

2SSB 5452 - S AMD 183

By Senator Litzow

ADOPTED AS AMENDED 3/10/2015

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

29 MINIMUM STATE CONTROLS FOR PRIVATE SCHOOLS. The legislature  
30 hereby recognizes that private schools with early learning programs  
31 should be subject only to those minimum state controls necessary to  
32 assure the health and safety of all students in the state and to

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

7 **Sec. 3.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to  
8 read as follows:

9 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)  
10 (~~Subject to the availability of amounts appropriated for this~~  
11 ~~specific purpose,~~) The department, in collaboration with tribal  
12 governments and community and statewide partners, shall implement a  
13 (~~voluntary~~) quality rating and improvement system, called the early  
14 achievers program(~~, that~~). The early achievers program provides a  
15 foundation of quality for the early care and education system. The  
16 early achievers program is applicable to licensed or certified child  
17 care centers and homes and early (~~education~~) learning programs such  
18 as working connections child care and early childhood education and  
19 assistance programs.

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

22 (a) (~~To~~) Improve short-term and long-term educational outcomes  
23 for children as measured by assessments including, but not limited  
24 to, the Washington kindergarten inventory of developing skills in RCW  
25 28A.655.080;

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

28 (c) Support improvement in early learning and child care programs  
29 throughout the state(~~, that~~);

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

31 (e) Close the (~~disparity~~) disparities in access to quality  
32 care;

33 (f) Subject to the availability of amounts appropriated for this  
34 specific purpose, provide professional development and coaching  
35 opportunities to early child care and education providers; and (~~and~~  
36 to)

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

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

5       (b) Approved early childhood education and assistance program  
6 providers receiving state-funded support must participate in the  
7 early achievers program by the required deadlines established in RCW  
8 43.215.415.

9       (c) Participation in the early achievers program is voluntary for  
10 licensed or certified child care centers and homes not receiving  
11 state subsidy payments. Participation in the early achievers program  
12 is voluntary for private schools with early learning programs not  
13 receiving state subsidy payments.

14       (d) School age child care providers are exempt from participating  
15 in the early achievers program. By July 1, 2017, the department may  
16 design a plan to incorporate school age child care providers into the  
17 early achievers program. Subject to the availability of amounts  
18 appropriated for this specific purpose, to test implementation of the  
19 early achievers system for school age child care providers the  
20 department may implement a pilot program.

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

24       ~~(5) Before final implementation of the early achievers program,~~  
25 ~~the department shall report on program progress, as defined within~~  
26 ~~the race to the top federal grant award, and expenditures to the~~  
27 ~~appropriate policy and fiscal committees of the legislature.)) There~~  
28 ~~are five levels in the early achievers program. Participants are~~  
29 ~~expected to actively engage in the program.~~

30       (5) The department has the authority to determine the rating  
31 cycle for the early achievers program. The department shall  
32 streamline and eliminate duplication between early achievers  
33 standards and state child care rules in order to reduce costs  
34 associated with the early achievers rating cycle and child care  
35 licensing.

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

38       (b) The department shall provide an early achievers program  
39 participant an update on the participant's progress toward completing

1 level 2 activities after the participant has been enrolled in the  
2 early achievers program for fifteen months.

3 (c) The first rating is free for early achievers program  
4 participants.

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

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

9 (b) The department must charge a fee for optional rerating  
10 requests made by program participants that are outside the  
11 established rating cycle.

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

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

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

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

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

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

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

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

1       (8)(a) Subject to the availability of amounts appropriated for  
2 this specific purpose, the department may create a professional  
3 development pathway for early achievers program participants to  
4 obtain a high school diploma or equivalency or higher education  
5 credential in early childhood education, early childhood studies,  
6 child development, or an academic field related to early care and  
7 education.

8       (b) The professional development pathway may include  
9 opportunities for scholarships and grants to assist early achievers  
10 program participants with the costs associated with obtaining an  
11 educational degree.

12       (c) The department may address cultural and linguistic diversity  
13 when developing the professional development pathway.

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

18       (10) In collaboration with tribal governments, community and  
19 statewide partners, and the early achievers review subcommittee  
20 created in RCW 43.215.090, the department shall develop a protocol  
21 for granting early achievers program participants an extension in  
22 meeting rating level requirement timelines outlined for the working  
23 connections child care program and the early childhood education and  
24 assistance program.

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

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

31       (c) Extensions may only be granted to early achievers program  
32 participants who have demonstrated engagement in the early achievers  
33 program.

34       (d) A report outlining the early achievers program extension  
35 protocol shall be delivered to the appropriate committees of  
36 legislature by December 31, 2015. The department shall produce this  
37 report within the department's available appropriations.

38       (11) The department shall establish a process to accept national  
39 accreditation as a qualification for the early achievers program  
40 ratings. Each accreditation agency must be allowed to submit its most

1 current standards of accreditation to establish potential credit  
2 earned in the early achievers program. The department shall grant  
3 credit to accreditation bodies that can demonstrate that their  
4 standards meet or exceed the current early achievers program  
5 standards.

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

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

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

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

24 (13) Nothing in this section changes the department's  
25 responsibility to collectively bargain over mandatory subjects.

26 NEW SECTION. Sec. 4. A new section is added to chapter 43.215  
27 RCW to read as follows:

28 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY  
29 ACHIEVERS. (1) The department shall, in collaboration with tribal  
30 governments and community and statewide partners, implement a  
31 protocol to maximize and encourage participation in the early  
32 achievers program for culturally diverse and low-income center and  
33 family home child care providers.

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

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

38 (b) Subject to the availability of amounts appropriated for this  
39 specific purpose, the development of needs-based grants for providers

1 at level 2 in the early achievers program to assist with purchasing  
2 curriculum development, instructional materials, supplies, and  
3 equipment to improve program quality. Priority for the needs-based  
4 grants shall be given to culturally diverse and low-income providers;

5 (c) Subject to the availability of amounts appropriated for this  
6 specific purpose, the development of materials and assessments in a  
7 timely manner, and to the extent feasible, in the provider and family  
8 home languages; and

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

12 **Sec. 5.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to  
13 read as follows:

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

24 (2) ~~((Beginning in fiscal year 2013))~~ As recommended in Public  
25 Law No. 113-186, authorizations for the working connections child  
26 care subsidy shall be effective for twelve months unless a change in  
27 circumstances necessitates reauthorization sooner than twelve months.  
28 The twelve-month certification applies only if the enrollments in the  
29 child care subsidy or working connections child care program are  
30 capped.

31 (3) ~~((Subject to the availability of amounts appropriated for~~  
32 ~~this specific purpose, beginning September 1, 2013, working~~  
33 ~~connections child care providers shall receive a five percent~~  
34 ~~increase in the subsidy rate for enrolling in level 2 in the early~~  
35 ~~achievers programs. Providers must complete level 2 and advance to~~  
36 ~~level 3 within thirty months in order to maintain this increase.))~~  
37 The department shall adopt rules that provide working connections  
38 child care authorizations for up to ninety days, which do not need to  
39 be consecutive, when a recipient experiences a gap in his or her

1 employment or approved activity during a twelve-month period. In  
2 order for the recipient to continue to be authorized for child care  
3 during the ninety days, the recipient must be looking for another job  
4 or have verbal or written assurance from the recipient's employer or  
5 approved activity that the employment or approved activity will  
6 resume within the ninety days. The rules shall not apply to  
7 recipients of temporary assistance for needy families or WorkFirst  
8 under chapter 74.08A RCW.

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

12 (a) Enroll in the early achievers program;

13 (b) Complete level 2 activities in the early achievers program by  
14 August 1, 2016; and

15 (c) Rate at a level 3 or higher in the early achievers program by  
16 December 31, 2018. If a child care provider rates below a level 3 by  
17 December 31, 2018, the provider must complete remedial activities  
18 with the department, and rate at a level 3 or higher no later than  
19 June 30, 2019.

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

24 (a) Enroll in the early achievers program within thirty days;

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.

33 (6) 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 (7) 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       (8) Subject to the availability of amounts appropriated for this  
2 specific purpose, the department may implement tiered reimbursement  
3 for early achievers program participants in the working connections  
4 child care program rating at level 3, 4, or 5.

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

8       **Sec. 6.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to  
9 read as follows:

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

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

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

19       **Sec. 7.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to  
20 read as follows:

21       EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The  
22 department shall adopt rules under chapter 34.05 RCW for the  
23 administration of the early childhood education and assistance  
24 program. Approved early childhood education and assistance programs  
25 shall conduct needs assessments of their service area(~~(7)~~) and  
26 identify any targeted groups of children, to include but not be  
27 limited to children of seasonal and migrant farmworkers and native  
28 American populations living either on or off reservation(~~(7—and)~~).  
29 Approved early childhood education and assistance programs shall  
30 provide to the department a service delivery plan, to the extent  
31 practicable, that addresses these targeted populations.

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

1 the early childhood programs to provide for parental involvement in  
2 participation with their child's program, in local program policy  
3 decisions, in development and revision of service delivery systems,  
4 and in parent education and training.

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

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

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

22 **Sec. 8.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to  
23 read as follows:

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

35 (2) Funds obtained by providers through voluntary grants or  
36 contributions from individuals, agencies, corporations, or  
37 organizations may be used to expand or enhance preschool programs so  
38 long as program standards established by the department are

1 maintained, but shall not be used to supplant federally supported  
2 head start programs or state-supported early childhood programs.

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

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

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

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

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

23 (a) Enroll in the early achievers program within thirty days;

24 (b) Rate at a level 4 or 5 in the early achievers program within  
25 twelve months of enrollment. If an early childhood education and  
26 assistance program provider rates below a level 4 within twelve  
27 months of enrollment, the provider must complete remedial activities  
28 with the department, and rate at a level 4 or 5 within six months.

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

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

1 (7) The department shall collect data to determine the demand for  
2 full-day programming for early childhood education and assistance  
3 program providers. The department shall analyze this demand by  
4 geographic region and report the findings to the appropriate  
5 committees of the legislature by January 1, 2016. The department  
6 shall produce this report within the department's available  
7 appropriations.

8 **Sec. 9.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to  
9 read as follows:

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

22 (2) The ~~((first phase of the))~~ program shall be implemented by  
23 utilizing the program standards and eligibility criteria in the early  
24 childhood education and assistance program in RCW 43.215.400 through  
25 43.215.450.

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

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

33 (i) Programs offering extended day early care and education  
34 programming;

35 (ii) Programs offering services to children diagnosed with a  
36 special need; or

37 (iii) Programs offering services to children involved in the  
38 child welfare system.

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

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

7       (b) Approval of program providers; and

8       (c) Accountability and adherence to performance standards.

9       (~~(4)~~) (5) The department has administrative responsibility for:

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

12       (b) In partnership with school districts, monitoring program  
13 quality and assuring the program is responsive to the needs of  
14 eligible children;

15       (c) Assuring that program providers work cooperatively with  
16 school districts to coordinate the transition from preschool to  
17 kindergarten so that children and their families are well-prepared  
18 and supported; and

19       (d) Providing technical assistance to contracted providers.

20       NEW SECTION. Sec. 10. A new section is added to chapter 43.215  
21 RCW to read as follows:

22       PROGRAM DATA COLLECTION AND EVALUATION. (1) Subject to the  
23 availability of amounts appropriated for this specific purpose, the  
24 education data center established in RCW 43.41.400 must collect  
25 longitudinal, student-level data on all children attending a working  
26 connections child care program or an early childhood education and  
27 assistance program. Data collected should capture at a minimum the  
28 following characteristics:

29       (a) Daily program attendance;

30       (b) Identification of classroom and teacher;

31       (c) Early achievers program quality level rating;

32       (d) Program hours;

33       (e) Program duration;

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

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

1 (2) The department shall provide child care and early learning  
2 providers student-level data collected pursuant to this section that  
3 are specific to the child care provider's or the early learning  
4 provider's program.

5 (3) Every four years, the department in collaboration with the  
6 early achievers review subcommittee shall review the data collected  
7 on the achievement of the early achievers program standards and  
8 provide a report to the appropriate committees of the legislature.  
9 The report shall include, but not be limited to, the following:

10 (a) Recommendations for improving the early achievers program  
11 standards;

12 (b) A review of the services available to providers and children  
13 from diverse cultural backgrounds;

14 (c) Recommendations for improving access to providers rated at a  
15 level 3 or higher in the early achievers program by children from  
16 diverse cultural backgrounds; and

17 (d) To the extent data is available, an analysis of the  
18 distribution of early achievers program rated facilities in relation  
19 to child and provider demographics, including but not limited to race  
20 and ethnicity, home language, and geographical location.

21 (4)(a) The department shall review the K-12 components for  
22 cultural competency developed by the professional educator standards  
23 board and identify components appropriate for early learning  
24 professional development.

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

29 (5)(a) The Washington state institute for public policy shall  
30 conduct a longitudinal analysis examining relationships between the  
31 early achievers program quality ratings levels and outcomes for  
32 children participating in subsidized early care and education  
33 programs.

34 (b) The institute shall submit the first report to the  
35 appropriate committees of the legislature and the early learning  
36 advisory council by December 31, 2018. The institute shall submit  
37 subsequent reports annually to the appropriate committees of the  
38 legislature and the early learning advisory council by December 31st,  
39 with the final report due December 31, 2021. The final report shall  
40 include a cost-benefit analysis.

1 (6)(a) The department shall complete an annual early learning  
2 program implementation report on the early childhood education and  
3 assistance program and the working connections child care program.

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

8 (c) The early learning program implementation report must address  
9 the following:

10 (i) Progress on early childhood education and assistance program  
11 implementation as required pursuant to RCW 43.215.415, 43.215.425,  
12 and 43.215.455;

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

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

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

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

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

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

25 (viii) To the extent data is available, an analysis of the  
26 cultural diversity of early childhood education and assistance  
27 program providers and participants.

28 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.215  
29 RCW to read as follows:

30 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) Subject to the  
31 availability of amounts appropriated for this specific purpose, the  
32 department shall employ a combination of vouchers and contracted  
33 slots for the subsidized child care programs in RCW 43.215.135 and  
34 43.215.415. Child care vouchers preserve parental choice. Child care  
35 contracted slots promote access to continuous quality care for  
36 children, provide parents and caregivers stable child care that  
37 supports employment, and allow providers to have predictable funding.

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

4 (3) The department is required to use data to calculate a set  
5 number of targeted contracted slots. In calculating the number, the  
6 department must take into account a balance of family home and center  
7 child care programs and the overall geographic distribution of child  
8 care programs in the state and the distribution of slots between ages  
9 zero and five. The targeted contracted slots are reserved for  
10 programs meeting both of the following conditions:

11 (a) Programs in low-income neighborhoods; and

12 (b) Programs that consist of at least fifty percent of children  
13 receiving subsidy pursuant to RCW 43.215.135.

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

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

18 (b) Programs partnering with elementary schools to offer  
19 transitional planning and support to children as they advance to  
20 kindergarten;

21 (c) Programs serving children involved in the child welfare  
22 system; or

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

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

27 (i) Allowable periods of child absences;

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

30 (iii) A de-enrollment procedure when allowable child absences are  
31 exceeded.

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

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

38 (7)(a) By December 31, 2015, the department shall provide a  
39 report to the appropriate committees of the legislature on the number  
40 of contracted slots that use both early childhood education



1 assistance program funding and working connections child care program  
2 funding. The department shall produce this report within the  
3 department's available appropriations.

4 (b) The report must be provided annually, with the last report  
5 due December 31, 2018.

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

8 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2016,  
9 the department shall implement a single set of licensing standards  
10 for child care and the early childhood education and assistance  
11 program. The department shall produce the single set of licensing  
12 standards within the department's available appropriations. The new  
13 licensing standards must:

14 (1) Provide minimum health and safety standards for child care  
15 and preschool programs;

16 (2) Rely on the standards established in the early achievers  
17 program to address quality issues in participating early childhood  
18 programs;

19 (3) Take into account the separate needs of family care providers  
20 and child care centers; and

21 (4) Promote the continued safety of child care settings.

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

24 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of  
25 quality in the early care and education system in Washington is the  
26 quality rating and improvement system entitled the early achievers  
27 program. In an effort to build on the existing quality framework,  
28 enhance access to quality care for children, and strengthen the  
29 entire early care and education systems in the state, it is important  
30 to integrate the efforts of state and local governments.

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

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

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

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

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

4 **Sec. 14.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to  
5 read as follows:

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

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

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

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

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

32 (a) The governor shall appoint at least one representative from  
33 each of the following: The department, the office of financial  
34 management, the department of social and health services, the  
35 department of health, the student achievement council, and the state  
36 board for community and technical colleges;

37 (b) One representative from the office of the superintendent of  
38 public instruction, to be appointed by the superintendent of public  
39 instruction;

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

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

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

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

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

14 (d) Two members of the house of representatives, one from each  
15 caucus, and two members of the senate, one from each caucus, to be  
16 appointed by the speaker of the house of representatives and the  
17 president of the senate, respectively;

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

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

22 (g) One representative designated by sovereign tribal  
23 governments; and

24 (h) One representative from the Washington federation of  
25 independent schools.

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

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

32 (8) Each member of the board shall be compensated in accordance  
33 with RCW 43.03.240 and reimbursed for travel expenses incurred in  
34 carrying out the duties of the board in accordance with RCW 43.03.050  
35 and 43.03.060.

36 (9)(a) Subject to the availability of amounts appropriated for  
37 this specific purpose, the council may convene an early achievers  
38 review subcommittee to provide feedback and guidance on strategies to  
39 improve the quality of instruction and environment for early learning  
40 and provide input and recommendations on the implementation and

1 refinement of the early achievers program. At a minimum the review  
2 shall address the following:

3 (i) Adequacy of data collection procedures;

4 (ii) Coaching and technical assistance standards;

5 (iii) Progress in reducing barriers to participation for low-  
6 income providers and providers from diverse cultural backgrounds;

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

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

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

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

15 (c) The subcommittee shall include representatives from child  
16 care centers, family child care, the early childhood education and  
17 assistance program, contractors for early achievers program technical  
18 assistance and coaching, the organization responsible for conducting  
19 early achiever program ratings, and parents of children participating  
20 in early learning programs. The subcommittee shall include  
21 representatives from diverse cultural and linguistic backgrounds.

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

23 NEW SECTION. Sec. 15. A new section is added to chapter 43.215  
24 RCW to read as follows:

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

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

34 (a) Completed the level 2 activities;

35 (b) Achieved the required rating level to remain eligible for  
36 state-funded support under the early childhood education and  
37 assistance program or a subsidy under the working connections child  
38 care program;

1 (c) Failed to achieve the required rating level and engaged in  
2 remedial activities before successfully achieving the required rating  
3 level;

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

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

8 (2) An examination of the effectiveness of efforts to increase  
9 successful participation by providers serving children and families  
10 from diverse cultural and linguistic backgrounds and providers who  
11 serve children from low-income households;

12 (3) A description of the primary obstacles and challenges faced  
13 by providers who have not achieved the required rating level to  
14 remain eligible to receive:

15 (a) A subsidy under the working connections child care program;  
16 or

17 (b) State-funded support under the early childhood education and  
18 assistance program; and

19 (4) A summary of the types of exceptional circumstances for which  
20 the department has granted an extension pursuant to RCW 43.215.100.

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.215  
22 RCW to read as follows:

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

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

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

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

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

4 (b) "Early learning" includes but is not limited to programs and  
5 services for child care; state, federal, private, and nonprofit  
6 preschool; child care subsidies; child care resource and referral;  
7 parental education and support; and training and professional  
8 development for early learning professionals;

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

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

18 (e) "Service provider" means the entity that operates a community  
19 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (i) Activities other than employment; or

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

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

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

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

27 (iii) The entity is a local affiliate of a national nonprofit;  
28 and

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

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

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

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

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

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

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

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

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

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

15 (a) Home visiting and parent education and support programs;  
16 (b) The early achievers program described in RCW 43.215.100;  
17 (c) Integrated full-day and part-day high quality early learning  
18 programs; and

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

21 (9) "Education data center" means the education data center  
22 established in RCW 43.41.400, commonly referred to as the education  
23 research and data center.

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

27 ~~((10))~~ (11) "Enforcement action" means denial, suspension,  
28 revocation, modification, or nonrenewal of a license pursuant to RCW  
29 43.215.300(1) or assessment of civil monetary penalties pursuant to  
30 RCW 43.215.300(3).

31 ~~((11))~~ (12) "Extended day program" means an early childhood  
32 education and assistance program that offers child care for at least  
33 ten hours per day, five days per week, year round.

34 (13) "Full day program" means an early childhood education and  
35 assistance program that offers early learning activities a minimum of  
36 one thousand hours per year.

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



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

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

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

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

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

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

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

20       ~~((+13))~~ (17) "Nonschool age child" means a child birth through  
21 six years of age who has yet to enter kindergarten or school.

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

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

29       ~~((+14))~~ (20) "Requirement" means any rule, regulation, or  
30 standard of care to be maintained by an agency.

31       ~~((+15))~~ (21) "School age child" means a child not less than five  
32 years of age through twelve years of age and who is attending  
33 kindergarten or school.

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

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

1        NEW SECTION.    **Sec. 19.**    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. 20.**    NULL AND VOID. If specific funding for  
6    the purposes of this act, referencing this act by bill or chapter  
7    number, is not provided by June 30, 2015, in the omnibus  
8    appropriations act, this act is null and void."

**2SSB 5452 - S AMD 183**  
By Senator Litzow

**ADOPTED AS AMENDED 3/10/2015**

9        On page 1, line 2 of the title, after "system;" strike the  
10    remainder of the title and insert "amending RCW 43.215.100,  
11    43.215.135, 43.215.1352, 43.215.425, 43.215.415, 43.215.455, and  
12    43.215.090; reenacting and amending RCW 43.215.010; adding new  
13    sections to chapter 43.215 RCW; creating new sections; and repealing  
14    2013 2nd sp.s. c 16 s 2 (uncodified)."

EFFECT: Moves language regarding private schools from the intent section to a codified section.

States that participation in Early Achievers is voluntary for private schools with early learning programs not receiving state subsidy payments.

Removes the requirement that Early Achievers participants continually advance from level 1, the basic licensing requirement, to level 5.

Requires the Department of Early Learning (DEL) to develop a protocol for granting Early Achievers participants an extension in meeting rating level requirement timelines.

Requires DEL to adopt rules that provide Working Connections Child Care authorizations 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. 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.

Removes a provision regarding Working Connections Child Care subsidy rate increases.

States that notification to DSHS regarding certain significant changes may be in writing or verbal.

Adds a new section that requires DEL, in collaboration with the Early Achievers Review Subcommittee, to complete an annual report addressing certain topics.

Changes the definition of "full day program" to mean an early childhood education and assistance program that offers early learning activities a minimum of one thousand hours per year.

Removes the definition for "low-income child care provider."

Makes technical changes.

--- END ---