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**HOUSE BILL 2661**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Senn, Chopp, Sullivan, Callan, Pettigrew, Mead, Davis, Appleton, Thai, Shewmake, Bergquist, Valdez, Walen, Goodman, Macri, Riccelli, Hudgins, Leavitt, Lekanoff, Pollet, Slatter, Kilduff, Dolan, Tarleton, Chapman, Stonier, Lovick, Robinson, Orwall, Gregerson, Ortiz-Self, Entenman, Fitzgibbon, Morgan, J. Johnson, Pellicciotti, Wylie, Peterson, Kirby, Duerr, DeBolt, Sells, Fey, Ryu, Doglio, Ramel, Ramos, Tharinger, and Frame

Read first time 01/16/20. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to expanding accessible, affordable child care  
2 and early childhood development programs; amending RCW 43.216.075,  
3 43.31.577, 43.216.505, 43.216.512, 43.216.514, 43.216.749,  
4 43.216.578, 43.216.710, 28B.50.248, 43.31.583, 43.31.575, 43.216.089,  
5 43.216.525, and 43.216.655; reenacting and amending RCW 43.216.135,  
6 43.216.010, and 43.84.092; adding a new section to chapter 43.31 RCW;  
7 adding a new section to chapter 43.330 RCW; adding new sections to  
8 chapter 43.216 RCW; creating new sections; providing effective dates;  
9 and providing an expiration date.

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

11 **PART I**

12 **LEGISLATIVE INTENT**

13 NEW SECTION. **Sec. 101.** This act may be known and cited as the  
14 fair start for kids act.

15 NEW SECTION. **Sec. 102.** (1) The legislature finds that high  
16 quality child care and early learning is critical to a child's  
17 success in school and life. Access to quality child care and early  
18 learning programs is essential to family stability and economic

1 vitality. The legislature recognizes that every child and every  
2 family deserves access to a fair and equitable start.

3 (2) The legislature finds that while Washington has built the  
4 foundation for high quality early childhood programs through the  
5 early start act and the early achievers quality rating and  
6 improvement system, child care remains too expensive and too scarce  
7 for many families in Washington, especially those furthest from  
8 opportunity. The legislature recognizes that there are additional  
9 barriers to accessing this foundational support in rural communities  
10 and other places with child care deserts, as well as for immigrant  
11 families and communities whose first language is not English.

12 (3) The legislature finds that without access to comprehensive,  
13 quality prenatal to five services, children often enter kindergarten  
14 without the social-emotional, physical, cognitive, and language  
15 skills they need to be successful and fall behind their peers, facing  
16 compounding developmental challenges throughout their K-12 education.  
17 The cascading impacts of inaccessible child care and early learning  
18 programs create systemic barriers for children and their families  
19 that result in higher special education needs, greater likelihood of  
20 needing to repeat grades, increased child welfare and juvenile  
21 justice involvement, reduced high school graduation rates, limited  
22 postsecondary education attainment, and greater barriers to  
23 employment in adulthood. The legislature recognizes that high quality  
24 child care and early learning programs have been shown to reduce the  
25 opportunity gap for low-income children and children of color while  
26 consistently improving outcomes for all children both inside and  
27 outside of the classroom.

28 (4) The legislature finds that an affordable, accessible system  
29 of high quality child care is necessary to the health of Washington's  
30 economy because employers benefit when parents have safe, stable, and  
31 appropriate care for their children. Too many working parents are  
32 forced to reduce their hours, decline promotional opportunities, or  
33 leave the workforce due to a lack of access to child care. The  
34 legislature recognizes that the department of commerce recently  
35 reported that child care related issues cost Washington businesses  
36 more than two billion dollars in 2017. The legislature finds that  
37 access to affordable child care increases labor force participation  
38 and supports regional economic growth.

39 (5) The legislature finds that the health and stability of the  
40 early learning workforce is pivotal to any expansion of child care in

1 Washington. The legislature recognizes the current workforce is  
2 expected to provide developmentally appropriate and high quality care  
3 during the most active period of brain development in a child,  
4 despite often lacking stable pay and health or retirement benefits.

5 (6) The legislature finds that our state is best served by a  
6 culturally and linguistically diverse workforce that supports the  
7 unique and individualized values, strengths, cultures, and potential  
8 of each child and family. The legislature recognizes there are  
9 barriers to access to systems of support for both families and early  
10 learning providers whose first language is not English.

11 (7) The legislature further finds that dual language learners  
12 represent a significant and growing share of children birth to five  
13 in Washington. The legislature recognizes that studies suggest  
14 specific dual language programs are especially beneficial for  
15 developing the building blocks for early literacy, numeracy skills,  
16 and English language development for dual language learners.

17 (8) The legislature finds that children are expelled from child  
18 care and preschool thirteen times as often as children in the K-12  
19 system and that children of color are disproportionately expelled at  
20 even higher rates. The legislature recognizes this is due to a  
21 systemic failure to adequately equip all providers with the resources  
22 they need to meet the needs of children who have experienced trauma  
23 or have developmental delays or other complex needs. In addition,  
24 early learning providers can experience secondary trauma caused by  
25 the emotional stress of caring for children with complex needs.

26 (9) The legislature further finds that capital funding for the  
27 planning, building, expansion, and renovation of child care  
28 facilities through the early learning facilities fund grant and loan  
29 program is necessary to any expansion of affordable child care. The  
30 legislature recognizes that rural and distressed communities face  
31 particular challenges in accessing physical child care capacity  
32 resulting in child care deserts.

33 (10) The legislature finds that in order to strengthen early  
34 childhood development and improve kindergarten readiness outcomes,  
35 the need for access to early childhood programs goes beyond child  
36 care. Services for families, infants, and young children age three  
37 and under are in short supply. Too many family members caring for  
38 children feel isolated, lack access to parent education and childhood  
39 development training, and do not receive critical interventions for

1 infants and toddlers who are experiencing trauma, developmental  
2 delays, or a general lack of stability.

3 (11) The legislature recognizes parents as a child's first  
4 teachers who deserve access to a comprehensive suite of services  
5 designed to best support them as they care for an infant or young  
6 child. The legislature recognizes parent choice as a core value in  
7 developing this array of services, as every family experiences  
8 different circumstances and challenges as they nurture children.

9 (12) Therefore, the legislature resolves to expand access to a  
10 comprehensive continuum of high quality early childhood development  
11 programs, including prenatal to three services, child care,  
12 preschool, and parent and family supports. The legislature recognizes  
13 this continuum as critical to offering every child in Washington  
14 access to a fair start.

15 (13) The legislature intends to expand eligibility for existing  
16 child care and preschool programs and mitigate the child care subsidy  
17 cliff by reducing child care copayments for low-income families with  
18 young children.

19 (14) The legislature further intends to stabilize and support the  
20 diverse early learning workforce by funding adequate compensation and  
21 benefits while providing appropriate training, mental health  
22 consultation, shared business services, and a variety of other  
23 supports that recognize the critical role that early learning  
24 providers serve for all Washington children. The legislature further  
25 intends to promote learning environments that meet children's needs  
26 and provide financial support for the early achievers program,  
27 including smaller provider-coach ratios and education scholarships  
28 for providers. Specialized workforce training and therapeutic child  
29 care will increase the quality and availability of services for  
30 children experiencing trauma, developmental delays, and complex  
31 needs. In addition, the creation of early childhood equity grants  
32 will help support dual language and culturally relevant programs that  
33 serve diverse communities, particularly those who have experienced  
34 profound historical trauma.

35 (15) The legislature further intends to significantly expand  
36 child care availability by investing in building, expanding, and  
37 renovating early learning and child care facilities.

38 (16) The legislature further intends to expand a tiered array of  
39 prenatal to three services that are available to all families in

1 Washington, honoring the value of parental choice and the role  
2 family, friends, and neighbors often play in a young child's life.

3 (17) Recognizing the direct role that businesses can play in  
4 expanding access to child care, the legislature intends to offer  
5 technical assistance to employers seeking to offer child care or  
6 family-friendly policies that promote early childhood development and  
7 family economic security.

8 (18) The legislature intends to align early learning services and  
9 programs into a high quality continuum of care and education to  
10 provide every child in Washington a fair start.

11 **PART II**

12 **ACCOUNTS AND OVERSIGHT**

13 NEW SECTION. **Sec. 201.** (1) The fair start for kids account is  
14 created in the state treasury. Moneys in the account may be spent  
15 only after appropriation. Expenditures from the account may be used  
16 only for the purposes described in this section.

17 (2) The legislature shall consider recommendations for funding  
18 allocations as made by the early learning advisory and accountability  
19 council pursuant to RCW 43.216.075 when appropriating moneys from the  
20 account. The legislature shall appropriate moneys from the account as  
21 follows:

22 (a) Fifty-five percent to support child care access and  
23 affordability, pursuant to sections 301 and 303 through 307 of this  
24 act;

25 (b) Thirty-five percent to increase and sustain child care supply  
26 and the early learning workforce, pursuant to sections 207 and 308  
27 through 316 of this act; and

28 (c) Ten percent to support children from prenatal to age three  
29 and their parents and caregivers, pursuant to sections 317 through  
30 320 of this act.

31 (3) Each year, in January, April, July, and October, the  
32 treasurer shall transfer five percent of revenue deposited into the  
33 fair start for kids account during the previous quarter to the early  
34 learning facilities revolving account established in RCW 43.31.569.

35 (4) Every odd-numbered year on June 30th, the treasurer shall  
36 transfer ten million dollars from the fair start for kids account to  
37 the early learning health care expansion account established in  
38 section 205 of this act. It is the intent of the legislature to

1 continue this funding until a health care funding plan for all child  
2 care providers is adopted by the legislature.

3 **Sec. 202.** RCW 43.216.075 and 2017 c 171 s 1 are each amended to  
4 read as follows:

5 (1) The early learning advisory and accountability council is  
6 established to advise the department on statewide early learning  
7 issues that contribute to the ongoing efforts of building a  
8 comprehensive system of quality early learning programs and services  
9 for Washington's young children and families.

10 (2) The council shall work in conjunction with the department to  
11 assist in policy development and implementation that assist the  
12 department in promoting alignment of private and public sector  
13 actions, objectives, and resources, thereby ensuring school  
14 readiness, social-emotional skill development, advancement of racial  
15 equity, and strengthened families.

16 (3) The council shall oversee the implementation of early  
17 learning policies established in this act and make recommendations on  
18 early learning spending priorities to the governor and the  
19 legislature as described in this section.

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

25 ~~((4))~~ (5) Councilmembers shall serve two-year terms ~~((. However,~~  
26 ~~to stagger the terms of the council, the initial appointments for~~  
27 ~~twelve of the members shall be for one year. Once the initial one-~~  
28 ~~year to two-year terms expire, all subsequent terms shall be for two~~  
29 ~~years)), with the terms expiring on June 30th of the applicable year.  
30 The terms shall be staggered in such a way that, where possible, the  
31 terms of members representing a specific group do not expire  
32 simultaneously.~~

33 ~~((5))~~ (6) The council shall consist of members essential to  
34 coordinating services statewide prenatal through age five, as  
35 follows:

36 (a) In addition to being staffed and supported by the department,  
37 the governor shall appoint one representative from each of the  
38 following: The department of health, the student achievement council,

1 the department of commerce, the office of financial management, and  
2 the state board for community and technical colleges;

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

6 (c) The governor shall appoint leaders in early childhood  
7 education to represent critical service delivery and support sectors,  
8 with at least one individual representing each of the following:

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

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

13 (iii) A representative of (~~a local education agency~~) and  
14 educational service district;

15 (iv) A representative of the (~~state agency responsible for~~  
16 ~~programs under section 619 or~~) department's early support for  
17 infants and toddlers program as established under part C of the  
18 federal individuals with disabilities education act;

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

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

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

23 (viii) A representative from the home visiting advisory committee  
24 established in RCW (~~43.215.130~~) 43.216.130;

25 (d) Two members of the house of representatives, one from each  
26 caucus, to be appointed by the speaker of the house of  
27 representatives and two members of the senate, one from each caucus,  
28 to be appointed by the majority leader in the senate and the minority  
29 leader in the senate;

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

32 (f) One representative of (~~the private-public partnership~~  
33 ~~created in RCW 43.215.070, to be appointed by the partnership board~~)  
34 a private philanthropic organization;

35 (g) One representative from the developmental disabilities  
36 community;

37 (h) Two representatives from early learning regional coalitions,  
38 One early learning regional coalition member must represent a rural  
39 or distressed community;

40 (i) One infant mental health specialist;

1 (j) One representative of a statewide association representing  
2 business interests;

3 (k) One representative of a business offering employer-supported  
4 child care;

5 (l) One representative of the statewide child care resource and  
6 referral organization;

7 (m) Representatives of underserved communities who have a special  
8 expertise or interest in high quality early learning, one to be  
9 appointed by each of the following commissions:

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

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

14 (iii) The Washington state commission on Hispanic affairs;

15 ~~((+j))~~ (n) Two representatives designated by sovereign tribal  
16 governments, one of whom must be a representative of a tribal early  
17 childhood education assistance program or head start program;

18 ~~((+k))~~ (o) One representative from the Washington federation of  
19 independent schools;

20 ~~((+l))~~ (p) One representative from ~~((the Washington library~~  
21 association)) an organization focused on promoting literacy; ~~((and~~

22 ~~+m))~~ (q) One representative from a statewide advocacy coalition  
23 of organizations that focuses on early learning;

24 (r) One representative from the office of equity created by  
25 chapter . . . (House Bill No. 1783 or Senate Bill No. 5776), Laws of  
26 2020;

27 (s) One representative from the women's commission established  
28 under chapter 43.119 RCW; and

29 (t) One representative of a statewide organization representing  
30 the interests of family day care providers.

31 ~~((+6))~~ (7) The council shall be cochaired by two members, to be  
32 elected by the council for two-year terms and not more than one  
33 cochair may represent a state agency.

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

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



1 (9) (a) The council shall convene an early achievers review  
2 subcommittee to provide feedback and guidance on strategies to  
3 improve the quality of instruction and environment for early learning  
4 and provide input and recommendations on the implementation and  
5 refinement of the early achievers program. The review conducted by  
6 the subcommittee shall be a part of the annual progress report  
7 required in RCW (~~(43.215.102)~~) 43.216.089. At a minimum the review  
8 shall address the following:

9 (i) Adequacy of data collection procedures;

10 (ii) Coaching and technical assistance standards;

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

15 (iv) Strategies in response to data on the effectiveness of early  
16 achievers program standards in relation to providers and children  
17 from diverse cultural backgrounds, including recommendations for  
18 adjusting standards and ratings to ensure equitable representation of  
19 programs that provide culturally or linguistically unique programs;

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

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

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

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

34 (10) (a) The council shall establish additional subcommittees to  
35 include:

36 (i) Child care access and affordability;

37 (ii) Child care supply and the early learning workforce;

38 (iii) Prenatal to age three supports; and

39 (iv) Measurable outcomes and accountability.

1 (b) Based on the advice of the subcommittees described in this  
2 subsection, the council shall provide biennial budget  
3 recommendations, in collaboration with the department, to the  
4 governor and the legislature on how early learning priorities should  
5 be funded and supported within the allowed activities of the fair  
6 start for kids account as established in section 201 of this act.

7 (11) At least once every five years, the council must survey  
8 providers and families to solicit feedback on the early learning  
9 programs and policies developed under this act. The survey must be  
10 made available in the three most commonly spoken languages in the  
11 state. Survey results must be incorporated into the council  
12 recommendations provided pursuant to subsection (9) of this section.

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

14 NEW SECTION. Sec. 203. (1) Beginning July 1, 2022, and subject  
15 to the availability of amounts appropriated for this specific  
16 purpose, rates established under sections 309, 310, 312, and 319 of  
17 this act must be adjusted annually according to an inflationary  
18 increase. The inflationary increase must be calculated by applying  
19 the rate of the yearly increase in the inflationary adjustment index  
20 to the rates established in sections 309, 310, 312, and 319 of this  
21 act. Any funded inflationary increase must be included in the rate  
22 used to determine inflationary increases in subsequent years. For the  
23 purposes of this section, "inflationary adjustment index" means the  
24 implicit price deflator for that fiscal year, using the official  
25 current base rate, compiled by the bureau of economic analysis,  
26 United States department of commerce.

27 (2) Inflationary adjustments made pursuant to this section must  
28 continue until child care subsidy rates are sufficient to compensate  
29 providers for the full costs of providing high quality child care, as  
30 estimated in the child care cost estimate model developed under RCW  
31 43.330.527.

32 NEW SECTION. Sec. 204. The legislature recognizes the  
33 importance of health care coverage to the stability and well-being of  
34 the early learning workforce. Therefore, it is the intent of the  
35 legislature to expand access to health care for family day care;  
36 child day care center; family, friend, and neighbor; and early  
37 childhood education and assistance program providers across the state  
38 in consultation with ongoing research efforts, including

1 recommendations from the child care collaborative task force as  
2 established in RCW 43.330.527.

3 NEW SECTION. **Sec. 205.** (1) The early learning health care  
4 expansion account is created in the state treasury. Revenues to the  
5 account shall consist of appropriations, including transfers from the  
6 fair start for kids account established in section 201 of this act.  
7 Moneys from the account may be spent only after appropriation.  
8 Expenditures from the account may be used only for the purposes of  
9 increasing the number of family day care providers as defined in RCW  
10 43.216.010 who receive health care benefits.

11 (2)(a) The department shall consult with the health benefits  
12 exchange to provide health care navigation assistance to child day  
13 care center providers, family day care providers, and early childhood  
14 education and assistance program contractors and providers. The  
15 navigation assistance staff shall conduct an outreach and enrollment  
16 campaign to enroll providers through the Washington health plan  
17 finder.

18 (b) By June 30, 2024, the department and the health benefits  
19 exchange must jointly report to the legislature on the results of the  
20 outreach and enrollment campaign, including findings related to  
21 access barriers for this population. The report must include  
22 recommendations designed to inform the implementation of the cost of  
23 the child care cost estimate model developed under RCW 43.330.527.

24 NEW SECTION. **Sec. 206.** (1) In order to expand the supply of  
25 critically needed after hours care to meet the needs of parents and  
26 caregivers and a round-the-clock economy, the department of children,  
27 youth, and families must develop a rate model for nonstandard child  
28 care hours and submit the model to the governor and the legislature  
29 by October 1, 2021.

30 (2) This section expires June 30, 2023.

31 NEW SECTION. **Sec. 207.** A new section is added to chapter 43.31  
32 RCW to read as follows:

33 (1) Subject to the availability of amounts appropriated for this  
34 specific purpose, the department shall award start-up grants from the  
35 early learning facilities grant and loan program to eligible  
36 organizations as described in RCW 43.31.575 who provide the early  
37 childhood education and assistance program or working connections

1 child care. To be eligible, the organization must commit to being an  
2 active participant in good standing with the early achievers program.  
3 Start-up grants are limited to one grant per location per eligible  
4 organization. After receiving a start-up grant for a particular  
5 location an organization is not eligible for any additional start-up  
6 grants for that location under this section.

7 (2) Start-up grant funds must be used for one-time start-up costs  
8 associated with the start-up of a new child care or early childhood  
9 education and assistance program site. Eligible uses of grant funds  
10 include the purchase of equipment, supplies, fixtures and  
11 furnishings, dual language programming, and the cost of other goods  
12 and services associated with operations that are necessary to meet  
13 foundational quality standards for early learning programs as  
14 established by the department of children, youth, and families.

15 (3) The department shall adopt rules to implement this section.  
16 When developing rules for start-up grants, the department must  
17 consider using the child care cost estimate model developed pursuant  
18 to RCW 43.330.527 to inform the start-up grant parameters.

19 **Sec. 208.** RCW 43.31.577 and 2017 3rd sp.s. c 12 s 8 are each  
20 amended to read as follows:

21 (1) Activities eligible for funding through the early learning  
22 facilities grant and loan program for eligible organizations include:

23 (a) Facility predesign grants or loans of no more than ten  
24 thousand dollars to allow eligible organizations to secure  
25 professional services or consult with organizations certified by the  
26 community development financial institutions fund to plan for and  
27 assess the feasibility of early learning facilities projects or  
28 receive other technical assistance to design and develop projects for  
29 construction funding;

30 (b) Grants or loans of no more than one hundred thousand dollars  
31 for minor renovations or repairs of existing early learning  
32 facilities; ~~((and))~~

33 (c) Major construction and renovation grants or loans and grants  
34 or loans for facility purchases of no more than ~~((eight hundred  
35 thousand))~~ one million dollars to create or expand early learning  
36 facilities;

37 (d) Start-up grants under section 207 of this act; and

1 (e) Grants of up to one million dollars to local governments for  
2 public infrastructure improvements necessary to support major  
3 construction, renovation, or purchases of early learning facilities.

4 (i) For the purposes of this subsection, "public infrastructure  
5 improvements" include costs associated with design, construction,  
6 permitting, and connections for water, sewer, stormwater, sidewalk,  
7 and other infrastructure systems as determined by the department.

8 (ii) Local governments eligible for grants under this subsection  
9 (1)(e) are cities, towns, counties, special purpose districts, school  
10 districts, and any other municipal corporation in the state.

11 (2) Activities eligible for funding through the early learning  
12 facilities grant and loan program for school districts include major  
13 construction, purchase, and renovation grants or loans of no more  
14 than (~~eight hundred thousand~~) one million dollars to create or  
15 expand early learning facilities that received priority and ranking  
16 as described in RCW 43.31.581.

17 (3) (~~(Beginning July 1, 2018, amounts)~~) Amounts in this section  
18 must be increased annually by the United States implicit price  
19 deflator for state and local government construction provided by the  
20 office of financial management.

21 **PART III**

22 **EARLY LEARNING POLICIES**

23 **1. SUPPORTING CHILD CARE ACCESS AND AFFORDABILITY**

24 **Working Connections Child Care**

25 NEW SECTION. Sec. 301. (1) The department shall establish and  
26 implement policies in the working connections child care program to  
27 promote stability and quality of care for children from low-income  
28 households. These policies shall focus on supporting: (a) School  
29 readiness for young learners; (b) lifelong social-emotional skills;  
30 and (c) the stability of asset-limited, income-constrained families.  
31 Policies for the expenditure of funds constituting the working  
32 connections child care program must be consistent with the outcome  
33 measures established by the department and the standards established  
34 in this section intended to promote stability, quality, and  
35 continuity of early learning.

36 (2) As recommended by P.L. 113-186, authorizations for the  
37 working connections child care subsidy are effective for twelve  
38 months.

1 (3) (a) The department shall establish and implement policies in  
2 the working connections child care program to allow eligibility for  
3 families with children who:

4 (i) In the last six months have:

5 (A) Received child protective services as defined and used by  
6 chapters 26.44 and 74.13 RCW;

7 (B) Received child welfare services as defined and used by  
8 chapter 74.13 RCW; or

9 (C) Received services through a family assessment response as  
10 defined and used by chapter 26.44 RCW;

11 (ii) Have been referred for child care as part of the family's  
12 case management as defined by RCW 74.13.020; and

13 (iii) Are residing with a biological parent or guardian.

14 (b) Families who are eligible for working connections child care  
15 pursuant to this subsection do not have to keep receiving services  
16 identified in this subsection to maintain twelve-month authorization.

17 (4) (a) Beginning August 1, 2020, the department may not require  
18 an applicant or consumer to meet work requirements as a condition of  
19 receiving working connections child care benefits when the applicant  
20 or consumer is:

21 (i) A full-time student of a community, technical, or tribal  
22 college; and

23 (ii) Pursuing vocational education that leads to a degree or  
24 certificate in a specific occupation, not to result in a bachelor's  
25 or advanced degree.

26 (b) An applicant or consumer is a full-time student for the  
27 purposes of this subsection if he or she meets the college's  
28 definition of a full-time student. The student must maintain passing  
29 grades and be in good standing pursuant to college attendance  
30 requirements.

31 (c) Nothing in this subsection is intended to change how  
32 applicants or consumers are prioritized when applicants or consumers  
33 are placed on a wait list for working connections child care  
34 benefits.

35 (5) For the purposes of sections 301 through 303 of this act,  
36 "homeless" means without a fixed, regular, and adequate nighttime  
37 residence as described in the federal McKinney-Vento homeless  
38 assistance act (42 U.S.C., Chapter 119, Subchapter VI, Part B) as it  
39 existed on January 1, 2020.

1       **Sec. 302.** RCW 43.216.135 and 2019 c 406 s 70 and 2019 c 369 s 4  
2 are each reenacted and amended to read as follows:

3       (1) ~~((The department shall establish and implement policies in~~  
4 ~~the working connections child care program to promote stability and~~  
5 ~~quality of care for children from low-income households. These~~  
6 ~~policies shall focus on supporting school readiness for young~~  
7 ~~learners. Policies for the expenditure of funds constituting the~~  
8 ~~working connections child care program must be consistent with the~~  
9 ~~outcome measures established by the department and the standards~~  
10 ~~established in this section intended to promote stability, quality,~~  
11 ~~and continuity of early care and education programming.~~

12       ~~(2) As recommended by Public Law 113-186, authorizations for the~~  
13 ~~working connections child care subsidy shall be effective for twelve~~  
14 ~~months beginning July 1, 2016, unless an earlier date is provided in~~  
15 ~~the omnibus appropriations act.~~

16       ~~(3))~~ Existing child care providers serving nonschool-age  
17 children and receiving state subsidy payments must complete the  
18 following requirements to be eligible for a state subsidy under this  
19 section:

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

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

23       (c) Rate or request to be rated at a level 3 or higher in the  
24 early achievers program by December 31, 2019. If a child care  
25 provider does not rate at or request to be rated at a level 3 by  
26 December 31, 2019, the provider is no longer eligible to receive  
27 state subsidy. If the provider rates below a level 3 when the rating  
28 is released, the provider must complete remedial activities with the  
29 department, and must rate at or request to be rated at a level 3 or  
30 higher no later than December 30, 2020.

31       ~~((4))~~ (2) A new child care provider serving nonschool-age  
32 children and receiving state subsidy payments must complete the  
33 following activities to be eligible to receive a state subsidy under  
34 this section:

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

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

39       (c) Rate or request to be rated at a level 3 or higher in the  
40 early achievers program within thirty months of enrollment. If a

1 child care provider does not rate or request to be rated at a level 3  
2 within thirty months from enrollment into the early achievers  
3 program, the provider is no longer eligible to receive state subsidy.  
4 If the provider rates below a level 3 when the rating is released,  
5 the provider must complete remedial activities with the department,  
6 and rate or request to be rated at a level 3 or higher within twelve  
7 months of beginning remedial activities.

8 ~~((+5))~~ (3) If a child care provider does not rate or request to  
9 be rated at a level 3 or higher following the remedial period, the  
10 provider is no longer eligible to receive state subsidy under this  
11 section. If a child care provider does not rate at a level 3 or  
12 higher when the rating is released following the remedial period, the  
13 provider is no longer eligible to receive state subsidy under this  
14 section.

15 ~~((+6))~~ (4) If a child care provider serving nonschool-age  
16 children and receiving state subsidy payments has successfully  
17 completed all level 2 activities and is waiting to be rated by the  
18 deadline provided in this section, the provider may continue to  
19 receive a state subsidy pending the successful completion of the  
20 level 3 rating activity.

21 ~~((+7))~~ (5) The department shall implement tiered reimbursement  
22 for early achievers program participants in the working connections  
23 child care program rating at level 3, 4, or 5.

24 ~~((+8))~~ (6) The department shall account for a child care  
25 copayment collected by the provider from the family for each  
26 contracted slot and establish the copayment fee by rule.

27 ~~((+9)(a) The department shall establish and implement policies in  
28 the working connections child care program to allow eligibility for  
29 families with children who:~~

30 ~~(i) In the last six months have:~~

31 ~~(A) Received child protective services as defined and used by  
32 chapters 26.44 and 74.13 RCW;~~

33 ~~(B) Received child welfare services as defined and used by  
34 chapter 74.13 RCW; or~~

35 ~~(C) Received services through a family assessment response as  
36 defined and used by chapter 26.44 RCW;~~

37 ~~(ii) Have been referred for child care as part of the family's  
38 case management as defined by RCW 74.13.020; and~~

39 ~~(iii) Are residing with a biological parent or guardian.~~



1 ~~(b) Children who are eligible for working connections child care~~  
2 ~~pursuant to this subsection do not have to keep receiving services~~  
3 ~~identified in this subsection to maintain twelve-month authorization.~~  
4 ~~The department of social and health services' involvement with the~~  
5 ~~family referred for working connections child care ends when the~~  
6 ~~family's child protective services, child welfare services, or family~~  
7 ~~assessment response case is closed.~~

8 ~~(10)(a) Beginning August 1, 2020, the department may not require~~  
9 ~~an applicant or consumer to meet work requirements as a condition of~~  
10 ~~receiving working connections child care benefits when the applicant~~  
11 ~~or consumer is:~~

12 ~~(i) A single parent;~~

13 ~~(ii) A full-time student of a community, technical, or tribal~~  
14 ~~college; and~~

15 ~~(iii) Pursuing vocational education that leads to a degree or~~  
16 ~~certificate in a specific occupation, not to result in a bachelor's~~  
17 ~~or advanced degree.~~

18 ~~(b) An applicant or consumer is a full-time student for the~~  
19 ~~purposes of this subsection if he or she meets the college's~~  
20 ~~definition of a full-time student. The student must maintain passing~~  
21 ~~grades and be in good standing pursuant to college attendance~~  
22 ~~requirements.~~

23 ~~(c) Nothing in this subsection is intended to change how~~  
24 ~~applicants or consumers are prioritized when applicants or consumers~~  
25 ~~are placed on a wait list for working connections child care~~  
26 ~~benefits.))~~

27 NEW SECTION. **Sec. 303.** (1)(a) It is the intent of the  
28 legislature to increase working families' access to affordable, high  
29 quality child care and to support the expansion of the workforce to  
30 support businesses and the economy statewide.

31 (b) Beginning July 1, 2022, and subject to the availability of  
32 amounts appropriated for this specific purpose, a household is  
33 eligible for working connections child care for a nonschool age child  
34 when the household's annual household income is at or below eighty-  
35 five percent of the state median income adjusted for family size and  
36 the household meets all other program eligibility requirements.

37 (2) The department must calculate a monthly copayment for a  
38 household with any child eligible under this section according to the  
39 following schedule:

1 (a) If the household's annual income is at or below thirty-six  
2 percent of the state median income, then the household shall have no  
3 copayment.

4 (b) If the household's annual income is above thirty-six percent  
5 of the state median income and at or below fifty percent of the state  
6 median income, then the household copayment shall be fifteen dollars  
7 per month.

8 (c) If the household's annual income is above fifty percent of  
9 the state median income and at or below sixty-five percent of the  
10 state median income, then the household copayment shall be one  
11 hundred fifty dollars per month.

12 (3) The department shall develop a copayment model based on  
13 available revenue for households with annual incomes above sixty-five  
14 percent of the state median income and at or below eighty-five  
15 percent of the state median income. The model must calculate a  
16 copayment for each household that is no greater than fifteen percent  
17 of countable household income for households within this income  
18 range. The department must submit the model and a corresponding  
19 implementation plan to the governor and the legislature by October 1,  
20 2021.

21 (4) The department must adopt rules to implement this section.

22 (5) With the exception of subsection (2) of this section, nothing  
23 in this section requires changes to program eligibility and  
24 copayments adopted by the department in rule for school age children  
25 in the working connections child care program.

## 26 **Early Childhood Education and Assistance Program**

27 NEW SECTION. **Sec. 304.** The legislature finds that eligibility  
28 guidelines for the national school lunch program require free meals  
29 for children with household incomes at or below one hundred thirty  
30 percent of the federal poverty level and that this income level is  
31 approximately equivalent to thirty-six percent of the state median  
32 income for a household of three. Therefore, the legislature intends  
33 to raise the maximum household income for children entitled to enroll  
34 in the early childhood education and assistance program to thirty-six  
35 percent of the state median income beginning July 1, 2026. It is the  
36 intent of the legislature to standardize income eligibility levels  
37 for assistance programs in order to help families and social workers

1 better understand the benefits for which families qualify and to  
2 simplify and align state systems wherever feasible.

3 **Sec. 305.** RCW 43.216.505 and 2019 c 408 s 2 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout RCW 43.216.500 through 43.216.559,  
7 43.216.900, and 43.216.901.

8 (1) "Advisory committee" means the advisory committee under RCW  
9 43.216.520.

10 (2) "Approved programs" means those state-supported education and  
11 special assistance programs which are recognized by the department as  
12 meeting the minimum program rules adopted by the department to  
13 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and  
14 43.216.901 and are designated as eligible for funding by the  
15 department under RCW 43.216.530 and 43.216.540.

16 (3) "Comprehensive" means an assistance program that focuses on  
17 the needs of the child and includes education, health, and family  
18 support services.

19 (4) "Eligible child" means a three to five-year old child who is  
20 not age-eligible for kindergarten, is not a participant in a federal  
21 or state program providing comprehensive services, and who:

22 (a) Has a ~~((family))~~ household income at or below ~~((one hundred~~  
23 ~~ten))~~ thirty-six percent of the ~~((federal poverty level, as published~~  
24 ~~annually by the federal department of health and human services))~~  
25 state median income adjusted for household size;

26 (b) Is experiencing homelessness;

27 (c) Has participated in early head start, the early support for  
28 infants and toddlers, or the birth to three early childhood education  
29 and assistance pilot project;

30 (d) Is eligible for special education due to disability under RCW  
31 28A.155.020; or

32 ~~((e))~~ (e) Meets criteria under rules adopted by the department  
33 if the number of such children equals not more than ten percent of  
34 the total enrollment in the early childhood program. Preference for  
35 enrollment in this group shall be given to children from families  
36 with the lowest income, children in foster care, or to eligible  
37 children from families with multiple needs.

38 (5) "Family support services" means providing opportunities for  
39 parents to:

1 (a) Actively participate in their child's early childhood  
2 program;

3 (b) Increase their knowledge of child development and parenting  
4 skills;

5 (c) Further their education and training;

6 (d) Increase their ability to use needed services in the  
7 community;

8 (e) Increase their self-reliance.

9 (6) "Experiencing homelessness" means a child without a fixed,  
10 regular, and adequate nighttime residence as described in the federal  
11 McKinney-Vento homeless assistance act (42 U.S.C., Chapter 119,  
12 Subchapter VI, Part B) as it existed on January 1, 2020.

13 **Sec. 306.** RCW 43.216.512 and 2019 c 409 s 2 are each amended to  
14 read as follows:

15 (1) The department shall adopt rules that allow the enrollment of  
16 children in the early childhood education and assistance program, as  
17 space is available if the number of such children equals not more  
18 than twenty-five percent of total statewide enrollment, whose family  
19 income is (~~(÷~~

20 ~~(a) Above one hundred ten percent but less than or equal to one~~  
21 ~~hundred thirty percent of the federal poverty level; or~~

22 ~~(b) Above one hundred thirty percent but less than or equal to~~  
23 ~~two hundred percent of the federal poverty level if)) above thirty-~~  
24 six percent but less than or equal to fifty-five percent of the state  
25 median income adjusted for household size and the child meets at  
26 least one of the risk factor criterion described in subsection (2) of  
27 this section.

28 (2) Children enrolled in the early childhood education and  
29 assistance program pursuant to (~~(subsection (1)(b) of))~~) this section  
30 must be prioritized for available funded slots according to a  
31 prioritization system adopted in rule by the department that  
32 considers risk factors that have a disproportionate effect on  
33 kindergarten readiness and school performance, including:

34 (a) Family income as a percent of the (~~(federal poverty level))~~)  
35 state median income;

36 (b) Homelessness;

37 (c) Child welfare system involvement;

1 (d) Developmental delay or disability that does not meet the  
2 eligibility criteria for special education described in RCW  
3 28A.155.020;

4 (e) Domestic violence;

5 (f) English as a second language;

6 (g) Expulsion from an early learning setting;

7 (h) A parent who is incarcerated;

8 (i) A parent with a substance use disorder or mental health  
9 treatment need; and

10 (j) Other risk factors determined by the department to be linked  
11 by research to school performance.

12 (3) The department shall adopt rules that allow a child to enroll  
13 in the early childhood education and assistance program, as space is  
14 available, when the child is not eligible under RCW 43.216.505 and  
15 the child turns three years old at any time during the school year  
16 when the child:

17 (a) Has a family income at or below (~~two hundred~~) fifty-five  
18 percent of the (~~federal poverty level~~) state median income or meets  
19 at least one risk factor criterion adopted by the department in rule;  
20 and

21 (b) Has received services from or participated in:

22 (i) The early support for infants and toddlers program;

23 (ii) The early head start or a successor federal program  
24 providing comprehensive services for children from birth through two  
25 years of age; or

26 (iii) The birth to three early childhood education and assistance  
27 program, if such a program is established.

28 (4) Children enrolled in the early childhood education and  
29 assistance program under this section are not considered eligible  
30 children as defined in RCW 43.216.505 and are not considered to be  
31 part of the state-funded entitlement required in RCW 43.216.556.

32 **Sec. 307.** RCW 43.216.514 and 2019 c 408 s 7 are each amended to  
33 read as follows:

34 (1) (a) The department shall prioritize children for enrollment in  
35 the early childhood education and assistance program who are eligible  
36 pursuant to RCW 43.216.505.

37 (b) A child who is eligible at the time of enrollment in the  
38 early childhood education and assistance program maintains his or her  
39 program eligibility until he or she begins kindergarten.

1 (2) As space is available, children may be included in the early  
2 childhood education and assistance program pursuant to RCW  
3 43.216.512. (~~Priority within this group must be given first to~~  
4 ~~children with incomes up to one hundred thirty percent of the federal~~  
5 ~~poverty level.~~)

6 **2. INCREASING AND SUSTAINING CHILD CARE SUPPLY AND THE EARLY LEARNING**  
7 **WORKFORCE**  
8 **Subsidy Rates**

9 **Sec. 308.** RCW 43.216.749 and 2019 c 368 s 7 are each amended to  
10 read as follows:

11 Subject to the availability of amounts appropriated for this  
12 specific purpose:

13 (1) (~~By~~) Child care subsidy rates for licensed family homes and  
14 child care centers shall achieve at least the seventy-fifth  
15 percentile of the private market rate at a level 3 standard of  
16 quality until December 31, 2024; and

17 (2) Beginning January 1, 2025, the department (~~of children,~~  
18 ~~youth, and families~~) must use the child care cost model developed  
19 under RCW 43.330.527 to (~~determine child care subsidy rates.~~

20 ~~(2) This section expires January 30, 2025~~) set child care  
21 subsidy rates at levels that are sufficient to compensate providers  
22 for the full costs of providing high quality child care.

23 **Early Childhood Education and Assistance Program Rates**

24 NEW SECTION. **Sec. 309.** Subject to the availability of amounts  
25 appropriated for this specific purpose, rates for the early childhood  
26 education and assistance program shall be established as follows:

27 (1) For the 2022-23 school year, rates shall be set at a level at  
28 least ten percent higher than the rates established in chapter 415,  
29 Laws of 2019.

30 (2) Beginning July 1, 2023, and subject to the availability of  
31 amounts appropriated for this specific purpose, rates shall be  
32 adjusted annually according to an inflationary increase as described  
33 in section 203 of this act. It is the intent of the legislature that  
34 rate increases shall be informed by the department's 2020 early  
35 childhood education and assistance program rate study.

1                                   **Trauma Informed Designation for Complex Needs**

2           NEW SECTION.   **Sec. 310.** (1) Beginning July 1, 2022, and subject  
3 to the availability of amounts appropriated for this specific  
4 purpose, the department shall provide a complex needs subsidy rate  
5 enhancement for providers and contractors who are designated as a  
6 trauma-informed care provider in the early achievers program. It is  
7 the intent of the legislature to allow uses of rate enhancements to  
8 include the purchase of screening tools and assessment materials,  
9 trauma-informed professional development and training for providers  
10 and contractors, supportive services for children with complex needs  
11 that are offered as fee-for-service within local communities, and  
12 wage increases for individual staff who have an infant and early  
13 childhood mental health specialty credential.

14           (2) The complex needs rate enhancements under subsection (1) of  
15 this section shall be calculated by the department and must be  
16 awarded on a per-classroom basis. To qualify, a classroom may be an  
17 integrated environment serving children with complex needs alongside  
18 their peers or the classroom may exclusively serve children with  
19 complex needs. The department must provide a financial model for  
20 calculating the complex needs rate enhancements to the governor and  
21 the legislature by October 1, 2021.

22           (3) To the extent practicable, parties should consider in  
23 collective bargaining agreements, beginning in the 2021-2023  
24 biennium, implementation of a rate structure similar to the  
25 provisions in this section.

26           (4) Beginning July 1, 2023, and subject to the availability of  
27 amounts appropriated for this specific purpose, complex needs rate  
28 enhancements distributed pursuant to this section shall be adjusted  
29 annually as described in section 203 of this act.

30                                   **Early Childhood Equity Grants**

31           NEW SECTION.   **Sec. 311.** (1) Subject to the availability of  
32 amounts appropriated for this specific purpose, the department shall  
33 provide early childhood equity grants to eligible applicants. The  
34 equity grants are intended to serve as a step toward expanding access  
35 to early learning statewide and transforming Washington's early  
36 learning system to make it more inclusive and equitable. Families of  
37 color deserve the option of a culturally and linguistically specific

1 experience that might make the difference for their child's future  
2 success. The department shall administer the early childhood equity  
3 grants to support culturally and linguistically specific early  
4 learning and early childhood and parent support programs across the  
5 state.

6 (2) The department must conduct an equitable process to  
7 prioritize grant applications for early childhood equity grant  
8 assistance as described in subsection (1) of this section. An  
9 applicant must be in good standing with the early achievers quality  
10 rating and improvement system to be eligible to receive an early  
11 childhood equity grant. An eligible applicant may receive an early  
12 childhood equity grant once every two years.

13 (3) When conducting the equitable grant process pursuant to  
14 subsection (2) of this section, the department must:

15 (a) Solicit project applications from a racially and  
16 geographically diverse pool of eligible applicants statewide;

17 (b) Provide application materials in the top three spoken  
18 languages in the state and broadly communicate using a variety of  
19 strategies to reach diverse communities;

20 (c) Require applicants to demonstrate their proposed uses of  
21 early childhood equity grant funds to incorporate culturally and  
22 linguistically supportive and relevant practices into early learning  
23 program design, delivery, education, training, and evaluation; and

24 (d) Evaluate and rank applications in consultation with an  
25 advisory committee focused on racial equity, diversity, and inclusion  
26 in early learning that includes representation by members from  
27 diverse communities. Applications must be ranked and prioritized  
28 according to the following criteria:

29 (i) Proposed uses of the early childhood equity grant funds,  
30 including how funds will be used to support cultural and linguistic  
31 diversity;

32 (ii) The number of children receiving state subsidy as a  
33 percentage of the applicant's overall enrollment population; and

34 (iii) Characteristics of the children served by the applicant,  
35 including the percentage of children from racial or ethnic groups  
36 that have historically experienced academic, health, or economic  
37 disparities.

38 (4) To be eligible for early childhood equity grant funds an  
39 applicant must describe how their program is culturally or  
40 linguistically specific and must have demonstrated experience of



1 providing effective outreach, support, and resources to underserved  
2 children and their families.

3 (5) In years following the appropriation of state funding for  
4 early childhood equity grants in the prior fiscal year, the  
5 department must submit a brief status report by December 1st to the  
6 governor and the legislature describing the projects funded with  
7 early childhood equity grant funds and the populations served.

8 (6) The department may adopt rules to implement this section.

9 **Dual Language Workforce and Designation**

10 NEW SECTION. **Sec. 312.** (1) Beginning July 1, 2022, and subject  
11 to the availability of amounts appropriated for this specific  
12 purpose, the department shall establish a dual language designation  
13 and provide a rate enhancement in the early achievers program for  
14 child care providers and early childhood education and assistance  
15 program contractors who are accepting state subsidy and caring for  
16 children between the ages of birth and five years. To be eligible for  
17 dual language rate enhancements, a provider must be an active  
18 participant in good standing with the early achievers program. It is  
19 the intent of the legislature to allow uses of rate enhancements to  
20 include the purchase of dual language and culturally appropriate  
21 curricula and accompanying training programs, instructional  
22 materials, professional development training, and increased wages for  
23 individual staff who provide bilingual instruction.

24 (2) The department must consult with a stakeholder advisory group  
25 to develop criteria for the dual language designation by September 1,  
26 2021. The stakeholder group must include:

27 (a) A representative of an organization of early learning  
28 providers focused on preserving languages and culture by serving  
29 immigrant and refugee communities;

30 (b) A representative of an early learning advocacy organization;

31 (c) A representative of an organization that advocates on behalf  
32 of dual language learners and home language support programs;

33 (d) A representative of the statewide child care resource and  
34 referral network;

35 (e) A representative of the department's Indian policy early  
36 learning committee;

1 (f) A representative of a statewide organization representing the  
2 interests of early childhood education and assistance program  
3 contractors; and

4 (g) A representative of a statewide organization representing the  
5 interests of family day care providers.

6 (3) The department must provide a financial model for calculating  
7 the dual language rate enhancements under subsection (1) of this  
8 section to the governor and the legislature by October 1, 2021.

9 (4) By December 1st in years following distribution of early  
10 achievers dual language rate enhancements, the department must  
11 provide the following data to the legislature and the governor: (a)  
12 Languages spoken by rate enhancement recipients; (b) the number of  
13 rate enhancements distributed; and (c) the types of early  
14 intervention programs and services delivered by rate enhancement  
15 recipients.

16 (5) To the extent practicable, parties should consider in  
17 collective bargaining agreements, beginning in the 2021-2023  
18 biennium, implementation of a rate structure similar to the  
19 provisions in this section.

20 (6) Beginning July 1, 2023, and subject to the availability of  
21 amounts appropriated for this specific purpose, rate enhancements  
22 established under this section shall be adjusted annually for  
23 inflation as described in section 203 of this act.

24 (7) The department may adopt rules to implement this section.

#### 25 **Technical Assistance for Employer-Supported Child Care**

26 NEW SECTION. **Sec. 313.** A new section is added to chapter 43.330  
27 RCW to read as follows:

28 Subject to the availability of amounts appropriated for this  
29 specific purpose, the department shall collaborate with the  
30 department of children, youth, and families to provide or contract to  
31 provide remote or in-person technical assistance to employers  
32 interested in supporting their employees' access to high quality  
33 child care. Technical assistance may include, but is not limited to,  
34 guidance related to:

35 (1) Operating a licensed child care center at or near the  
36 workplace for the benefit of employees;

37 (2) Financing and construction of a licensed child care center at  
38 or near the workplace for the benefit of employees;

1 (3) Providing financial assistance to employees for licensed or  
2 certified child care expenses;

3 (4) Sponsoring dependent care flexible spending accounts for  
4 employees; and

5 (5) Developing a "bring your infant to work" program and other  
6 family-friendly work policies for employees.

### 7 **Mental Health Consultation**

8 NEW SECTION. **Sec. 314.** (1) The legislature finds that mental  
9 health consultation for early learning providers is an effective  
10 strategy for supporting children's social and emotional development.  
11 The legislature further finds that young children in Washington are  
12 experiencing increasing levels of mental health needs and without a  
13 properly supported early learning workforce these children face  
14 higher rates of expulsion and are at risk of increasing developmental  
15 delays continuing into the K-12 education system. The legislature  
16 further recognizes that a mental health consultation system also  
17 benefits early learning providers by reducing secondary trauma and  
18 minimizing staff turnover in addition to improving providers' ability  
19 to work with parents to address complex needs at home. Therefore, it  
20 is the intent of the legislature to support a mental health  
21 consultation system that is available to early learning providers  
22 statewide.

23 (2) Subject to the availability of amounts appropriated for this  
24 specific purpose, the department shall provide mental health  
25 consultation services to early learning providers through shared  
26 services hubs as described in section 316 of this act.

27 (a) Mental health consultation services must be delivered in  
28 coordination with the early achievers mental health coaching provided  
29 under RCW 43.216.090.

30 (b) The department must provide supervisors for mental health  
31 consultants to provide reflective supervision and overall  
32 coordination of service delivery.

33 (c) As capacity allows, the department may provide access to  
34 mental health consultation services to license-exempt family, friend,  
35 and neighbor care providers.

### 36 **Training for Early Learning Providers**

1           NEW SECTION.     **Sec. 315.**     (1) Subject to the availability of  
2 amounts appropriated for this specific purpose, the department shall  
3 administer training grants for early learning providers that support  
4 providers in reaching the professional education and training  
5 standards promoted by the early achievers program. Moneys from the  
6 training grants must be used to augment existing early achievers  
7 scholarships available to providers and must be distributed to  
8 eligible providers as follows:

9           (a) The department must use training grant moneys to provide or  
10 contract for:

11           (i) Department-required trainings for early learning providers  
12 conducted by department-approved trainers;

13           (ii) Trainings for license-exempt family, friend, and neighbor  
14 child care providers conducted by department-approved trainers; and

15           (iii) Early achievers scholarships.

16           (b) (i) The department may distribute supplemental training awards  
17 to eligible providers as determined by the department.

18           (ii) Supplemental training awards may be used by eligible  
19 providers for qualified activities. Qualified activities may include,  
20 but are not limited to, trainings delivered by department-approved  
21 trainers on topics such as small business management, providing care  
22 for children with developmental disabilities, infant and toddler  
23 care, dual language program development, and providing trauma-  
24 informed care.

25           (2) For the purposes of this section, "eligible provider" means:

26           (a) An employee or owner of a licensed or certified child care center  
27 accepting state subsidy; (b) an employee or owner of a licensed  
28 family home accepting state subsidy; (c) a contractor or provider of  
29 the early childhood education and assistance program; or (d) an early  
30 achievers coach.

### 31   **Shared Services for Child Care Providers**

32           NEW SECTION.     **Sec. 316.**     (1) Subject to the availability of  
33 amounts appropriated for this specific purpose, the department shall  
34 provide or contract to provide one or more shared services hubs that  
35 allow the ongoing pooling and shared use of comprehensive services,  
36 business services, and pedagogical leadership by licensed and  
37 certified child care centers and family homes. It is the intent of  
38 the legislature that shared services hubs will help support child

1 care; provide one-stop shopping for easier, consolidated, and  
2 efficient service delivery; and bring together siloed service streams  
3 for early learning providers.

4 (a) Shared comprehensive services may include developmental and  
5 health screenings, mental health and nurse consultation, health  
6 advisory and parent policy councils, assessments for one-on-one  
7 behavioral support aides, and coordination with a local or statewide  
8 family linkage system that connects families with young children to  
9 appropriate community resources and services.

10 (b) Shared business services may include support with fee  
11 collection and financial management, human resources and payroll  
12 services, regional substitute pools, identification of translation  
13 and interpreter services, and business coaching and training.

14 (c) Shared pedagogical resources may include leadership  
15 development, reflective supervision for child care center  
16 administrators, curricula, and training for early achievers coaches.

17 (2) Shared services hubs must be located in different geographic  
18 regions of the state and serve diverse demographic groups.

19 (3) By December 1, 2025, the department shall report to the  
20 governor and the legislature on the effectiveness of the service hub  
21 model in creating administrative efficiencies, realizing cost savings  
22 for child care providers and the department, increasing the  
23 responsiveness of providers to the needs of families, and building  
24 capacity for inclusive and trauma-informed services. The department  
25 must make recommendations for improvements or changes to the hub  
26 model and the expansion of the service hub model statewide.

27 (4) As funds are available, the department must expand  
28 availability of shared services hubs around the state.

### 29 **3. SUPPORTING FAMILIES WITH CHILDREN FROM PRENATAL TO AGE THREE**

30 NEW SECTION. **Sec. 317.** (1) The legislature finds that parental  
31 relationships and healthy interactions in the first few years of life  
32 help shape the development of babies and toddlers' brains and bodies.  
33 Eighty percent of the brain is developed by the age of three and  
34 parents are a child's first teachers. The legislature finds that the  
35 federal family first prevention services act (P.L. 115-123) offers  
36 the state the opportunity to leverage federal funding for certain  
37 programs, including in-home parent skill-based programs, substance  
38 use disorder support, and mental health interventions. Culturally

1 relevant, evidence-based programs that may qualify for these federal  
2 funds are limited. Therefore, state support may be necessary to serve  
3 traditionally underrepresented communities and increase positive  
4 engagement from parents and caregivers of children from before birth  
5 to age three. The legislature finds that small teacher-child ratios  
6 for infant and toddler care, as well as the existence of child care  
7 deserts with low levels of access to care for the birth to three age  
8 group, contribute to higher expenses for providers and families with  
9 babies and young children.

10 (2) The legislature further finds that the state has the  
11 opportunity to leverage medicaid funds to support the expansion of  
12 the early childhood intervention prevention services program if the  
13 program is available statewide.

14 (3) Therefore, the legislature intends to promote parent and  
15 family education and support, incentivize the provision of infant and  
16 toddler care, and make trauma and complex needs programs and other  
17 early intervention services more readily available to families and  
18 young children.

### 19 **Parent and Family Education and Support**

20 NEW SECTION. **Sec. 318.** (1) Subject to the availability of  
21 amounts appropriated for this specific purpose, the department shall  
22 administer a prenatal to three family engagement strategy to support  
23 expectant parents, babies and toddlers from birth to three years of  
24 age, and their caregivers.

25 (2) Components of the prenatal to three family engagement  
26 strategy must include supports and services to improve maternal and  
27 infant health outcomes, reduce and mitigate trauma, promote  
28 attachment and other social-emotional assets, strengthen parenting  
29 skills, and provide early interventions to help maximize healthy and  
30 robust childhood development and reduce isolation. Services and  
31 supports may include:

32 (a) Parent skill-based programs and training;

33 (b) Facilitated play and learn groups;

34 (c) Parent peer-support groups, including groups designed for  
35 families with children with complex needs, families whose primary  
36 home language is not English, incarcerated parents, families coping  
37 with substance use disorder or mental health support needs, or other  
38 specific needs; and

1 (d) Other prenatal to age three programs and services.

2 (3) Continuity of services for babies and toddlers are important  
3 for early childhood brain development. Therefore, the services and  
4 supports described in this section may be made available to  
5 biological parents, foster parents, and kinship care providers.

### 6 **Infant and Toddler Care Incentives**

7 NEW SECTION. **Sec. 319.** (1) The legislature finds that our state  
8 suffers from an extreme shortage of infant and toddler child care,  
9 impacting the ability of parents to participate in the workforce.  
10 Further, parents returning to work after using paid family leave to  
11 care for a new child struggle to find readily available, high quality  
12 care during a time of critical growth and brain development for young  
13 children. Therefore, the legislature intends to incentivize the  
14 provision of high quality infant and toddler care.

15 (2) Subject to the availability of amounts appropriated for this  
16 specific purpose, the department shall provide an infant-toddler rate  
17 enhancement for providers and contractors who are:

18 (a) Accepting state subsidy;

19 (b) In good standing with the early achievers quality rating and  
20 improvement system; and

21 (c) Caring for a child between the ages of birth and three years.

22 (3) To the extent practicable, parties should consider in  
23 collective bargaining agreements, beginning in the 2021-2023  
24 biennium, implementation of a rate structure similar to the  
25 provisions in this section.

26 (4) Beginning July 1, 2023, and subject to the availability of  
27 amounts appropriated for this specific purpose, rate enhancements  
28 established under this section shall be adjusted annually for  
29 inflation as described in section 203 of this act.

### 30 **Expanding Early Interventions**

31 NEW SECTION. **Sec. 320.** (1) Subject to the availability of  
32 amounts appropriated for this specific purpose, the department shall  
33 administer trauma and complex needs programs, such as the early  
34 childhood intervention prevention services program, and other early  
35 intervention services for children who are:

36 (a) Between the ages of birth and five years;

1 (b) Referred by a child welfare worker, a department of social  
2 and health services social worker, a primary care physician, a  
3 behavioral health provider, or a public health nurse due to: (i) Risk  
4 of child abuse or neglect; or (ii) exposure to complex trauma; and

5 (c) Enrolled in apple health for kids.

6 (2) The department shall make all reasonable efforts to deliver  
7 the trauma and complex needs programs and other early intervention  
8 services in areas of the state with the highest need and the greatest  
9 local interest in such services and programs.

10 **PART IV**

11 **CONFORMING AMENDMENTS**

12 **Sec. 401.** RCW 43.216.010 and 2017 3rd sp.s. c 6 s 201 are each  
13 reenacted and amended to read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise.

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

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

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

28 (c) "Family day care provider" means a child care provider who  
29 regularly provides early childhood education and early learning  
30 services for not more than twelve children at any given time in the  
31 provider's home in the family living quarters;

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

37 (e) "Service provider" means the entity that operates a community  
38 facility.



1 (2) "Agency" does not include the following:  
2 (a) Persons related to the child in the following ways:  
3 (i) Any blood relative, including those of half-blood, and  
4 including first cousins, nephews or nieces, and persons of preceding  
5 generations as denoted by prefixes of grand, great, or great-great;  
6 (ii) Stepfather, stepmother, stepbrother, and stepsister;  
7 (iii) A person who legally adopts a child or the child's parent  
8 as well as the natural and other legally adopted children of such  
9 persons, and other relatives of the adoptive parents in accordance  
10 with state law; or  
11 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
12 this subsection, even after the marriage is terminated;  
13 (b) Persons who are legal guardians of the child;  
14 (c) Persons who care for a neighbor's or friend's child or  
15 children, with or without compensation, where the person providing  
16 care for periods of less than twenty-four hours does not conduct such  
17 activity on an ongoing, regularly scheduled basis for the purpose of  
18 engaging in business, which includes, but is not limited to,  
19 advertising such care;  
20 (d) Parents on a mutually cooperative basis exchange care of one  
21 another's children;  
22 (e) Nursery schools that are engaged primarily in early childhood  
23 education with preschool children and in which no child is enrolled  
24 on a regular basis for more than four hours per day;  
25 (f) Schools, including boarding schools, that are engaged  
26 primarily in education, operate on a definite school year schedule,  
27 follow a stated academic curriculum, and accept only school age  
28 children;  
29 (g) Seasonal camps of three months' or less duration engaged  
30 primarily in recreational or educational activities;  
31 (h) Facilities providing child care for periods of less than  
32 twenty-four hours when a parent or legal guardian of the child  
33 remains on the premises of the facility for the purpose of  
34 participating in:  
35 (i) Activities other than employment; or  
36 (ii) Employment of up to two hours per day when the facility is  
37 operated by a nonprofit entity that also operates a licensed child  
38 care program at the same facility in another location or at another  
39 facility;

1 (i) Any entity that provides recreational or educational  
2 programming for school age children only and the entity meets all of  
3 the following requirements:

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

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

9 (iii) The entity is a local affiliate of a national nonprofit;  
10 and

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

13 (j) A program operated by any unit of local, state, or federal  
14 government;

15 (k) A program located within the boundaries of a federally  
16 recognized Indian reservation, licensed by the Indian tribe;

17 (l) A program located on a federal military reservation, except  
18 where the military authorities request that such agency be subject to  
19 the licensing requirements of this chapter;

20 (m) A program that offers early learning and support services,  
21 such as parent education, and does not provide child care services on  
22 a regular basis.

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

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

28 (5) "Department" means the department of children, youth, and  
29 families.

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

33 (7) "Early childhood education and assistance program contractor"  
34 means an organization that provides early childhood education and  
35 assistance program services under a signed contract with the  
36 department.

37 (8) "Early childhood education and assistance program provider"  
38 means an organization that provides site level, direct, and high  
39 quality early childhood education and assistance program services

1 under the direction of an early childhood education and assistance  
2 program contractor.

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

7 ~~(a) Home visiting and parent education and support programs;~~

8 ~~(b) The early achievers program described in RCW 43.216.085;~~

9 ~~(c) Integrated full-day and part-day high quality early learning~~  
10 ~~programs; and~~

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

13 ~~(10))~~ (10) "Education data center" means the education data center  
14 established in RCW 43.41.400, commonly referred to as the education  
15 research and data center.

16 ~~((11))~~ (10) "Employer" means a person or business that engages  
17 the services of one or more people, especially for wages or salary to  
18 work in an agency.

19 ~~((12))~~ (11) "Enforcement action" means denial, suspension,  
20 revocation, modification, or nonrenewal of a license pursuant to RCW  
21 43.216.325(1) or assessment of civil monetary penalties pursuant to  
22 RCW 43.216.325(3).

23 ~~((13))~~ (12) "Extended day program" means an early childhood  
24 education and assistance program that offers early learning education  
25 for at least ten hours per day, a minimum of two thousand hours per  
26 year, at least four days per week, and operates year-round.

27 ~~((14))~~ (13) "Full day program" means an early childhood  
28 education and assistance program that offers early learning education  
29 for a minimum of one thousand hours per year.

30 ~~((15))~~ (14) "Low-income child care provider" means a person who  
31 administers a child care program that consists of at least eighty  
32 percent of children receiving working connections child care subsidy.

33 ~~((16))~~ (15) "Low-income neighborhood" means a district or  
34 community where more than twenty percent of households are below the  
35 federal poverty level.

36 ~~((17))~~ (16) "Negative action" means a court order, court  
37 judgment, or an adverse action taken by an agency, in any state,  
38 federal, tribal, or foreign jurisdiction, which results in a finding  
39 against the applicant reasonably related to the individual's  
40 character, suitability, and competence to care for or have

1 unsupervised access to children in child care. This may include, but  
2 is not limited to:

- 3 (a) A decision issued by an administrative law judge;
- 4 (b) A final determination, decision, or finding made by an agency  
5 following an investigation;
- 6 (c) An adverse agency action, including termination, revocation,  
7 or denial of a license or certification, or if pending adverse agency  
8 action, the voluntary surrender of a license, certification, or  
9 contract in lieu of the adverse action;
- 10 (d) A revocation, denial, or restriction placed on any  
11 professional license; or
- 12 (e) A final decision of a disciplinary board.

13 ~~((18))~~ (17) "Nonconviction information" means arrest, founded  
14 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
15 or other negative action adverse to the applicant.

16 ~~((19))~~ (18) "Nonschool age child" means a child who is age six  
17 years or younger and who is not enrolled in a public or private  
18 school.

19 ~~((20))~~ (19) "Part day program" means an early childhood  
20 education and assistance program that offers early learning education  
21 for at least two and one-half hours per class session, at least three  
22 hundred twenty hours per year, for a minimum of thirty weeks per  
23 year.

24 ~~((21))~~ (20) "Private school" means a private school approved by  
25 the state under chapter 28A.195 RCW.

26 ~~((22))~~ (21) "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 ~~((23))~~ (22) "Requirement" means any rule, regulation, or  
30 standard of care to be maintained by an agency.

31 ~~((24))~~ (23) "School age child" means a child who is five years  
32 of age through twelve years of age and is attending a public or  
33 private school or is receiving home-based instruction under chapter  
34 28A.200 RCW.

35 ~~((25))~~ (24) "Secretary" means the secretary of the department.

36 ~~((26))~~ (25) "Washington state preschool program" means an  
37 education program for children three-to-five years of age who have  
38 not yet entered kindergarten, such as the early childhood education  
39 and assistance program.

1       (26) "Distressed community" means: (a) A county that has an  
2 unemployment rate that is twenty percent above the state average for  
3 the immediately previous three years; (b) an area within a county  
4 that the department determines to be a low-income community, using as  
5 guidance the low-income community designations under the community  
6 development financial institutions fund's new markets tax credit  
7 program of the United States department of the treasury; or (c) a  
8 school district in which at least fifty percent of local elementary  
9 students receive free and reduced-price meals.

10       (27) "Employer-supported child care" includes:

11       (a) A licensed child care center operated at or near the  
12 workplace by an employer for the benefit of employees; and

13       (b) Financial assistance provided by an employer for licensed  
14 child care expenses incurred by an employee.

15       **Sec. 402.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to  
16 read as follows:

17       (1) Within resources available under the federal preschool  
18 development grant birth to five grant award received in December  
19 2018, the department shall develop a plan for phased implementation  
20 of a birth to three early childhood education and assistance program  
21 pilot project for eligible children under thirty-six months old.  
22 Funds to implement the pilot project may include a combination of  
23 federal, state, or private sources.

24       (2) The department may adopt rules to implement the pilot project  
25 and may waive or adapt early childhood education and assistance  
26 program requirements when necessary to allow for the operation of the  
27 birth to three early childhood education and assistance program. The  
28 department shall consider early head start rules and regulations when  
29 developing the provider and family eligibility requirements and  
30 program requirements. Any deviations from early head start standards,  
31 rules, or regulations must be identified and explained by the  
32 department in its annual report under subsection (6) of this section.

33       (3) (a) Upon securing adequate funds to begin implementation, the  
34 pilot project programs must be delivered through child care centers  
35 and family home providers who meet minimum licensing standards and  
36 are enrolled in the early achievers program.

37       (b) The department must determine minimum early achievers ratings  
38 scores for programs participating in the pilot project.

1 (4) When selecting pilot project locations for service delivery,  
2 the department may allow each pilot project location to have up to  
3 three classrooms per location. When selecting and approving pilot  
4 project locations, the department shall attempt to select a  
5 combination of rural, urban, and suburban locations. The department  
6 shall prioritize locations with programs currently operating early  
7 head start, head start, or the early childhood education and  
8 assistance program.

9 (5) To be eligible for the birth to three early childhood  
10 education and assistance program, a child's family income must be at  
11 or below (~~(one hundred thirty percent of the federal poverty level)~~)  
12 thirty-six percent of the state median income and the child must be  
13 under thirty-six months old.

14 (6) Beginning November 1, 2020, and each November 1st thereafter  
15 during pilot project activity, the department shall submit an annual  
16 report to the governor and legislature that includes a status update  
17 that describes the planning work completed, the status of funds  
18 secured, and any implementation activities of the pilot project.  
19 Implementation activity reports must include a description of the  
20 participating programs and number of children and families served.

21 **Sec. 403.** RCW 43.216.710 and 2017 3rd sp.s. c 6 s 213 are each  
22 amended to read as follows:

23 The department shall:

24 (1) Work in conjunction with the statewide child care resource  
25 and referral network as well as local governments, nonprofit  
26 organizations, businesses, and community child care advocates to  
27 create local child care resource and referral organizations. These  
28 organizations may carry out needs assessments, resource development,  
29 provider training, technical assistance, and parent information and  
30 training;

31 (2) Actively seek public and private money for distribution as  
32 grants to the statewide child care resource and referral network and  
33 to existing or potential local child care resource and referral  
34 organizations;

35 (3) Adopt rules regarding the application for and distribution of  
36 grants to local child care resource and referral organizations. The  
37 rules shall, at a minimum, require an applicant to submit a plan for  
38 achieving the following objectives:

- 1 (a) Provide parents with information about child care resources,  
2 including location of services and subsidies;
- 3 (b) Carry out child care provider recruitment and training  
4 programs, including training under RCW 74.25.040;
- 5 (c) Offer support services, such as parent and provider seminars,  
6 toy-lending libraries, and substitute banks;
- 7 (d) Provide information for businesses regarding child care  
8 supply and demand;
- 9 (e) Advocate for increased public and private sector resources  
10 devoted to child care;
- 11 (f) Provide technical assistance to employers regarding employee  
12 child care services; and
- 13 (g) Serve recipients of temporary assistance for needy families  
14 and working parents with household incomes at or below (~~household~~  
15 ~~incomes of two hundred percent of the federal poverty line~~) eighty-  
16 five percent of the state median income;
- 17 (4) Provide staff support and technical assistance to the  
18 statewide child care resource and referral network and local child  
19 care resource and referral organizations;
- 20 (5) Maintain a statewide child care licensing data bank and work  
21 with department licensors to provide information to local child care  
22 resource and referral organizations about licensed child care  
23 providers in the state;
- 24 (6) Through the statewide child care resource and referral  
25 network and local resource and referral organizations, compile data  
26 about local child care needs and availability for future planning and  
27 development;
- 28 (7) Coordinate with the statewide child care resource and  
29 referral network and local child care resource and referral  
30 organizations for the provision of training and technical assistance  
31 to child care providers;
- 32 (8) Collect and assemble information regarding the availability  
33 of insurance and of federal and other child care funding to assist  
34 state and local agencies, businesses, and other child care providers  
35 in offering child care services;
- 36 (9) Subject to the availability of amounts appropriated for this  
37 specific purpose, increase the base rate for all child care providers  
38 by ten percent;

1 (10) Subject to the availability of amounts appropriated for this  
2 specific purpose, provide tiered subsidy rate enhancements to child  
3 care providers if the provider meets the following requirements:

4 (a) The provider enrolls in quality rating and improvement system  
5 levels 2, 3, 4, or 5;

6 (b) The provider is actively participating in the early achievers  
7 program;

8 (c) The provider continues to advance towards level 5 of the  
9 early achievers program; and

10 (d) The provider must complete level 2 within thirty months or  
11 the reimbursement rate returns the level 1 rate; and

12 (11) Require exempt providers to participate in continuing  
13 education, if adequate funding is available.

14 **Sec. 404.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14,  
15 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each  
16 reenacted and amended to read as follows:

17 (1) All earnings of investments of surplus balances in the state  
18 treasury shall be deposited to the treasury income account, which  
19 account is hereby established in the state treasury.

20 (2) The treasury income account shall be utilized to pay or  
21 receive funds associated with federal programs as required by the  
22 federal cash management improvement act of 1990. The treasury income  
23 account is subject in all respects to chapter 43.88 RCW, but no  
24 appropriation is required for refunds or allocations of interest  
25 earnings required by the cash management improvement act. Refunds of  
26 interest to the federal treasury required under the cash management  
27 improvement act fall under RCW 43.88.180 and shall not require  
28 appropriation. The office of financial management shall determine the  
29 amounts due to or from the federal government pursuant to the cash  
30 management improvement act. The office of financial management may  
31 direct transfers of funds between accounts as deemed necessary to  
32 implement the provisions of the cash management improvement act, and  
33 this subsection. Refunds or allocations shall occur prior to the  
34 distributions of earnings set forth in subsection (4) of this  
35 section.

36 (3) Except for the provisions of RCW 43.84.160, the treasury  
37 income account may be utilized for the payment of purchased banking  
38 services on behalf of treasury funds including, but not limited to,  
39 depository, safekeeping, and disbursement functions for the state



1 treasury and affected state agencies. The treasury income account is  
2 subject in all respects to chapter 43.88 RCW, but no appropriation is  
3 required for payments to financial institutions. Payments shall occur  
4 prior to distribution of earnings set forth in subsection (4) of this  
5 section.

6 (4) Monthly, the state treasurer shall distribute the earnings  
7 credited to the treasury income account. The state treasurer shall  
8 credit the general fund with all the earnings credited to the  
9 treasury income account except:

10 (a) The following accounts and funds shall receive their  
11 proportionate share of earnings based upon each account's and fund's  
12 average daily balance for the period: The abandoned recreational  
13 vehicle disposal account, the aeronautics account, the aircraft  
14 search and rescue account, the Alaskan Way viaduct replacement  
15 project account, the brownfield redevelopment trust fund account, the  
16 budget stabilization account, the capital vessel replacement account,  
17 the capitol building construction account, the Cedar River channel  
18 construction and operation account, the Central Washington University  
19 capital projects account, the charitable, educational, penal and  
20 reformatory institutions account, the Chehalis basin account, the  
21 cleanup settlement account, the Columbia river basin water supply  
22 development account, the Columbia river basin taxable bond water  
23 supply development account, the Columbia river basin water supply  
24 revenue recovery account, the common school construction fund, the  
25 community forest trust account, the connecting Washington account,  
26 the county arterial preservation account, the county criminal justice  
27 assistance account, the deferred compensation administrative account,  
28 the deferred compensation principal account, the department of  
29 licensing services account, the department of licensing tuition  
30 recovery trust fund, the department of retirement systems expense  
31 account, the developmental disabilities community trust account, the  
32 diesel idle reduction account, the drinking water assistance account,  
33 the drinking water assistance administrative account, the early  
34 learning facilities development account, the early learning  
35 facilities revolving account, the early learning health care  
36 expansion account the Eastern Washington University capital projects  
37 account, the education construction fund, the education legacy trust  
38 account, the election account, the electric vehicle account, the  
39 energy freedom account, the energy recovery act account, the  
40 essential rail assistance account, The Evergreen State College

1 capital projects account, the fair start for kids account, the  
2 federal forest revolving account, the ferry bond retirement fund, the  
3 freight mobility investment account, the freight mobility multimodal  
4 account, the grade crossing protective fund, the public health  
5 services account, the state higher education construction account,  
6 the higher education construction account, the highway bond  
7 retirement fund, the highway infrastructure account, the highway  
8 safety fund, the hospital safety net assessment fund, the industrial  
9 insurance premium refund account, the Interstate 405 and state route  
10 number 167 express toll lanes account, the judges' retirement  
11 account, the judicial retirement administrative account, the judicial  
12 retirement principal account, the local leasehold excise tax account,  
13 the local real estate excise tax account, the local sales and use tax  
14 account, the marine resources stewardship trust account, the medical  
15 aid account, the mobile home park relocation fund, the money-purchase  
16 retirement savings administrative account, the money-purchase  
17 retirement savings principal account, the motor vehicle fund, the  
18 motorcycle safety education account, the multimodal transportation  
19 account, the multiuse roadway safety account, the municipal criminal  
20 justice assistance account, the natural resources deposit account,  
21 the oyster reserve land account, the pension funding stabilization  
22 account, the perpetual surveillance and maintenance account, the  
23 pollution liability insurance agency underground storage tank  
24 revolving account, the public employees' retirement system plan 1  
25 account, the public employees' retirement system combined plan 2 and  
26 plan 3 account, the public facilities construction loan revolving  
27 account beginning July 1, 2004, the public health supplemental  
28 account, the public works assistance account, the Puget Sound capital  
29 construction account, the Puget Sound ferry operations account, the  
30 Puget Sound Gateway facility account, the Puget Sound taxpayer  
31 accountability account, the real estate appraiser commission account,  
32 the recreational vehicle account, the regional mobility grant program  
33 account, the resource management cost account, the rural arterial  
34 trust account, the rural mobility grant program account, the rural  
35 Washington loan fund, the sexual assault prevention and response  
36 account, the site closure account, the skilled nursing facility  
37 safety net trust fund, the small city pavement and sidewalk account,  
38 the special category C account, the special wildlife account, the  
39 state employees' insurance account, the state employees' insurance  
40 reserve account, the state investment board expense account, the

1 state investment board commingled trust fund accounts, the state  
2 patrol highway account, the state route number 520 civil penalties  
3 account, the state route number 520 corridor account, the state  
4 wildlife account, the statewide broadband account, the statewide  
5 tourism marketing account, the student achievement council tuition  
6 recovery trust fund, the supplemental pension account, the Tacoma  
7 Narrows toll bridge account, the teachers' retirement system plan 1  
8 account, the teachers' retirement system combined plan 2 and plan 3  
9 account, the tobacco prevention and control account, the tobacco  
10 settlement account, the toll facility bond retirement account, the  
11 transportation 2003 account (nickel account), the transportation  
12 equipment fund, the transportation future funding program account,  
13 the transportation improvement account, the transportation  
14 improvement board bond retirement account, the transportation  
15 infrastructure account, the transportation partnership account, the  
16 traumatic brain injury account, the tuition recovery trust fund, the  
17 University of Washington bond retirement fund, the University of  
18 Washington building account, the voluntary cleanup account, the  
19 volunteer firefighters' and reserve officers' relief and pension  
20 principal fund, the volunteer firefighters' and reserve officers'  
21 administrative fund, the vulnerable roadway user education account,  
22 the Washington judicial retirement system account, the Washington law  
23 enforcement officers' and firefighters' system plan 1 retirement  
24 account, the Washington law enforcement officers' and firefighters'  
25 system plan 2 retirement account, the Washington public safety  
26 employees' plan 2 retirement account, the Washington school  
27 employees' retirement system combined plan 2 and 3 account, the  
28 Washington state health insurance pool account, the Washington state  
29 patrol retirement account, the Washington State University building  
30 account, the Washington State University bond retirement fund, the  
31 water pollution control revolving administration account, the water  
32 pollution control revolving fund, the Western Washington University  
33 capital projects account, the Yakima integrated plan implementation  
34 account, the Yakima integrated plan implementation revenue recovery  
35 account, and the Yakima integrated plan implementation taxable bond  
36 account. Earnings derived from investing balances of the agricultural  
37 permanent fund, the normal school permanent fund, the permanent  
38 common school fund, the scientific permanent fund, the state  
39 university permanent fund, and the state reclamation revolving  
40 account shall be allocated to their respective beneficiary accounts.

1 (b) Any state agency that has independent authority over accounts  
2 or funds not statutorily required to be held in the state treasury  
3 that deposits funds into a fund or account in the state treasury  
4 pursuant to an agreement with the office of the state treasurer shall  
5 receive its proportionate share of earnings based upon each account's  
6 or fund's average daily balance for the period.

7 (5) In conformance with Article II, section 37 of the state  
8 Constitution, no treasury accounts or funds shall be allocated  
9 earnings without the specific affirmative directive of this section.

10 **Sec. 405.** RCW 28B.50.248 and 2019 c 406 s 71 are each amended to  
11 read as follows:

12 Nothing in ((RCW 43.216.135)) section 301 of this act requires a  
13 community or technical college to expand any of its existing child  
14 care facilities. Any additional child care services provided by a  
15 community or technical college as a result of ((RCW 43.216.135))  
16 section 301 of this act must be provided within existing resources  
17 and existing facilities.

18 **Sec. 406.** RCW 43.31.583 and 2018 c 58 s 16 are each amended to  
19 read as follows:

20 When funding is provided in the previous biennium, the  
21 department, in collaboration with the department of children, youth,  
22 and families, shall submit a report no later than December 1st of  
23 even-numbered years, to the governor and the appropriate committees  
24 of the legislature that provides an update on the status of the early  
25 learning facilities grant and loan program that includes, but is not  
26 limited to:

27 (1) The total amount of funds, by grant and loan, spent or  
28 contracted to be spent; ((and))

29 (2) A list of projects awarded funding including, but not limited  
30 to, information about whether the project is a renovation or new  
31 construction or some other category, where the project is located,  
32 and the number of slots the project supports;

33 (3) A description of start-up grant applications and awards,  
34 including the:

35 (a) Total number of start-up grant applications received during  
36 the previous application cycle, including the total dollar amount of  
37 requested funds;

38 (b) Number of start-up grants awarded;

1 (c) Grant award amounts;

2 (d) Grant recipients and the type of organization represented by  
3 each recipient; and

4 (e) Planned uses of each grant award.

5 **Sec. 407.** RCW 43.31.575 and 2018 c 58 s 18 are each amended to  
6 read as follows:

7 (1) Organizations eligible to receive funding from the early  
8 learning facilities grant and loan program include:

9 (a) Early childhood education and assistance program providers;

10 (b) Working connections child care providers who are eligible to  
11 receive state subsidies;

12 (c) Licensed early learning centers not currently participating  
13 in the early childhood education and assistance program, but  
14 intending to do so;

15 (d) Developers of housing and community facilities;

16 (e) Community and technical colleges;

17 (f) Educational service districts;

18 (g) Local governments;

19 (h) Federally recognized tribes in the state; ~~((and))~~

20 (i) Religiously affiliated entities; and

21 (j) Local governments for purposes described in RCW 43.31.577.

22 (2) To be eligible to receive funding from the early learning  
23 facilities grant and loan program for activities described in RCW  
24 43.31.577 (1) (b) ~~((and))~~, (c), and (e) and (2), eligible  
25 organizations and school districts must:

26 (a) Commit, when applicable to the organization, to being an  
27 active participant in good standing with the early achievers program  
28 as defined by chapter 43.216 RCW;

29 (b) Demonstrate that projects receiving construction, purchase,  
30 or renovation grants or loans less than two hundred thousand dollars  
31 must also:

32 (i) Demonstrate that the project site is under the applicant's  
33 control for a minimum of ten years, either through ownership or a  
34 long-term lease; and

35 (ii) Commit to using the facility funded by the grant or loan for  
36 the purposes of providing preschool or child care for a minimum of  
37 ten years;

1 (c) Demonstrate that projects receiving construction, purchase,  
2 or renovation grants or loans of two hundred thousand dollars or more  
3 must also:

4 (i) Demonstrate that the project site is under the applicant's  
5 control for a minimum of twenty years, either through ownership or a  
6 long-term lease; and

7 (ii) Commit to using the facility funded by the grant or loan for  
8 the purposes of providing preschool or child care for a minimum of  
9 twenty years.

10 (3) To be eligible to receive funding from the early learning  
11 facilities grant and loan program for activities described in RCW  
12 43.31.577 (1) (b) (~~and~~), (c), and (e) and (2), religiously  
13 affiliated entities must use the facility to provide child care and  
14 education services consistent with subsection (4) (a) of this section.

15 (4) (a) Upon receiving a grant or loan, the recipient must  
16 continue to be an active participant and in good standing with the  
17 early achievers program, as applicable.

18 (b) If the recipient does not meet the conditions specified in  
19 (a) of this subsection, the grants shall be repaid to the early  
20 learning facilities revolving account or the early learning  
21 facilities development account, as directed by the department. So  
22 long as an eligible organization continues to provide an early  
23 learning program in the facility, the facility is used as authorized,  
24 and the eligible organization continues to be an active participant  
25 and in good standing with the early achievers program, the grant  
26 repayment is waived.

27 (c) The department, in consultation with the department of  
28 children, youth, and families, must adopt rules to implement this  
29 section.

30 **Sec. 408.** RCW 43.216.089 and 2019 c 369 s 13 are each amended to  
31 read as follows:

32 (1) (~~Beginning December 15, 2015, and each~~) Each December 15th  
33 (~~thereafter~~), the department, in collaboration with the statewide  
34 child care resource and referral organization, and the early  
35 achievers review subcommittee of the early learning advisory and  
36 accountability council, shall submit, in compliance with RCW  
37 43.01.036, a progress report to the governor and the legislature  
38 regarding providers' progress in the early achievers program. Each  
39 progress report must include the following elements:

1 (a) The number, and relative percentage, of family child care and  
2 center providers who have enrolled in the early achievers program and  
3 who have:

4 (i) Completed the level 2 activities;

5 (ii) Completed rating readiness consultation and are waiting to  
6 be rated;

7 (iii) Achieved the required rating level to remain eligible for  
8 state-funded support under the early childhood education and  
9 assistance program or a subsidy under the working connections child  
10 care program;

11 (iv) Not achieved the required rating level initially but  
12 qualified for and are working through intensive targeted support in  
13 preparation for a partial rerate outside the standard rating cycle;

14 (v) Not achieved the required rating level initially and engaged  
15 in remedial activities before successfully achieving the required  
16 rating level;

17 (vi) Not achieved the required rating level after completing  
18 remedial activities; or

19 (vii) Received an extension from the department based on  
20 exceptional circumstances pursuant to RCW 43.216.085;

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

23 (c) An examination of the effectiveness of efforts to increase  
24 successful participation by providers serving children and families  
25 from diverse cultural and linguistic backgrounds and providers who  
26 serve children from low-income households;

27 (d) A description of the primary obstacles and challenges faced  
28 by providers who have not achieved the required rating level to  
29 remain eligible to receive:

30 (i) A subsidy under the working connections child care program;  
31 or

32 (ii) State-funded support under the early childhood education and  
33 assistance program;

34 (e) A summary of the types of exceptional circumstances for which  
35 the department has granted an extension pursuant to RCW 43.216.085;

36 (f) The average amount of time required for providers to achieve  
37 local level milestones within each level of the early achievers  
38 program;

39 (g) To the extent data is available, an analysis of the  
40 distribution of early achievers program-rated facilities in relation

1 to child and provider demographics, including but not limited to race  
2 and ethnicity, home language, and geographical location;

3 (h) Recommendations for improving access for children from  
4 diverse cultural backgrounds to providers rated at a level 3 or  
5 higher in the early achievers program;

6 (i) Recommendations for improving the early achievers program  
7 standards;

8 (j) An analysis of any impact from quality strengthening efforts  
9 on the availability and quality of infant and toddler care;

10 (k) The number of contracted slots that use both early childhood  
11 education and assistance program funding and working connections  
12 child care program funding; and

13 (l) A description of the early childhood education and assistance  
14 program implementation to include the following:

15 (i) Progress on early childhood education and assistance program  
16 implementation as required pursuant to RCW 43.216.515, 43.216.525,  
17 and 43.216.555;

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

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

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

24 (v) An analysis of any impact of extended day early care and  
25 education opportunities directives;

26 (vi) An examination of any identified barriers for providers to  
27 offer extended day early care and education opportunities;

28 (vii) An analysis of the demand for full-day programming for  
29 early childhood education and assistance program providers required  
30 under RCW 43.216.515; and

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

34 (2) The first annual report due under subsection (1) of this  
35 section also shall include a description of the early achievers  
36 program extension protocol required under RCW 43.216.085.

37 (3) The elements required to be reported under subsection (1)(a)  
38 of this section must be reported at the county level, and for those  
39 counties with a population of five hundred thousand and higher, the  
40 data must be reported at the zip code level.



1 (4) If, based on information in an annual report submitted in  
2 2018 or later under this section, fifteen percent or more of the  
3 licensed or contracted providers who are participating in the early  
4 achievers program in a county or in a single zip code have not  
5 achieved the rating levels under RCW 43.216.135 and 43.216.515, the  
6 department must:

7 (a) Analyze the reasons providers in the affected counties or zip  
8 codes have not attained the required rating levels; and

9 (b) Develop a plan to mitigate the effect on the children and  
10 families served by these providers. The plan must be submitted to the  
11 legislature as part of the annual progress report along with any  
12 recommendations for legislative action to address the needs of the  
13 providers and the children and families they serve.

14 **Sec. 409.** RCW 43.216.525 and 2015 3rd sp.s. c 7 s 8 are each  
15 amended to read as follows:

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

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

37 (3) (~~By January 1, 2016, the~~) The department shall adopt rules  
38 requiring early childhood education and assistance program employees  
39 who have access to children to submit to a fingerprint background

1 check. Fingerprint background check procedures for the early  
2 childhood education and assistance program shall be the same as the  
3 background check procedures in RCW (~~43.215.215~~) 43.216.270.

4 **Sec. 410.** RCW 43.216.655 and 2019 c 369 s 7 are each amended to  
5 read as follows:

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

- 13 (a) Daily program attendance;
- 14 (b) Identification of classroom and teacher;
- 15 (c) Early achievers program quality level rating;
- 16 (d) Program hours;
- 17 (e) Program duration;
- 18 (f) Developmental results from the Washington kindergarten  
19 inventory of developing skills in RCW 28A.655.080; and
- 20 (g) To the extent data is available, the distinct ethnic  
21 categories within racial subgroups of children and providers that  
22 align with categories recognized by the education data center.

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

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

36 (4) (a) The Washington state institute for public policy shall  
37 conduct a longitudinal analysis examining relationships between the  
38 early achievers program quality ratings levels and outcomes for

1 children participating in subsidized early care and education  
2 programs.

3 (b) The institute shall submit the first report to the  
4 appropriate committees of the legislature and the early learning  
5 advisory and accountability council by December 31, 2019. The  
6 institute shall submit subsequent reports annually to the appropriate  
7 committees of the legislature and the early learning advisory and  
8 accountability council by December 31st, with the final report due  
9 December 31, 2022. The final report shall include a cost-benefit  
10 analysis.

11 (5) By December 31, 2021, and subject to the availability of  
12 amounts appropriated for this specific purpose, the Washington state  
13 institute for public policy shall update the outcome evaluation of  
14 the early childhood education and assistance program required by  
15 chapter 16, Laws of 2013 and report to the governor and the  
16 legislature on the outcomes of program participants. The evaluation  
17 must include the demographics of program participants including race,  
18 ethnicity, and socioeconomic status. The evaluation must examine  
19 short and long-term impacts on program participants, including high  
20 school graduation rates for up to two cohorts. When conducting the  
21 evaluation, the institute must consider, to the extent that data is  
22 available, the education levels and demographics, including race,  
23 ethnicity, and socioeconomic status, of early childhood education and  
24 assistance program staff and the effects of full-day programming and  
25 half-day programming on outcomes.

26  
27

**PART V**  
**MISCELLANEOUS**

28 NEW SECTION. **Sec. 501.** Sections 201 through 205, 207, 208, 301,  
29 302, 308, 309, 311, 313 through 320, and 401 through 410 of this act  
30 take effect July 1, 2022.

31 NEW SECTION. **Sec. 502.** Sections 206, 303, 310, and 312 of this  
32 act take effect July 1, 2021.

33 NEW SECTION. **Sec. 503.** Sections 304 through 307 of this act  
34 take effect July 1, 2026.

1        NEW SECTION.    **Sec. 504.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 505.**    If any part of this act is found to be  
6 in conflict with federal requirements that are a prescribed condition  
7 to the allocation of federal funds to the state, the conflicting part  
8 of this act is inoperative solely to the extent of the conflict and  
9 with respect to the agencies directly affected, and this finding does  
10 not affect the operation of the remainder of this act in its  
11 application to the agencies concerned. Rules adopted under this act  
12 must meet federal requirements that are a necessary condition to the  
13 receipt of federal funds by the state.

14        NEW SECTION.    **Sec. 506.**    Sections 201, 203 through 206, 301, 303,  
15 304, 309 through 312, and 314 through 320 of this act are each added  
16 to chapter 43.216 RCW.

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