) The demand and availability of these child care programs for  
31    major ethnic populations.

32       (3) By December 1, 2017, the early achievers joint select  
33    committee shall make recommendations to the legislature on the  
34    following:

35       (a) The sufficiency of funding provided for the early achievers  
36    program;

37       (b) The need for targeted funding for specific geographic regions  
38    or major ethnic populations; and

1 (c) Whether to modify the deadlines established in RCW 43.215.135  
2 for purposes of the early achievers program mandate established in  
3 RCW 43.215.100.

4 (4) Staff support for the committee must be provided by the  
5 senate committee services and the house of representatives office of  
6 program research.

7 (5) Legislative members of the committee must be reimbursed for  
8 travel expenses in accordance with RCW 44.04.120.

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

14 (7) The committee shall report its findings and recommendations  
15 to the appropriate committees of the legislature by December 1, 2017.

16 (8) This section expires December 1, 2018.

17 NEW SECTION. **Sec. 20.** REPEALER. 2013 2nd sp.s. c 16 s 2  
18 (uncodified) is repealed.

19 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.215  
20 RCW to read as follows:

21 SHORT TITLE. Chapter . . ., Laws of 2015 (this act) may be known  
22 and cited as the early start act.

23 NEW SECTION. **Sec. 22.** EFFECTIVE DATE. Section 7 of this act  
24 takes effect January 1, 2016.

25 NEW SECTION. **Sec. 23.** NULL AND VOID. If specific funding for  
26 the purposes of this act, referencing this act by bill or chapter  
27 number, is not provided by June 30, 2015, in the omnibus  
28 appropriations act, this act is null and void."

29 Correct the title.

EFFECT: Retains the provisions of the underlying engrossed second  
substitute with the following changes:

Moves the language on private schools to the section that  
addresses licensing standards.

Clarifies that participation in the Early Achievers program is  
voluntary for: Licensed or certified child care centers and homes not

receiving state subsidy payments; and early learning programs not receiving state funds.

Requires the Department of Early Learning (DEL) to collaborate with the Office of the Superintendent of Public Instruction (OSPI) to jointly design a plan to incorporate school age child care providers into the Early Achievers program or other appropriate quality improvement system.

Requires the DEL and the OSPI to jointly implement a pilot program for school age child care providers.

Requires the DEL to accept nationally accredited programs with standards that meet or exceed the Early Achievers program standards as a qualification for the Early Achievers program ratings, and specifies that eligibility for the Early Achievers program is not subject to bargaining consistent with the Legislature's reservation of rights under RCW 41.56.028(4)(d).

Clarifies that nothing in section 2 of this bill is outside the Legislature's authority to make programmatic modifications to licensed child care and early learning programs, consistent with the power reserved to modify the delivery of state services through child care subsidy programs, regardless of collective bargaining agreements.

Allows but does not require the DEL to charge a fee for optional rerating requests made by Early Achievers program participants outside the established rating cycle.

Makes it a requirement instead of an option that the DEL include opportunities for scholarships and grants in the professional development pathway established to assist Early Achievers program participants with the costs associated with obtaining an educational degree from voluntary to mandatory.

Makes it a requirement instead of an option that the DEL address cultural and linguistic diversity when developing the professional development pathway.

Makes it a requirement instead of an option that the Early Learning Advisory Council convene an Early Achievers Review Subcommittee (Subcommittee).

Requires the DEL to consult with the Early Achievers Review Subcommittee (Subcommittee) on all substantial policy changes to the Early Achievers program.

Requires that amounts appropriated for the encouragement of culturally diverse and low-income center and family home child care provider participation be appropriated separately from the other funds that may be used for the protocol. Requires these funds to be considered an ongoing program for purposes of future departmental budget requests.

Requires the DEL to prioritize resources during the first thirty months of implementation of the Early Achievers program to assist providers rating at a level 2 to reach a level 3 wherever access to subsidized care is at risk.

Provides twelve-month authorizations for Working Connections Child Care (WCCC) subsidy beginning January 1, 2016, and removes the requirement that participants report changes in circumstances.

Extends the deadlines by one year for existing child care providers serving nonschool age children and receiving WCCC subsidy payments.

Makes it a requirement instead of an option that the DEL implement tiered reimbursement for Early Achievers program participants in the WCCC program rating at a level 3 or higher.

Requires the DEL to develop a pathway for licensed or certified child care centers and homes to administer an Early Childhood Education and Assistance Program (ECEAP).

Provides licensed or certified child care centers and homes that administer an ECEAP additional time to rate at a level 4 or 5 in the Early Achievers program.

Requires the DEL to assure an even distribution of contracted slots for children birth to age five until August 1, 2017.

Requires the DEL to review available research and best practice literature on cultural competency in early learning settings.

Requires the review conducted by the Subcommittee be applied to the annual progress report conducted by the DEL in collaboration with the Subcommittee.

Consolidates reporting requirements into the annual progress report regarding providers' progress in the Early Achievers program. The annual progress report is conducted by the DEL in collaboration with the Subcommittee and submitted to the Governor and the Legislature.

Adds a definition for "early childhood education and assistance program contractor" to mean an organization that provides ECEAP services under a signed contract with the DEL.

Adds a definition for "early childhood education and assistance program provider" to mean an organization that provides site level, direct, and high quality ECEAP services under the direction of an ECEAP contractor.

Modifies the definition of "extended day program" to mean an ECEAP that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year round.

Modifies the definition of "full day program" to mean an ECEAP that offers early learning education for a minimum of one thousand hours per year.

Creates a Joint Select Committee on the Early Achievers program to review and provide recommendations to the Legislature regarding the sufficiency of funding for the Early Achievers program.

Delays the effective date for section 7 of the act to January 1, 2016, to align with the effective date of twelve-month authorizations for WCCC.

Removes "subject to the availability of amounts appropriated for this specific purpose" throughout the bill.

Clarifies that for child care programs serving only school-age children and operating in the same facilities used by public or private schools, the Director of the DEL must not impose additional health and safety licensing requirements related to the physical facility beyond the health and safety standards established by the State Board of Health for primary and secondary schools pursuant to its authority in RCW 43.20.050.

Clarifies that for new child care providers receiving WCCC subsidy the enrollment deadline for the Early Achievers program is within thirty days of receiving the initial subsidy payment.

Clarifies that for new ECEAP providers the enrollment deadline for the Early Achievers program is within thirty days of the ECEAP contract start date.

Changes references from extended day programming to extended day program.

Delays the collection of longitudinal, student-level data on all children attending a WCCC program until the completion of an electronic time and attendance record system.

Delays the Washington State Institute for Public Policy reporting deadlines by one year.

Makes it voluntary that the DEL employ a combination of vouchers and contracted slots for the WCCC program.



Specifies that the Early Achievers Review Subcommittee must include parents of children participating in a WCCC program and an ECEAP.

Replaces the term "child care" with the term "early learning education" in the definition for "part day program."

Defines "private school" to mean a private school approved by the state under chapter 28A.195 RCW.

Modifies the definition for "nonschool age child" to mean a child who is six years or younger and who is not enrolled in a public or private school.

Modifies the definition for "school age child" to mean a child who is between the ages of five years and twelve years and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

Allows the members of the Joint Select Committee on the Early Achievers Program to appoint a designee to serve in their place.

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