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**SUBSTITUTE SENATE BILL 5247**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Zeiger, Mullet, Fain, Billig, Chase, and Kuderer; by request of Department of Early Learning)

AN ACT Relating to updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements; and amending RCW 43.215.090 and 43.215.130.

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

**Sec.**  RCW 43.215.090 and 2015 3rd sp.s. c 7 s 16 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning issues that ((~~would build~~)) contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's children and families ((~~by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures~~)) prenatal through age five.

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

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

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

(5) The council shall consist of ((~~not more than twenty-three~~)) members essential to coordinating services statewide prenatal through age five, as follows:

(a) In addition to being staffed and supported by the department, the governor shall appoint ((~~at least~~)) one representative from each of the following: The ((~~department, the office of financial management, the department of social and health services, the~~)) department of health, the student achievement council, and the state board for community and technical colleges;

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

(c) The governor shall appoint ((~~seven~~)) leaders in early childhood education to represent critical service delivery and support sectors, with at least one ((~~representative with experience or expertise in one or more of the areas such as~~)) individual representing each of the following: ((~~The K-12 system, family day care providers, and child care centers with four of the seven governor's appointees made as follows:~~))

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

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

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

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

(v) A representative of the early childhood education and assistance program;

(vi) A representative of licensed family day care providers;

(vii) A representative of child day care centers; and

(viii) A representative from the home visiting advisory committee established in RCW 43.215.130;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively, serving as ex officio, nonvoting members;

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

(f) ((~~One representative of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;~~)) Representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions:

(i) The Washington state commission on Asian Pacific American affairs;

(ii) The Washington state commission on African-American affairs; and

(iii) The Washington state commission on Hispanic affairs;

(g) ((~~One~~)) Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program; ((~~and~~))

(h) One representative from the Washington federation of independent schools;

(i) One representative from the Washington library association;

(j) Four representatives from the early learning regional coalitions;

(k) One representative from a nonprofit organization that develops services and programs for people with intellectual and developmental disabilities; and

(l) One representative from a broad coalition of organizations that focuses on early learning.

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

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

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

(9)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The review conducted by the subcommittee shall be a part of the annual progress report required in RCW 43.215.102. At a minimum the review shall address the following:

(i) Adequacy of data collection procedures;

(ii) Coaching and technical assistance standards;

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

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

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

(vi) Analysis of early achievers program data trends.

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

(c) The subcommittee shall include representatives from child care centers, family child care, the early childhood education and assistance program, contractors for early achievers program technical assistance and coaching, tribal governments, the organization responsible for conducting early ((~~achiever[s]~~)) achievers program ratings, and parents of children participating in early learning programs, including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

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

**Sec.**  RCW 43.215.130 and 2013 c 165 s 1 are each amended to read as follows:

(1)(a) The home visiting services account is created in the state treasury. Revenues to the account shall consist of appropriations by the legislature and all other sources deposited in the account. All federal funds received by the department for home visiting activities must be deposited into the account.

(b)(i) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section and federally funded activities for the home visiting program, including administrative expenses.

(ii) The department oversees the account and is the lead state agency for home visiting system development. The nongovernmental private-public partnership ((~~administers~~)) supports the home visiting service delivery system and provides ((~~implementation~~)) support functions to funded programs.

(iii) It is the intent of the legislature that state funds invested in the account be matched at fifty percent by the private‑public partnership each fiscal year. However, state funds in the account may be accessed in the event that the private‑public partnership fails to meet the fifty percent match target. Should the private‑public partnership not meet the fifty percent match target by the conclusion of the fiscal year ending on June 30th, the department and the private‑public partnership((~~,~~)) shall jointly submit a report to the relevant legislative committees detailing the reasons why the fifty percent match target was not met, the actual match rate achieved, and a plan to achieve fifty percent match in the subsequent fiscal year. This report shall be submitted as promptly as practicable, but the lack of receipt of this report shall not prevent state funds in the account from being accessed.

(iv) Amounts used for program administration by the department may not exceed an average of ((~~four~~)) ten percent in any two consecutive fiscal years.

(v) Authorizations for expenditures may be given only after private funds are committed. The nongovernmental private-public partnership must report to the department quarterly to demonstrate sufficient investment of private match funds.

(c) Expenditures from the account are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in RCW 43.215.070 to ((~~administer~~)) support programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the use outcomes of the home visiting services account.

(5) The ((~~nongovernmental private-public partnership~~)) department shall, in the administration of the programs:

(a) Fund programs through a competitive bid process or in compliance with the regulations of the funding source; and

(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs.

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