
SENATE BILL 5452

State of Washington

64th Legislature

2015 Regular Session

By Senators Litzow, Billig, Fain, Dammeier, Hargrove, Hill, Rivers, Brown, Mullet, Frockt, Jayapal, Angel, Cleveland, Kohl-Welles, Keiser, McAuliffe, and Habib

Read first time 01/22/15. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to improving quality in the early care and
2 education system; amending RCW 43.215.100, 43.215.135, 43.215.1352,
3 43.215.425, 43.215.415, 43.215.455, and 43.215.090; reenacting and
4 amending RCW 43.215.010; adding new sections to chapter 43.215 RCW;
5 creating new sections; and repealing 2013 2nd sp.s. c 16 s 2
6 (uncodified).

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

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

1 should strive to address the needs of Washington's culturally and
2 linguistically diverse populations. The legislature understands that
3 parental choice is a guiding principle for early learning programs.

4 (2) The legislature intends to prioritize the integration of
5 child care and preschool in an effort to promote full day
6 programming. The legislature further intends to reward quality and
7 create incentives for providers to participate in a quality rating
8 and improvement system that will also provide valuable information to
9 parents regarding the quality of care available in their communities.

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

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

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

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

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

31 (c) Support improvement in early learning and child care programs
32 throughout the state((,));

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

34 (e) Close the ((disparity)) disparities in access to quality
35 care;

36 (f) Provide professional development and coaching opportunities
37 to early child care and education providers; and ((b) to))

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

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

8 (b) Approved early childhood education and assistance program
9 providers receiving state-funded support must participate in the
10 early achievers program by the required deadlines established in RCW
11 43.215.415.

12 (c) Participation in the early achievers program is voluntary for
13 licensed or certified child care centers and homes not receiving
14 state subsidy payments.

15 (d) School age child care providers are exempt from participating
16 in the early achievers program. By July 1, 2017, the department shall
17 design a plan to incorporate school age child care providers into the
18 early achievers program. To test implementation of the early
19 achievers system for school age child care providers the department
20 shall 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 and continually advance~~
30 ~~from level 1, the basic licensing requirement, to level 5.~~

31 (5) The department has the authority to determine the rating
32 cycle for the early achievers program.

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

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

39 (c) The first rating is free for early achievers program
40 participants.

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

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

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

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

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

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

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

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

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

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

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

35 (8)(a) The department shall create a professional development
36 pathway for early achievers program participants to obtain a high
37 school diploma or equivalency or higher education credential in early
38 childhood education, early childhood studies, child development, or
39 an academic field related to early care and education.

1 (b) The professional development pathway must include
2 opportunities for scholarships and grants to assist early achievers
3 program participants with the costs associated with obtaining an
4 educational degree.

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

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

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

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

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

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

27 (d) A report outlining the early achievers program extension
28 protocol shall be delivered to the appropriate committees of
29 legislature by December 31, 2015.

30 (11) Nothing in this section changes the department's
31 responsibility to collectively bargain over mandatory subjects.

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

34 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS--EARLY
35 ACHIEVERS. (1) Subject to the amounts appropriated for this specific
36 purpose, the department shall, in collaboration with tribal
37 governments and community and statewide partners, implement a
38 protocol to maximize and encourage participation in the early

1 achievers program for culturally diverse and low-income center and
2 family home child care providers.

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

5 (a) The creation of a substitute pool;

6 (b) The development of needs-based grants for providers at level
7 2 in the early achievers program to assist with purchasing curriculum
8 development, instructional materials, supplies, and equipment to
9 improve program quality. Priority for the needs-based grants shall be
10 given to culturally diverse and low-income providers;

11 (c) The development of materials and assessments in a timely
12 manner, and to the extent feasible, in the provider and family home
13 languages; and

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

17 **Sec. 4.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to
18 read as follows:

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

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

36 ~~(3) Subject to the availability of amounts appropriated for this~~
37 ~~specific purpose, beginning September 1, 2013, working connections~~
38 ~~child care providers shall receive a five percent increase in the~~
39 ~~subsidy rate for enrolling in level 2 in the early achievers~~

1 ~~programs. Providers must complete level 2 and advance to level 3~~
2 ~~within thirty months in order to maintain this increase)).~~

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

6 (a) Enroll in the early achievers program;

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

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

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

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

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

21 (c) Rate at a level 3 or higher in the early achievers program
22 within thirty months of enrollment. If a child care provider rates
23 below a level 3 within thirty months from enrollment into the early
24 achievers program, the provider must complete remedial activities
25 with the department, and rate at a level 3 or higher within six
26 months.

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

30 (6) If a child care provider serving nonschool age children and
31 receiving state subsidy payments has successfully completed all level
32 2 activities and is waiting to be rated by the deadline provided in
33 this section, the provider may continue to receive a state subsidy
34 pending the successful completion of the level 3 rating activity.

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

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

1 **Sec. 5.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
2 read as follows:

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

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

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

12 **Sec. 6.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
13 read as follows:

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

25 (2) The department, in developing rules for the early childhood
26 education and assistance program, shall consult with the early
27 learning advisory (~~(committee)~~) council, and shall consider such
28 factors as coordination with existing head start and other early
29 childhood programs, the preparation necessary for instructors,
30 qualifications of instructors, adequate space and equipment, and
31 special transportation needs. The rules shall specifically require
32 the early childhood programs to provide for parental involvement in
33 participation with their child's program, in local program policy
34 decisions, in development and revision of service delivery systems,
35 and in parent education and training.

36 (3)(a) The department shall adopt rules pertaining to the early
37 childhood education and assistance program that outline allowable
38 periods of child absences, required contact with parents or
39 caregivers to discuss child absences and encourage regular

1 attendance, and a de-enrollment procedure when allowable child
2 absences are exceeded.

3 (b) The implementation of rules pertaining to child absences and
4 de-enrollment procedures must align with the implementation of the
5 electronic time and attendance record system.

6 (c) Rules pertaining to child absences and de-enrollment
7 procedures shall be adopted no later than July 31, 2016.

8 (4) The department shall adopt rules requiring early childhood
9 education and assistance program employees who have access to
10 children to submit to a fingerprint background check. Fingerprint
11 background check procedures for the early childhood education and
12 assistance program shall be the same as the background check
13 procedures in RCW 43.215.215.

14 **Sec. 7.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
15 read as follows:

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

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

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

1 (4) Existing early childhood education and assistance program
2 providers must complete the following requirements to be eligible to
3 receive state-funded support under the early childhood education and
4 assistance program:

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

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

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

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

16 (b) Rate at a level 4 or 5 in the early achievers program within
17 twelve months of enrollment. If an early childhood education and
18 assistance program provider rates below a level 4 within twelve
19 months of enrollment, the provider must complete remedial activities
20 with the department, and rate at a level 4 or 5 within six months.

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

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

33 (7)(a) Effective July 1, 2018, any provider administering an
34 early childhood education and assistance program must maintain a
35 full-day option.

36 (b) The department shall collect data to determine the demand for
37 full-day programming for early childhood education and assistance
38 program providers. The department shall analyze this demand by
39 geographic region and report the findings to the appropriate
40 committees of the legislature by January 1, 2016.

1 (8) By December 1, 2015, the department shall develop a pathway
2 for family home providers to administer an early childhood education
3 and assistance program.

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

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

18 (2) The (~~(first phase of the)~~) program shall be implemented by
19 utilizing the program standards and eligibility criteria in the early
20 childhood education and assistance program in RCW 43.215.400 through
21 43.215.450.

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

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

29 (i) Programs offering extended day early care and education
30 programming;

31 (ii) Programs offering services to children diagnosed with a
32 special need; or

33 (iii) Programs offering services to children involved in the
34 child welfare system.

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

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

3 (b) Approval of program providers; and

4 (c) Accountability and adherence to performance standards.

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

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

8 (b) In partnership with school districts, monitoring program
9 quality and assuring the program is responsive to the needs of
10 eligible children;

11 (c) Assuring that program providers work cooperatively with
12 school districts to coordinate the transition from preschool to
13 kindergarten so that children and their families are well-prepared
14 and supported; and

15 (d) Providing technical assistance to contracted providers.

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

18 PROGRAM DATA COLLECTION AND EVALUATION. (1) The education data
19 center established in RCW 43.41.400 must collect longitudinal,
20 student-level data on all children attending a working connections
21 child care program or an early childhood education and assistance
22 program. Data collected should capture at a minimum the following
23 characteristics:

24 (a) Daily program attendance;

25 (b) Identification of classroom and teacher;

26 (c) Early achievers program quality level rating;

27 (d) Program hours;

28 (e) Program duration;

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

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

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

38 (3) Every four years, the department in collaboration with the
39 early achievers review subcommittee shall review the data collected

1 on the achievement of the early achievers program standards and
2 provide a report to the appropriate committees of the legislature.
3 The report shall include, but not be limited to, the following:

4 (a) Recommendations for improving the early achievers program
5 standards;

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

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

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

15 (4)(a) The department shall review the K-12 components for
16 cultural competency developed by the professional educator standards
17 board and identify components appropriate for early learning
18 professional development.

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

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

28 (b) The institute shall submit the first report to the
29 appropriate committees of the legislature and the early learning
30 advisory council by December 31, 2018. The institute shall submit
31 subsequent reports annually to the appropriate committees of the
32 legislature and the early learning advisory council by December 31st,
33 with the final report due December 31, 2021. The final report shall
34 include a cost-benefit analysis.

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

38 (b) The early learning program implementation report must be
39 posted annually on the department's web site and delivered to the

1 appropriate committees of the legislature. The first report is due by
2 December 31, 2015, and the final report is due by December 31, 2019.

3 (c) The early learning program implementation report must address
4 the following:

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

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

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

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

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

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

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

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

23 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.215
24 RCW to read as follows:

25 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) The department
26 shall employ a combination of vouchers and contracted slots for the
27 subsidized child care programs in RCW 43.215.135 and 43.215.415.
28 Child care vouchers preserve parental choice. Child care contracted
29 slots promote access to continuous quality care for children, provide
30 parents and caregivers stable child care that supports employment,
31 and allow providers to have predictable funding.

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

35 (3) The department is required to use data to calculate a set
36 number of targeted contracted slots. In calculating the number, the
37 department must take into account a balance of family home and center
38 child care programs and the overall geographic distribution of child
39 care programs in the state and the distribution of slots between ages

1 zero and five. The targeted contracted slots are reserved for
2 programs meeting both of the following conditions:

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

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

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

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

10 (b) Programs partnering with elementary schools to offer
11 transitional planning and support to children as they advance to
12 kindergarten;

13 (c) Programs serving children involved in the child welfare
14 system; or

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

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

19 (i) Allowable periods of child absences;

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

22 (iii) A de-enrollment procedure when allowable child absences are
23 exceeded.

24 (b) The implementation of rules pertaining to child absences and
25 de-enrollment procedures must align with the implementation of the
26 electronic time and attendance record system.

27 (c) Rules pertaining to child absences and de-enrollment
28 procedures shall be adopted no later than July 31, 2016.

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

31 (7)(a) By December 31, 2015, the department shall provide a
32 report to the appropriate committees of the legislature on the number
33 of contracted slots that use both early childhood education
34 assistance program funding and working connections child care program
35 funding.

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

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

1 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2016,
2 the department shall implement a single set of licensing standards
3 for child care and the early childhood education and assistance
4 program. The new licensing standards must:

5 (1) Provide minimum health and safety standards for child care
6 and preschool programs;

7 (2) Rely on the standards established in the early achievers
8 program to address quality issues in participating early childhood
9 programs;

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

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

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

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

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

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

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

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

29 (4) Funds contributed to the department by local governments must
30 be deposited in the early start account established in section 14 of
31 this act.

32 **Sec. 13.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to
33 read as follows:

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

1 aligning resources, developing plans for data collection and
2 professional development of early childhood educators, and
3 establishing key performance measures.

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

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

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

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

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

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

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

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

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

39 (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) The council shall convene an early achievers review
27 subcommittee to provide feedback and guidance on strategies to
28 improve the quality of instruction and environment for early learning
29 and provide input and recommendations on the implementation and
30 refinement of the early achievers program. At a minimum the review
31 shall address the following:

32 (i) Adequacy of data collection procedures;

33 (ii) Coaching and technical assistance standards;

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

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

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

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

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

4 (c) The subcommittee shall include representatives from child
5 care centers, family child care, the early childhood education and
6 assistance program, contractors for early achievers program technical
7 assistance and coaching, the organization responsible for conducting
8 early achiever program ratings, and parents of children participating
9 in early learning programs. The subcommittee shall include
10 representatives from diverse cultural and linguistic backgrounds.

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

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

14 EARLY START ACCOUNT. The early start account is created in the
15 state treasury. Revenues in the account shall consist of
16 appropriations by the legislature and all other sources deposited
17 into the account. Moneys in the account may only be used after
18 appropriation. Expenditures from the account may be used only to
19 improve the quality of early care and education programming. The
20 department oversees the account.

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

23 ELECTRONIC TIME AND ATTENDANCE RECORDS SYSTEM. The department
24 shall implement an electronic time and attendance records system by
25 July 1, 2016.

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

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

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

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

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

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

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

15 (e) "Service provider" means the entity that operates a community
16 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) Activities other than employment; or

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

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

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

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

24 (iii) The entity is a local affiliate of a national nonprofit;
25 and

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

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

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

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

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

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

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

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

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

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

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

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

15 (c) Integrated full-day and part-day high quality early learning
16 programs; and

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

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

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

25 ~~((+10+))~~ (11) "Enforcement action" means denial, suspension,
26 revocation, modification, or nonrenewal of a license pursuant to RCW
27 43.215.300(1) or assessment of civil monetary penalties pursuant to
28 RCW 43.215.300(3).

29 ~~((+11+))~~ (12) "Extended day program" means an early childhood
30 education and assistance program that offers child care for at least
31 ten hours per day, five days per week, year round.

32 (13) "Full day program" means an early childhood education and
33 assistance program that offers child care for at least six hours per
34 day, a minimum of one thousand hours per year, and at least four days
35 per week.

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

1 (15) "Low-income neighborhood" means a district or community
2 where more than twenty percent of households are below the federal
3 poverty level.

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

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

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

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

17 (d) A revocation, denial, or restriction placed on any
18 professional license; or

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

20 ~~((+12+))~~ (17) "Nonconviction information" means arrest, founded
21 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
22 or other negative action adverse to the applicant.

23 ~~((+13+))~~ (18) "Nonschool age child" means a child birth through
24 six years of age who has yet to enter kindergarten or school.

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

29 (20) "Probationary license" means a license issued as a
30 disciplinary measure to an agency that has previously been issued a
31 full license but is out of compliance with licensing standards.

32 ~~((+14+))~~ (21) "Requirement" means any rule, regulation, or
33 standard of care to be maintained by an agency.

34 ~~((+15+))~~ (22) "School age child" means a child not less than five
35 years of age through twelve years of age and who is attending
36 kindergarten or school.

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

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

3 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.215
4 RCW to read as follows:

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

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

--- END ---