

E2SHB 1491 - S COMM AMD
By Committee on Ways & Means

ADOPTED 4/9/2015

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~~

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

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

10 (a) (~~To~~) Improve short-term and long-term educational outcomes
11 for children as measured by assessments including, but not limited
12 to, the Washington kindergarten inventory of developing skills in RCW
13 28A.655.080;

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

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

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

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

21 (f) Subject to the availability of amounts appropriated for this
22 specific purpose, provide professional development and coaching
23 opportunities to early child care and education providers; and (~~b~~
24 to)

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

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

32 (b) Approved early childhood education and assistance program
33 providers receiving state-funded support must participate in the
34 early achievers program by the required deadlines established in RCW
35 43.215.415.

36 (c) Participation in the early achievers program is voluntary
37 for:

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

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

1 (d) School age child care providers are exempt from participating
2 in the early achievers program. By July 1, 2017, the department and
3 the office of the superintendent of public instruction shall jointly
4 design a plan to incorporate school age child care providers into the
5 early achievers program or other appropriate quality improvement
6 system. Subject to the availability of amounts appropriated for this
7 specific purpose, to test implementation of the early achievers
8 system for school age child care providers the department and the
9 office of the superintendent of public instruction shall implement a
10 pilot program.

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

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

21 (5) The department has the authority to determine the rating
22 cycle for the early achievers program. The department shall
23 streamline and eliminate duplication between early achievers
24 standards and state child care rules in order to reduce costs
25 associated with the early achievers rating cycle and child care
26 licensing.

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

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

33 (c) The first rating is free for early achievers program
34 participants.

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

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

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

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

7 (7)(a) Subject to the availability of amounts appropriated for
8 this specific purpose, the department must create a single source of
9 information for parents and caregivers to access details on a
10 provider's early achievers program rating level, licensing history,
11 and other indicators of quality and safety that will help parents and
12 caregivers make informed choices.

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

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

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

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

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

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

32 (8)(a) Subject to the availability of amounts appropriated for
33 this specific purpose, the department shall create a professional
34 development pathway for early achievers program participants to
35 obtain a high school diploma or equivalency or higher education
36 credential in early childhood education, early childhood studies,
37 child development, or an academic field related to early care and
38 education.

39 (b) The professional development pathway must include
40 opportunities for scholarships and grants to assist early achievers

1 program participants with the costs associated with obtaining an
2 educational degree.

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

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

9 (10) In collaboration with tribal governments, community and
10 statewide partners, and the early achievers review subcommittee
11 created in RCW 43.215.090, the department shall develop a protocol
12 for granting early achievers program participants an extension in
13 meeting rating level requirement timelines outlined for the working
14 connections child care program and the early childhood education and
15 assistance program.

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

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

22 (c) Extensions may only be granted to early achievers program
23 participants who have demonstrated engagement in the early achievers
24 program.

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

28 (b) Each national accreditation agency will be allowed to submit
29 its most current standards of accreditation to establish potential
30 credit earned in the early achievers program. The department shall
31 grant credit to accreditation bodies that can demonstrate that their
32 standards meet or exceed the current early achievers program
33 standards.

34 (c) Licensed child care centers and child care home providers
35 must meet national accreditation standards approved by the department
36 for the early achievers program in order to be granted credit for the
37 early achievers program standards. Eligibility for the early
38 achievers program is not subject to bargaining, mediation, or
39 interest arbitration under RCW 41.56.028, consistent with the
40 legislative reservation of rights under RCW 41.56.028(4)(d).

1 (12) A child care or early learning program that is operated by a
2 federally recognized tribe and receives state funds shall participate
3 in the early achievers program. The tribe may choose to participate
4 through an interlocal agreement between the tribe and the department.
5 The interlocal agreement must reflect the government-to-government
6 relationship between the state and the tribe, including recognition
7 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

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

22 (14) Nothing in this section changes the department's
23 responsibility to collectively bargain over mandatory subjects or
24 limits the legislature's authority to make programmatic modifications
25 to licensed child care and early learning programs under RCW
26 41.56.028(4)(d).

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

29 SINGLE SET OF LICENSING STANDARDS. (1) No later than July 1,
30 2016, the department shall implement a single set of licensing
31 standards for child care and the early childhood education and
32 assistance program. The department shall produce the single set of
33 licensing standards within the department's available appropriations.
34 The new licensing standards must:

35 (a) Provide minimum health and safety standards for child care
36 and preschool programs;

37 (b) Rely on the standards established in the early achievers
38 program to address quality issues in participating early childhood
39 programs;

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

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

4 (2) Private schools that operate early learning programs and do
5 not receive state subsidy payments shall be subject only to the
6 minimum health and safety standards in subsection (1)(a) of this
7 section. The state, and any agency thereof, shall not restrict or
8 dictate any specific educational or other programs for early learning
9 programs operated by private schools except for programs that receive
10 state subsidy payments.

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

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

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

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

34 (3) In consultation and with the advice and assistance of parents
35 or guardians, and persons representative of the various type agencies
36 to be licensed, to adopt and publish minimum requirements for
37 licensing applicable to each of the various categories of agencies to
38 be licensed under this chapter;

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

5 (5) To satisfy the shared background check requirements provided
6 for in RCW 43.215.215 and 43.20A.710, the department of early
7 learning and the department of social and health services shall share
8 federal fingerprint-based background check results as permitted under
9 the law. The purpose of this provision is to allow both departments
10 to fulfill their joint background check responsibility of checking
11 any individual who may have unsupervised access to vulnerable adults,
12 children, or juveniles. Neither department may share the federal
13 background check results with any other state agency or person;

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

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

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

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

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

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

32 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
33 ACHIEVERS. (1)(a) The department shall, in collaboration with tribal
34 governments and community and statewide partners, implement a
35 protocol to maximize and encourage participation in the early
36 achievers program for culturally diverse and low-income center and
37 family home child care providers. Amounts appropriated for the
38 encouragement of culturally diverse and low-income center and family
39 home child care provider participation shall be appropriated

1 separately from the other funds appropriated for the department, are
2 the only funds that may be used for the protocol, and may not be used
3 for any other purposes. Funds appropriated for the protocol shall be
4 considered an ongoing program for purposes of future departmental
5 budget requests.

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

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

13 (a) Subject to the availability of amounts appropriated for this
14 specific purpose, the creation of a substitute pool;

15 (b) Subject to the availability of amounts appropriated for this
16 specific purpose, the development of needs-based grants for providers
17 at level 2 in the early achievers program to assist with purchasing
18 curriculum development, instructional materials, supplies, and
19 equipment to improve program quality. Priority for the needs-based
20 grants shall be given to culturally diverse and low-income providers;

21 (c) Subject to the availability of amounts appropriated for this
22 specific purpose, the development of materials and assessments in a
23 timely manner, and to the extent feasible, in the provider and family
24 home languages; and

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

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

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

1 (2) (~~Beginning in fiscal year 2013,~~) As recommended by Public
2 Law 113-186, authorizations for the working connections child care
3 subsidy shall be effective for twelve months unless a change in
4 circumstances necessitates reauthorization sooner than twelve months.
5 The twelve-month certification applies only if the enrollments in the
6 child care subsidy or working connections child care program are
7 capped.

8 (3) (~~Subject to the availability of amounts appropriated for~~
9 ~~this specific purpose, beginning September 1, 2013, working~~
10 ~~connections child care providers shall receive a five percent~~
11 ~~increase in the subsidy rate for enrolling in level 2 in the early~~
12 ~~achievers programs. Providers must complete level 2 and advance to~~
13 ~~level 3 within thirty months in order to maintain this increase~~) The
14 department shall adopt rules that provide working connections child
15 care authorizations for up to ninety days, which do not need to be
16 consecutive, when a recipient experiences a gap in his or her
17 employment or approved activity during a twelve-month period. In
18 order for the recipient to continue to be authorized for child care
19 during the ninety days, the recipient must be looking for another job
20 or have verbal or written assurance from the recipient's employer or
21 approved activity that the employment or approved activity will
22 resume within the ninety days.

23 (4) Existing child care providers serving nonschool age children
24 and receiving state subsidy payments must complete the following
25 requirements to be eligible for a state subsidy under this section:

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

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

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

34 (5) Effective July 1, 2016, a new child care provider serving
35 nonschool age children and receiving state subsidy payments must
36 complete the following activities to be eligible to receive a state
37 subsidy under this section:

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

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

3 (c) Rate at a level 3 or higher in the early achievers program
4 within thirty months of enrollment. If a child care provider rates
5 below a level 3 within thirty months from enrollment into the early
6 achievers program, the provider must complete remedial activities
7 with the department, and rate at a level 3 or higher within six
8 months of beginning remedial activities.

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

12 (7) If a child care provider serving nonschool age children and
13 receiving state subsidy payments has successfully completed all level
14 2 activities and is waiting to be rated by the deadline provided in
15 this section, the provider may continue to receive a state subsidy
16 pending the successful completion of the level 3 rating activity.

17 (8) Subject to the availability of amounts appropriated for this
18 specific purpose, the department shall implement tiered reimbursement
19 for early achievers program participants in the working connections
20 child care program rating at level 3, 4, or 5.

21 (9) The department shall account for a child care copayment
22 collected by the provider from the family for each contracted slot
23 and establish the copayment fee by rule.

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

26 WORKING CONNECTIONS CHILD CARE. When an applicant or recipient
27 applies for or receives working connections child care benefits, (~~he~~
28 ~~or she~~) the applicant or recipient is required to:

29 (1) Notify the department of social and health services, within
30 five days, of any change in providers; and

31 (2) Notify, in writing or verbally, the department of social and
32 health services, within ten days, about any significant change
33 related to the number of child care hours the applicant or recipient
34 needs, cost sharing, or eligibility.

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

37 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
38 department shall adopt rules under chapter 34.05 RCW for the

1 administration of the early childhood education and assistance
2 program. Approved early childhood education and assistance programs
3 shall conduct needs assessments of their service area(~~(7)~~) and
4 identify any targeted groups of children, to include but not be
5 limited to children of seasonal and migrant farmworkers and native
6 American populations living either on or off reservation(~~(7—and)~~).
7 Approved early childhood education and assistance programs shall
8 provide to the department a service delivery plan, to the extent
9 practicable, that addresses these targeted populations.

10 (2) The department, in developing rules for the early childhood
11 education and assistance program, shall consult with the early
12 learning advisory (~~(committee)~~) council, and shall consider such
13 factors as coordination with existing head start and other early
14 childhood programs, the preparation necessary for instructors,
15 qualifications of instructors, adequate space and equipment, and
16 special transportation needs. The rules shall specifically require
17 the early childhood programs to provide for parental involvement in
18 participation with their child's program, in local program policy
19 decisions, in development and revision of service delivery systems,
20 and in parent education and training.

21 (3)(a) The department shall adopt rules pertaining to the early
22 childhood education and assistance program that outline allowable
23 periods of child absences, required contact with parents or
24 caregivers to discuss child absences and encourage regular
25 attendance, and a de-enrollment procedure when allowable child
26 absences are exceeded. The department shall adopt rules on child
27 absences and attendance within the department's appropriations.

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

32 (4) The department shall adopt rules requiring early childhood
33 education and assistance program employees who have access to
34 children to submit to a fingerprint background check. Fingerprint
35 background check procedures for the early childhood education and
36 assistance program shall be the same as the background check
37 procedures in RCW 43.215.215.

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

1 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
2 early childhood education and assistance programs shall receive
3 state-funded support through the department. Public or private
4 ~~((nonsectarian))~~ organizations~~((r))~~ including, but not limited to,
5 school districts, educational service districts, community and
6 technical colleges, local governments, or nonprofit organizations,
7 are eligible to participate as providers of the state early childhood
8 education and assistance program. ~~((Funds appropriated for the state
9 program shall be used to continue to operate existing programs or to
10 establish new or expanded early childhood programs, and shall not be
11 used to supplant federally supported head start programs.))~~

12 (2) Funds obtained by providers through voluntary grants or
13 contributions from individuals, agencies, corporations, or
14 organizations may be used to expand or enhance preschool programs so
15 long as program standards established by the department are
16 maintained~~((, but shall not be used to supplant federally supported
17 head start programs or state-supported early childhood programs))~~.

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

24 (4) Existing early childhood education and assistance program
25 providers must complete the following requirements to be eligible to
26 receive state-funded support under the early childhood education and
27 assistance program:

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

29 (b) Rate at a level 4 or 5 in the early achievers program by
30 January 1, 2016. If an early childhood education and assistance
31 program provider rates below a level 4 by January 1, 2016, the
32 provider must complete remedial activities with the department, and
33 rate at a level 4 or 5 within six months of beginning remedial
34 activities.

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

1 (a) Enroll in the early achievers program within thirty days of
2 the start date of the early childhood education and assistance
3 program contract;

4 (b)(i) Except as provided in (b)(ii) of this subsection, rate at
5 a level 4 or 5 in the early achievers program within twelve months of
6 enrollment. If an early childhood education and assistance program
7 provider rates below a level 4 within twelve months of enrollment,
8 the provider must complete remedial activities with the department,
9 and rate at a level 4 or 5 within six months of beginning remedial
10 activities.

11 (ii) Licensed or certified child care centers and homes that
12 administer an early childhood education and assistance program shall
13 rate at a level 4 or 5 in the early achievers program within eighteen
14 months of the start date of the early childhood education and
15 assistance program contract. If an early childhood education and
16 assistance program provider rates below a level 4 within eighteen
17 months, the provider must complete remedial activities with the
18 department, and rate at a level 4 or 5 within six months of beginning
19 remedial activities.

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

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

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

37 (8) By December 1, 2015, the department shall develop a pathway
38 for licensed or certified child care centers and homes to administer
39 an early childhood education and assistance program. The pathway
40 shall include an accommodation for these providers to rate at a level

1 4 or 5 in the early achievers program according to the timelines and
2 standards established in subsection (5)(b)(ii) of this section.

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

5 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. The department
6 shall review applications from public or private (~~(nonsectarian)~~)
7 organizations for state funding of early childhood education and
8 assistance programs. The department shall consider local community
9 needs, demonstrated capacity, and the need to support a mixed
10 delivery system of early learning that includes alternative models
11 for delivery including licensed centers and licensed family child
12 care providers when reviewing applications.

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

15 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
16 September 1, 2011, an early learning program to provide voluntary
17 preschool opportunities for children three and four years of age
18 shall be implemented according to the funding and implementation plan
19 in RCW (~~(43.215.142)~~) 43.215.456. The program must (~~(be)~~) offer a
20 comprehensive program (~~(providing)~~) of early childhood education and
21 family support, (~~(options for)~~) including parental involvement(~~(r)~~)
22 and health information, screening, and referral services, (~~(as)~~)
23 based on family need (~~(is determined)~~). Participation in the program
24 is voluntary. On a space available basis, the program may allow
25 enrollment of children who are not otherwise eligible by assessing a
26 fee.

27 (2) The (~~(first phase of the)~~) program shall be implemented by
28 utilizing the program standards and eligibility criteria in the early
29 childhood education and assistance program in RCW 43.215.400 through
30 43.215.450.

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

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

1 (i) Programs offering an extended day program for early care and
2 education;

3 (ii) Programs offering services to children diagnosed with a
4 special need; or

5 (iii) Programs offering services to children involved in the
6 child welfare system.

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

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

13 (b) Approval of program providers; and

14 (c) Accountability and adherence to performance standards.

15 ((+4)) (5) The department has administrative responsibility for:

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

18 (b) In partnership with school districts, monitoring program
19 quality and assuring the program is responsive to the needs of
20 eligible children;

21 (c) Assuring that program providers work cooperatively with
22 school districts to coordinate the transition from preschool to
23 kindergarten so that children and their families are well-prepared
24 and supported; and

25 (d) Providing technical assistance to contracted providers.

26 NEW SECTION. Sec. 12. A new section is added to chapter 43.215
27 RCW to read as follows:

28 PROGRAM DATA COLLECTION AND EVALUATION. (1) Subject to the
29 availability of amounts appropriated for this specific purpose, the
30 education data center established in RCW 43.41.400 must collect
31 longitudinal, student-level data on all children attending an early
32 childhood education and assistance program. Upon completion of an
33 electronic time and attendance record system, the education data
34 center must collect longitudinal, student-level data on all children
35 attending a working connections child care program. Data collected
36 should capture at a minimum the following characteristics:

37 (a) Daily program attendance;

38 (b) Identification of classroom and teacher;

39 (c) Early achievers program quality level rating;

1 (d) Program hours;

2 (e) Program duration;

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

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

8 (2) The department shall provide early learning providers
9 student-level data collected pursuant to this section that are
10 specific to the early learning provider's program. Upon completion of
11 an electronic time and attendance record system identified in
12 subsection (1) of this section, the department shall provide child
13 care providers student-level data that are specific to the child care
14 provider's program.

15 (3)(a) The department shall review available research and best
16 practices literature on cultural competency in early learning
17 settings. The department shall review the K-12 components for
18 cultural competency developed by the professional educator standards
19 board and identify components appropriate for early learning
20 professional development.

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

25 (4)(a) The Washington state institute for public policy shall
26 conduct a longitudinal analysis examining relationships between the
27 early achievers program quality ratings levels and outcomes for
28 children participating in subsidized early care and education
29 programs.

30 (b) The institute shall submit the first report to the
31 appropriate committees of the legislature and the early learning
32 advisory council by December 31, 2019. The institute shall submit
33 subsequent reports annually to the appropriate committees of the
34 legislature and the early learning advisory council by December 31st,
35 with the final report due December 31, 2022. The final report shall
36 include a cost-benefit analysis.

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

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

5 (c) The early learning program implementation report must address
6 the following:

7 (i) Progress on early childhood education and assistance program
8 implementation as required pursuant to RCW 43.215.415, 43.215.425,
9 and 43.215.455;

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

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

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

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

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

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

22 (viii) The number of contracted slots that use both early
23 childhood education and assistance program funding and working
24 connections child care program funding;

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

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

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

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

36 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) The department may
37 employ a combination of vouchers and contracted slots for the
38 subsidized child care programs in RCW 43.215.135. Child care vouchers
39 preserve parental choice. Child care contracted slots promote access

1 to continuous quality care for children, provide parents and
2 caregivers stable child care that supports employment, and allow
3 providers to have predictable funding. Subject to the availability of
4 amounts appropriated for this specific purpose, any contracted slots
5 under this section must meet the requirements in subsections (2)
6 through (7) of this section.

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

10 (3)(a) The department is required to use data to calculate a set
11 number of targeted contracted slots. In calculating the number, the
12 department must take into account a balance of family home and center
13 child care programs and the overall geographic distribution of child
14 care programs in the state and the distribution of slots between ages
15 zero and five.

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

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

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

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

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

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

27 (b) Programs partnering with elementary schools to offer
28 transitional planning and support to children as they advance to
29 kindergarten;

30 (c) Programs serving children involved in the child welfare
31 system; or

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

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

36 (i) Allowable periods of child absences;

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

39 (iii) A de-enrollment procedure when allowable child absences are
40 exceeded.

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

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

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

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

14 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
15 quality in the early care and education system in Washington is the
16 quality rating and improvement system entitled the early achievers
17 program. In an effort to build on the existing quality framework,
18 enhance access to quality care for children, and strengthen the
19 entire early care and education systems in the state, it is important
20 to integrate the efforts of state and local governments.

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

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

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

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

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

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

33 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
34 council is established to advise the department on statewide early
35 learning issues that would build a comprehensive system of quality
36 early learning programs and services for Washington's children and
37 families by assessing needs and the availability of services,
38 aligning resources, developing plans for data collection and

1 professional development of early childhood educators, and
2 establishing key performance measures.

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

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

11 (4) Councilmembers shall serve two-year terms. However, to
12 stagger the terms of the council, the initial appointments for twelve
13 of the members shall be for one year. Once the initial one-year to
14 two-year terms expire, all subsequent terms shall be for two years,
15 with the terms expiring on June 30th of the applicable year. The
16 terms shall be staggered in such a way that, where possible, the
17 terms of members representing a specific group do not expire
18 simultaneously.

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

21 (a) The governor shall appoint at least one representative from
22 each of the following: The department, the office of financial
23 management, the department of social and health services, the
24 department of health, the student achievement council, and the state
25 board for community and technical colleges;

26 (b) One representative from the office of the superintendent of
27 public instruction, to be appointed by the superintendent of public
28 instruction;

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

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

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

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

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

4 (d) Two members of the house of representatives, one from each
5 caucus, and two members of the senate, one from each caucus, to be
6 appointed by the speaker of the house of representatives and the
7 president of the senate, respectively;

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

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

12 (g) One representative designated by sovereign tribal
13 governments; and

14 (h) One representative from the Washington federation of
15 independent schools.

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

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

22 (8) Each member of the board shall be compensated in accordance
23 with RCW 43.03.240 and reimbursed for travel expenses incurred in
24 carrying out the duties of the board in accordance with RCW 43.03.050
25 and 43.03.060.

26 (9)(a) Subject to the availability of amounts appropriated for
27 this specific purpose, the council shall convene an early achievers
28 review subcommittee to provide feedback and guidance on strategies to
29 improve the quality of instruction and environment for early learning
30 and provide input and recommendations on the implementation and
31 refinement of the early achievers program. The review conducted by
32 the subcommittee shall be a part of the annual progress report
33 required in section 17 of this act. At a minimum the review shall
34 address the following:

35 (i) Adequacy of data collection procedures;

36 (ii) Coaching and technical assistance standards;

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

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

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

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

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

9 (c) The subcommittee shall include representatives from child
10 care centers, family child care, the early childhood education and
11 assistance program, contractors for early achievers program technical
12 assistance and coaching, the organization responsible for conducting
13 early achiever program ratings, and parents of children participating
14 in early learning programs including working connections child care
15 and early childhood education and assistance programs. The
16 subcommittee shall include representatives from diverse cultural and
17 linguistic backgrounds.

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

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

21 EARLY START ACCOUNT. The early start account is created in the
22 state treasury. Revenues in the account shall consist of
23 appropriations by the legislature and all other sources deposited
24 into the account. Moneys in the account may only be used after
25 appropriation. Expenditures from the account may be used only to
26 improve the quality of early care and education programming. The
27 department oversees the account.

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

30 ANNUAL PROGRESS REPORT. Beginning December 1, 2015, and each
31 December 1st thereafter, the department, in collaboration with the
32 early achievers review subcommittee of the early learning advisory
33 council, shall submit, in compliance with RCW 43.01.036, a progress
34 report to the governor and the legislature regarding providers'
35 progress in the early achievers program. Each progress report must
36 include the following elements:

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

- 1 (a) Completed the level 2 activities;
- 2 (b) Achieved the required rating level to remain eligible for
3 state-funded support under the early childhood education and
4 assistance program or a subsidy under the working connections child
5 care program;
- 6 (c) Failed to achieve the required rating level and engaged in
7 remedial activities before successfully achieving the required rating
8 level;
- 9 (d) Failed to achieve the required rating level after completing
10 remedial activities; or
- 11 (e) Received an extension from the department based on
12 exceptional circumstances pursuant to RCW 43.215.100;
- 13 (2) A review of the services available to providers and children
14 from diverse cultural backgrounds;
- 15 (3) An examination of the effectiveness of efforts to increase
16 successful participation by providers serving children and families
17 from diverse cultural and linguistic backgrounds and providers who
18 serve children from low-income households;
- 19 (4) A description of the primary obstacles and challenges faced
20 by providers who have not achieved the required rating level to
21 remain eligible to receive:
- 22 (a) A subsidy under the working connections child care program;
23 or
- 24 (b) State-funded support under the early childhood education and
25 assistance program;
- 26 (5) A summary of the types of exceptional circumstances for which
27 the department has granted an extension pursuant to RCW 43.215.100;
- 28 (6) To the extent data is available, an analysis of the
29 distribution of early achievers program rated facilities in relation
30 to child and provider demographics, including but not limited to race
31 and ethnicity, home language, and geographical location;
- 32 (7) Recommendations for improving access for children from
33 diverse cultural backgrounds to providers rated at a level 3 or
34 higher in the early achievers program; and
- 35 (8) Recommendations for improving the early achievers program
36 standards.

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

1 DEFINITIONS. The definitions in this section apply throughout
2 this chapter unless the context clearly requires otherwise.

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

7 (a) "Child day care center" means an agency that regularly
8 provides early childhood education and early learning services for a
9 group of children for periods of less than twenty-four hours;

10 (b) "Early learning" includes but is not limited to programs and
11 services for child care; state, federal, private, and nonprofit
12 preschool; child care subsidies; child care resource and referral;
13 parental education and support; and training and professional
14 development for early learning professionals;

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

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

24 (e) "Service provider" means the entity that operates a community
25 facility.

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

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

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

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

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

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

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

39 (c) Persons who care for a neighbor's or friend's child or
40 children, with or without compensation, where the person providing

1 care for periods of less than twenty-four hours does not conduct such
2 activity on an ongoing, regularly scheduled basis for the purpose of
3 engaging in business, which includes, but is not limited to,
4 advertising such care;

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

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

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

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

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

20 (i) Activities other than employment; or

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

25 (i) Any entity that provides recreational or educational
26 programming for school((-))age((&)) children only and the entity
27 meets all of the following requirements:

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

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

33 (iii) The entity is a local affiliate of a national nonprofit;
34 and

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

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

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

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

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

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

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

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

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

17 (8) "Early childhood education and assistance program contractor"
18 means an organization that provides early childhood education and
19 assistance program services under a signed contract with the
20 department.

21 (9) "Early childhood education and assistance program provider"
22 means an organization that provides site level, direct, and high
23 quality early childhood education and assistance program services
24 under the direction of an early childhood education and assistance
25 program contractor.

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

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

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

32 (c) Integrated full-day and part-day high quality early learning
33 programs; and

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

36 ((+9)) (11) "Education data center" means the education data
37 center established in RCW 43.41.400, commonly referred to as the
38 education research and data center.

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

4 ~~((10))~~ (13) "Enforcement action" means denial, suspension,
5 revocation, modification, or nonrenewal of a license pursuant to RCW
6 43.215.300(1) or assessment of civil monetary penalties pursuant to
7 RCW 43.215.300(3).

8 ~~((11))~~ (14) "Extended day program" means an early childhood
9 education and assistance program that offers early learning education
10 for at least ten hours per day, a minimum of two thousand hours per
11 year, at least four days per week, and operates year round.

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

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

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

21 (18) "Negative action" means a court order, court judgment, or an
22 adverse action taken by an agency, in any state, federal, tribal, or
23 foreign jurisdiction, which results in a finding against the
24 applicant reasonably related to the individual's character,
25 suitability, and competence to care for or have unsupervised access
26 to children in child care. This may include, but is not limited to:

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

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

30 (c) An adverse agency action, including termination, revocation,
31 or denial of a license or certification, or if pending adverse agency
32 action, the voluntary surrender of a license, certification, or
33 contract in lieu of the adverse action;

34 (d) A revocation, denial, or restriction placed on any
35 professional license; or

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

37 ~~((12))~~ (19) "Nonconviction information" means arrest, founded
38 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
39 or other negative action adverse to the applicant.

1 ~~((13))~~ (20) "Nonschool age child" means a child who is age six
2 years or younger and who is not enrolled in a public or private
3 school.

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

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

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

13 ~~((14))~~ (24) "Requirement" means any rule, regulation, or
14 standard of care to be maintained by an agency.

15 ~~((15))~~ (25) "School age child" means a child who is between the
16 ages of five years and twelve years and is attending a public or
17 private school or is receiving home-based instruction under chapter
18 28A.200 RCW.

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

23 NEW SECTION. Sec. 19. A new section is added to chapter 43.215
24 RCW to read as follows:

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

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

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

32 (iii) Chair and ranking minority member of the house of
33 representatives early learning and human services committee, or his
34 or her designee; and

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

37 (b) The committee shall choose its chair or cochairs from among
38 its legislative membership. The chair of the house of representatives
39 appropriations committee, or his or her designee, and the chair of

1 the senate ways and means committee, or his or her designee, shall
2 convene the initial meeting of the committee.

3 (2) Between July 1, 2017, and December 1, 2017, the early
4 achievers joint select committee shall review the demand and
5 availability of licensed or certified child care family homes and
6 centers, approved early childhood education and assistance programs,
7 head start programs, and family, friend, and neighbor caregivers by
8 geographic region, including rural and low-income areas. This review
9 shall specifically look at the following:

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

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

15 (3) By December 1, 2017, the early achievers joint select
16 committee shall make recommendations to the legislature on the
17 following:

18 (a) The sufficiency of funding provided for the early achievers
19 program;

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

22 (c) Whether to modify the deadlines established in RCW 43.215.135
23 for purposes of the early achievers program mandate established in
24 RCW 43.215.100.

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

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

30 (6) The expenses of the committee must be paid jointly by the
31 senate and the house of representatives. Committee expenditures are
32 subject to approval by the senate facilities and operations committee
33 and the house of representatives executive rules committee, or their
34 successor committees.

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

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

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

1 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.215
2 RCW to read as follows:
3 SHORT TITLE. Chapter . . . , Laws of 2015 (this act) may be known
4 and cited as the early start act.

5 NEW SECTION. **Sec. 22.** EFFECTIVE DATE. Section 4 of this act
6 takes effect July 1, 2016.

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

9 NEW SECTION. **Sec. 24.** NULL AND VOID. If specific funding for
10 the purposes of this act, referencing this act by bill or chapter
11 number, is not provided by June 30, 2015, in the omnibus
12 appropriations act, this act is null and void."

E2SHB 1491 - S COMM AMD
By Committee on Ways & Means

ADOPTED 4/9/2015

13 On page 1, line 2 of the title, after "system; strike the
14 remainder of the title and insert "amending RCW 43.215.100,
15 43.215.135, 43.215.1352, 43.215.425, 43.215.415, 43.215.430,
16 43.215.455, and 43.215.090; reenacting and amending RCW 43.215.200
17 and 43.215.010; adding new sections to chapter 43.215 RCW; creating
18 new sections; repealing 2013 2nd sp.s. c 16 s 2 (uncodified);
19 providing effective dates; and providing an expiration date."

EFFECT: Specifies that early learning programs not receiving state funds are not required to participate in Early Achievers (EA).

Identifies the Office of the Superintendent of Public Instruction along with the Department of Early Learning (DEL) to jointly design a plan to incorporate school age child care providers into EA and to implement a pilot program.

Adds that DEL must streamline and eliminate duplication between EA standards and state and child care rules in order to reduce costs associated with the EA rating cycle and child care licensing.

Requires DEL to produce the single set of licensing standards within DEL's available appropriations.

Adds a provision stating that private schools operating early learning programs and not receiving state subsidy payments shall be subject only to minimum health and safety standards.

The state shall not dictate or restrict educational programming for early learning programs operated by private schools, except in the case that the private school takes state subsidy.

Adds a section that amends current law regarding the director of DEL's duties. For child care programs serving only school-age children and operating in the same facilities used by public or private schools, the director 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.

Specifies that new child care providers, existing Early Childhood Education and Assistance Program (ECEAP) providers, and new ECEAP providers that must complete remedial activities and rate at a certain level must do so within six months "of beginning remedial activities."

Specifies that DEL must "periodically" collect data to determine the demand for full day programming for ECEAP. DEL must include its findings in the annual report.

Indicates that DEL must develop a pathway for "licensed or certified child care centers and homes" to administer ECEAP.

Adds a provision stating that licensed or certified child care centers and homes that administer ECEAP must rate at a level 4 or 5 within eighteen months of the start date of the ECEAP contract. If an ECEAP provider rates below a level 4 within eighteen months, the provider must complete remedial activities and rate at a level 4 or 5 within six months of beginning remedial activities.

Removes the requirement that public or private organizations be "nonsectarian" when reviewing ECEAP provider applications.

Indicates that DEL must adopt rules pertaining to absences and de-enrollment procedures within DEL's appropriations.

Removes the requirement that DEL in collaboration with the EA Review Subcommittee submit a report regarding certain topics every four years.

Adds topics to the annual early learning program implementation report that DEL must complete. These topics are the number of contracted slots that use both ECEAP funding and WCCC funding, an analysis of the demand for full-day programming for ECEAP, and a description of the EA extension protocol.

Removes a reference to an ECEAP statute from the contracted child care slots and vouchers section.

Removes the section amending DEL's duties.

Adds a section that requires DEL and the EA Review Subcommittee to complete an annual progress report on EA. The report must include a number of elements.

States that the EA Review Subcommittee's review topics must be included in the annual progress report.

Adds definitions for ECEAP contractor and ECEAP provider.

Changes the definition for extended day program and full day program.

Changes the order of some sections.

Clarifies that for new child care providers receiving Working Connections Child Care (WCCC) subsidy the enrollment deadline for the EA is within thirty days of receiving the initial subsidy payment.

Clarifies that for new ECEAP providers the enrollment deadline for EA 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.

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

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

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 EA to appoint a designee to serve in their place.

Specifies that the EA review subcommittee must include parents of children participating in early learning programs including WCCC and ECEAP.

Restores current law so WCCC subsidy is effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months. The twelve-month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.

Requires DEL to adopt rules that provide WCCC authorizations for up to ninety days, which do not need to be consecutive, when a recipient experiences a gap in his or her employment or approved activity during a twelve-month period. In order for the recipient to continue to be authorized for child care during the ninety days, the recipient must be looking for another job or have verbal or written assurance from the recipient's employer or approved activity that the employment or approved activity will resume within the ninety days. The rules shall not apply to recipients of temporary assistance for needy families or WorkFirst under chapter 74.08A RCW.

Restores current law that WCCC applicants or recipients notify DSHS, within ten days, about any significant change related to the number of child care hours the applicant or recipient needs, cost sharing, or eligibility. Allows the notification to be in writing or verbal.

The following are subject to appropriation: Professional development and coaching opportunities; nonschool age pilot; single source web site for child care provider rating and licensing information; professional development pathway; substitute pool, needs-based grants and materials, and assessments for low-income and diverse providers; tiered reimbursement; contracted slots; data collection; Early Learning Advisory Committee, subcommittee.

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