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HOUSE BILL 2787

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Callan, Harris, Eslick, Senn, Stonier, Santos, Tharinger, and Pollet; by request of Office of Financial Management

Read first time 01/22/20. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to completing the transfer of the early support  
2 for infants and toddlers program from the office of the  
3 superintendent of public instruction to the department of children,  
4 youth, and families; amending RCW 28A.155.065, 28A.150.390,  
5 43.216.020, 43.216.576, 28A.225.225, 28A.225.270, and 43.216.015;  
6 adding a new section to chapter 43.216 RCW; creating a new section;  
7 recodifying RCW 28A.155.065; providing an effective date; and  
8 providing an expiration date.

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

10 **Sec. 1.** RCW 28A.155.065 and 2017 3rd sp.s. c 6 s 216 are each  
11 amended to read as follows:

12 (1) (~~Each school district shall provide or contract for~~) The  
13 department is the state lead agency for Part C of the federal  
14 individuals with disabilities education act. The department shall  
15 administer the early support for infants and toddlers program, to  
16 provide early intervention services to all eligible children with  
17 disabilities from birth to three years of age. Eligibility shall be  
18 determined according to Part C of the federal individuals with  
19 disabilities education act or other applicable federal and state  
20 laws, and as specified in the Washington Administrative Code adopted  
21 by the (~~state lead agency, which is the~~) department (~~of children,~~

1 youth, and families. School districts shall provide or contract, or  
2 both, for early intervention services in partnership with local  
3 birth-to-three lead agencies and birth-to-three providers)). Services  
4 provided under this section shall not supplant services or funding  
5 currently provided in the state for early intervention services to  
6 eligible children with disabilities from birth to three years of age.

7 (2) (a) Funding for the early support for infants and toddlers  
8 program shall be appropriated to the department based on the annual  
9 average headcount of children ages birth to three who are eligible  
10 for and receiving early intervention services, multiplied by the  
11 total statewide allocation generated by the distribution formula  
12 under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation  
13 under RCW 28A.150.415, per the statewide full-time equivalent  
14 enrollment in common schools, multiplied by 1.15.

15 (b) The department shall distribute funds to early intervention  
16 services providers according to the monthly schedule described in RCW  
17 28A.510.250(1).

18 (c) For the purposes of this subsection (2), a child is receiving  
19 early intervention services if the child has received services within  
20 a month prior to the monthly count day.

21 (3) Early intervention services providers must bill all available  
22 funding sources, including public and private insurance and families,  
23 as applicable, prior to using state or federal funding. The ((state-  
24 designated birth-to-three lead agency shall be)) department is the  
25 payor of last resort for birth-to-three early intervention services  
26 provided under this section.

27 ~~((2) (a) By October 1, 2016, the office of the superintendent of~~  
28 ~~public instruction shall provide the department of early learning, in~~  
29 ~~its role as state lead agency, with a full accounting of the school~~  
30 ~~district expenditures from the 2013-14 and 2014-15 school years,~~  
31 ~~disaggregated by district, for birth-to-three early intervention~~  
32 ~~services provided under this section.~~

33 ~~(b) The reported expenditures must include, but are not limited~~  
34 ~~to per student allocations, per student expenditures, the number of~~  
35 ~~children served, detailed information on services provided by school~~  
36 ~~districts and contracted for by school districts, coordination and~~  
37 ~~transition services, and administrative costs.~~

38 ~~(3))~~ (4) The services in this section are not part of the  
39 state's program of basic education pursuant to Article IX of the  
40 state Constitution.

1        NEW SECTION.    **Sec. 2.**    RCW 28A.155.065 is recodified as a section  
2 in chapter 43.216 RCW.

3        **Sec. 3.**    RCW 28A.150.390 and 2019 c 387 s 4 are each amended to  
4 read as follows:

5        (1) The superintendent of public instruction shall submit to each  
6 regular session of the legislature during an odd-numbered year a  
7 programmed budget request for special education programs for students  
8 with disabilities. Funding for programs operated by local school  
9 districts shall be on an excess cost basis from appropriations  
10 provided by the legislature for special education programs for  
11 students with disabilities and shall take account of state funds  
12 accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and  
13 28A.150.415.

14        (2) The excess cost allocation to school districts shall be based  
15 on the following:

16        (a) A district's annual average headcount enrollment of students  
17 ages (~~(birth through)~~) three and four and those five year olds not  
18 yet enrolled in kindergarten who are eligible for and receiving  
19 special education, multiplied by the district's base allocation per  
20 full-time equivalent student, multiplied by 1.15;

21        (b)(i) Subject to the limitation in (b)(ii) of this subsection  
22 (2), a district's annual average enrollment of resident students who  
23 are eligible for and receiving special education, excluding students  
24 ages (~~(birth through)~~) three and four and those five year olds not  
25 yet enrolled in kindergarten, multiplied by the district's base  
26 allocation per full-time equivalent student, multiplied by the  
27 special education cost multiplier rate of:

28        (A) In the 2019-20 school year, 0.995 for students eligible for  
29 and receiving special education.

30        (B) Beginning in the 2020-21 school year, either:

31        (I) 1.0075 for students eligible for and receiving special  
32 education and reported to be in the general education setting for  
33 eighty percent or more of the school day; or

34        (II) 0.995 for students eligible for and receiving special  
35 education and reported to be in the general education setting for  
36 less than eighty percent of the school day.

37        (ii) If the enrollment percent exceeds thirteen and five-tenths  
38 percent, the excess cost allocation calculated under (b)(i) of this

1 subsection must be adjusted by multiplying the allocation by thirteen  
2 and five-tenths percent divided by the enrollment percent.

3 (3) As used in this section:

4 (a) "Base allocation" means the total state allocation to all  
5 schools in the district generated by the distribution formula under  
6 RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under  
7 RCW 28A.150.415, to be divided by the district's full-time equivalent  
8 enrollment.

9 (b) "Basic education enrollment" means enrollment of resident  
10 students including nonresident students enrolled under RCW  
11 28A.225.225 and students from nonhigh districts enrolled under RCW  
12 28A.225.210 and excluding students residing in another district  
13 enrolled as part of an interdistrict cooperative program under RCW  
14 28A.225.250.

15 (c) "Enrollment percent" means the district's resident annual  
16 average enrollment of students who are eligible for and receiving  
17 special education, excluding students ages (~~(birth through)~~) three  
18 and four and those five year olds not yet enrolled in kindergarten  
19 and students enrolled in institutional education programs, as a  
20 percent of the district's annual average full-time equivalent basic  
21 education enrollment.

22 **Sec. 4.** RCW 43.216.020 and 2017 3rd sp.s. c 6 s 202 are each  
23 amended to read as follows:

24 (1) The department shall implement state early learning policy  
25 and coordinate, consolidate, and integrate child care and early  
26 learning programs in order to administer programs and funding as  
27 efficiently as possible. The department's duties include, but are not  
28 limited to, the following:

29 (a) To support both public and private sectors toward a  
30 comprehensive and collaborative system of early learning that serves  
31 parents, children, and providers and to encourage best practices in  
32 child care and early learning programs;

33 (b) To make early learning resources available to parents and  
34 caregivers;

35 (c) To carry out activities, including providing clear and easily  
36 accessible information about quality and improving the quality of  
37 early learning opportunities for young children, in cooperation with  
38 the nongovernmental private-public partnership;

39 (d) To administer child care and early learning programs;

1 (e) To safeguard and promote the health, safety, and well-being  
2 of children receiving child care and early learning assistance, which  
3 is paramount over the right of any person to provide such care;

4 (f) To apply data already collected comparing the following  
5 factors and make biennial recommendations to the legislature  
6 regarding working connections subsidy and state-funded preschool  
7 rates and compensation models that would attract and retain high  
8 quality early learning professionals:

9 (i) State-funded early learning subsidy rates and market rates of  
10 licensed early learning homes and centers;

11 (ii) Compensation of early learning educators in licensed centers  
12 and homes and early learning teachers at state higher education  
13 institutions;

14 (iii) State-funded preschool program compensation rates and  
15 Washington state head start program compensation rates; and

16 (iv) State-funded preschool program compensation to compensation  
17 in similar comprehensive programs in other states;

18 (g) To administer the early support for infants and toddlers  
19 program in RCW 28A.155.065 (as recodified by this act), serve as the  
20 state lead agency for Part C of the federal individuals with  
21 disabilities education act (IDEA), and (~~to~~) develop and adopt rules  
22 that establish minimum requirements for the services offered through  
23 Part C programs, including allowable allocations and expenditures for  
24 transition into Part B of the federal individuals with disabilities  
25 education act (IDEA);

26 (h) To standardize internal financial audits, oversight visits,  
27 performance benchmarks, and licensing criteria, so that programs can  
28 function in an integrated fashion;

29 (i) To support the implementation of the nongovernmental private-  
30 public partnership and cooperate with that partnership in pursuing  
31 its goals including providing data and support necessary for the  
32 successful work of the partnership;

33 (j) To work cooperatively and in coordination with the early  
34 learning council;

35 (k) To collaborate with the K-12 school system at the state and  
36 local levels to ensure appropriate connections and smooth transitions  
37 between early learning and K-12 programs;

38 (l) To develop and adopt rules for administration of the program  
39 of early learning established in RCW 43.216.555;

1 (m) To develop a comprehensive birth-to-three plan to provide  
2 education and support through a continuum of options including, but  
3 not limited to, services such as: Home visiting; quality incentives  
4 for infant and toddler child care subsidies; quality improvements for  
5 family home and center-based child care programs serving infants and  
6 toddlers; professional development; early literacy programs; and  
7 informal supports for family, friend, and neighbor caregivers; and

8 (n) Upon the development of an early learning information system,  
9 to make available to parents timely inspection and licensing action  
10 information and provider comments through the internet and other  
11 means.

12 (2) When additional funds are appropriated for the specific  
13 purpose of home visiting and parent and caregiver support, the  
14 department must reserve at least eighty percent for home visiting  
15 services to be deposited into the home visiting services account and  
16 up to twenty percent of the new funds for other parent or caregiver  
17 support.

18 (3) Home visiting services must include programs that serve  
19 families involved in the child welfare system.

20 (4) The department's programs shall be designed in a way that  
21 respects and preserves the ability of parents and legal guardians to  
22 direct the education, development, and upbringing of their children,  
23 and that recognizes and honors cultural and linguistic diversity. The  
24 department shall include parents and legal guardians in the  
25 development of policies and program decisions affecting their  
26 children.

27 **Sec. 5.** RCW 43.216.576 and 1992 c 198 s 16 are each amended to  
28 read as follows:

29 (~~State agencies providing or paying for early intervention~~  
30 ~~services~~) The department shall enter into formal interagency  
31 agreements, where appropriate, with (~~each other and where~~  
32 ~~appropriate, with~~) school districts, counties, and other providers,  
33 to define their relationships and financial and service  
34 responsibilities. Local agencies or entities, including local school  
35 districts, counties, and service providers receiving public money for  
36 providing or paying for early intervention services shall enter into  
37 formal interagency agreements with each other that define their  
38 relationships and financial responsibilities to provide services  
39 within each county. In establishing priorities, school districts,

1 counties, and other service providers shall give due regard to the  
2 needs of children birth to three years of age and shall ensure that  
3 they continue to participate in providing services and collaborate  
4 with each other. The interagency agreements shall include procedures  
5 for resolving disputes, provisions for establishing maintenance  
6 requirements, and all additional components necessary to ensure  
7 collaboration and coordination.

8 **Sec. 6.** RCW 28A.225.225 and 2013 2nd sp.s. c 18 s 511 are each  
9 amended to read as follows:

10 (1) Except for students who reside out-of-state and students  
11 under RCW 28A.225.217, a district shall accept applications from  
12 nonresident students who are the children of full-time certificated  
13 and classified school employees, and those children shall be  
14 permitted to enroll:

15 (a) At the school to which the employee is assigned;

16 (b) At a school forming the district's K through 12 continuum  
17 which includes the school to which the employee is assigned; or

18 (c) At a school in the district that provides early intervention  
19 services pursuant to RCW 28A.155.065 (as recodified by this act) or  
20 preschool services pursuant to RCW 28A.155.070, if the student is  
21 eligible for such services.

22 (2) A district may reject applications under this section if:

23 (a) The student's disciplinary records indicate a history of  
24 convictions for offenses or crimes, violent or disruptive behavior,  
25 or gang membership;

26 (b) The student has been expelled or suspended from a public  
27 school for more than ten consecutive days. Any policy allowing for  
28 readmission of expelled or suspended students under this subsection  
29 (2)(b) must apply uniformly to both resident and nonresident  
30 applicants;

31 (c) Enrollment of a child under this section would displace a  
32 child who is a resident of the district, except that if a child is  
33 admitted under subsection (1) of this section, that child shall be  
34 permitted to remain enrolled at that school, or in that district's  
35 kindergarten through twelfth grade continuum, until he or she has  
36 completed his or her schooling; or

37 (d) The student has repeatedly failed to comply with requirements  
38 for participation in an online school program, such as participating

1 in weekly direct contact with the teacher or monthly progress  
2 evaluations.

3 (3) A nonhigh district that is participating in an innovation  
4 academy cooperative may not accept an application from a high school  
5 student that conflicts with RCW 28A.340.080.

6 (4) Except as provided in subsection (1) of this section, all  
7 districts accepting applications from nonresident students or from  
8 students receiving home-based instruction for admission to the  
9 district's schools shall consider equally all applications received.  
10 Each school district shall adopt a policy establishing rational,  
11 fair, and equitable standards for acceptance and rejection of  
12 applications by June 30, 1990. The policy may include rejection of a  
13 nonresident student if:

14 (a) Acceptance of a nonresident student would result in the  
15 district experiencing a financial hardship;

16 (b) The student's disciplinary records indicate a history of  
17 convictions for offenses or crimes, violent or disruptive behavior,  
18 or gang membership;

19 (c) Accepting of the nonresident student would conflict with RCW  
20 28A.340.080; or

21 (d) The student has been expelled or suspended from a public  
22 school for more than ten consecutive days. Any policy allowing for  
23 readmission of expelled or suspended students under this subsection  
24 (4)(d) must apply uniformly to both resident and nonresident  
25 applicants.

26 For purposes of subsections (2)(a) and (4)(b) of this section,  
27 "gang" means a group which: (i) Consists of three or more persons;  
28 (ii) has identifiable leadership; and (iii) on an ongoing basis,  
29 regularly conspires and acts in concert mainly for criminal purposes.

30 (5) The district shall provide to applicants written notification  
31 of the approval or denial of the application in a timely manner. If  
32 the application is rejected, the notification shall include the  
33 reason or reasons for denial and the right to appeal under RCW  
34 28A.225.230(3).

35 **Sec. 7.** RCW 28A.225.270 and 2008 c 192 s 2 are each amended to  
36 read as follows:

37 (1) Each school district in the state shall adopt and implement a  
38 policy allowing intradistrict enrollment options no later than June  
39 30, 1990. Each district shall establish its own policy establishing



1 standards on how the intradistrict enrollment options will be  
2 implemented.

3 (2) A district shall permit the children of full-time  
4 certificated and classified school employees to enroll at:

5 (a) The school to which the employee is assigned;

6 (b) A school forming the district's K through 12 continuum which  
7 includes the school to which the employee is assigned; or

8 (c) A school in the district that provides early intervention  
9 services pursuant to RCW 28A.155.065 (as recodified by this act) or  
10 preschool services pursuant to RCW 28A.155.070, if the student is  
11 eligible for such services.

12 (3) For the purposes of this section, "full-time employees" means  
13 employees who are employed for the full number of hours and days for  
14 their job description.

15 NEW SECTION. **Sec. 8.** Between September 1, 2020, and September  
16 1, 2021, contracts for the provision of early intervention services  
17 are exempt from the requirements for performance-based contracts in  
18 RCW 43.216.015.

19 **Sec. 9.** RCW 43.216.015 and 2019 c 429 s 1 are each amended to  
20 read as follows:

21 (1)(a) The department of children, youth, and families is created  
22 as an executive branch agency. The department is vested with all  
23 powers and duties transferred to it under chapter 6, Laws of 2017 3rd  
24 sp. sess. and such other powers and duties as may be authorized by  
25 law. The vision for the department is that Washington state's  
26 children and youth grow up safe and healthy—thriving physically,  
27 emotionally, and academically, nurtured by family and community.

28 (b) The department, in partnership with state and local agencies,  
29 tribes, and communities, shall protect children and youth from harm  
30 and promote healthy development with effective, high quality  
31 prevention, intervention, and early education services delivered in  
32 an equitable manner. An important role for the department shall be to  
33 provide preventative services to help secure and preserve families in  
34 crisis. The department shall partner with the federally recognized  
35 Indian tribes to develop effective services for youth and families  
36 while respecting the sovereignty of those tribes and the government-  
37 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd  
38 sp. sess. alters the duties, requirements, and policies of the

1 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,  
2 as amended, or the Indian child welfare act, chapter 13.38 RCW.

3 (2) Beginning July 1, 2018, the department must develop  
4 definitions for, work plans to address, and metrics to measure the  
5 outcomes for children, youth, and families served by the department  
6 and must work with state agencies to ensure services for children,  
7 youth, and families are science-based, outcome-driven, data-informed,  
8 and collaborative.

9 (3)(a) Beginning July 1, 2018, the department must establish  
10 short and long-term population level outcome measure goals, including  
11 metrics regarding reducing disparities by family income, race, and  
12 ethnicity in each outcome.

13 (b) The department must report to the legislature on outcome  
14 measures, actions taken, progress toward these goals, and plans for  
15 the future year, no less than annually, beginning December 1, 2018.

16 (c) The outcome measures must include, but are not limited to:

17 (i) Improving child development and school readiness through  
18 voluntary, high quality early learning opportunities as measured by:  
19 (A) Increasing the number and proportion of children kindergarten-  
20 ready as measured by the Washington kindergarten inventory of  
21 developing skills (WAKids) assessment including mathematics; (B)  
22 increasing the proportion of children in early learning programs that  
23 have achieved the level 3 or higher early achievers quality standard;  
24 and (C) increasing the available supply of licensed child care in  
25 both child care centers and family homes, including providers not  
26 receiving state subsidy;

27 (ii) Preventing child abuse and neglect;

28 (iii) Improving child and youth safety, permanency, and well-  
29 being as measured by: (A) Reducing the number of children entering  
30 out-of-home care; (B) reducing a child's length of stay in out-of-  
31 home care; (C) reducing maltreatment of youth while in out-of-home  
32 care; (D) licensing more foster homes than there are children in  
33 foster care; (E) reducing the number of children that reenter out-of-  
34 home care within twelve months; (F) increasing the stability of  
35 placements for children in out-of-home care; and (G) developing  
36 strategies to demonstrate to foster families that their service and  
37 involvement is highly valued by the department, as demonstrated by  
38 the development of strategies to consult with foster families  
39 regarding future placement of a foster child currently placed with a  
40 foster family;

1 (iv) Improving reconciliation of children and youth with their  
2 families as measured by: (A) Increasing family reunification; and (B)  
3 increasing the number of youth who are reunified with their family of  
4 origin;

5 (v) In collaboration with county juvenile justice programs,  
6 improving adolescent outcomes including reducing multisystem  
7 involvement and homelessness; and increasing school graduation rates  
8 and successful transitions to adulthood for youth involved in the  
9 child welfare and juvenile justice systems;

10 (vi) Reducing future demand for mental health and substance use  
11 disorder treatment for youth involved in the child welfare and  
12 juvenile justice systems;

13 (vii) In collaboration with county juvenile justice programs,  
14 reducing criminal justice involvement and recidivism as measured by:  
15 (A) An increase in the number of youth who successfully complete the  
16 terms of diversion or alternative sentencing options; (B) a decrease  
17 in the number of youth who commit subsequent crimes; and (C)  
18 eliminating the discharge of youth from institutional settings into  
19 homelessness; and

20 (viii) Reducing racial and ethnic disproportionality and  
21 disparities in system involvement and across child and youth outcomes  
22 in collaboration with other state agencies.

23 (4) Beginning July 1, 2018, the department must:

24 (a) Lead ongoing collaborative work to minimize or eliminate  
25 systemic barriers to effective, integrated services in collaboration  
26 with state agencies serving children, youth, and families;

27 (b) Identify necessary improvements and updates to statutes  
28 relevant to their responsibilities and proposing legislative changes  
29 to the governor no less than biennially;

30 (c) Help create a data-focused environment in which there are  
31 aligned outcomes and shared accountability for achieving those  
32 outcomes, with shared, real-time data that is accessible to  
33 authorized persons interacting with the family, child, or youth to  
34 identify what is needed and which services would be effective;

35 (d) Lead the provision of state services to adolescents, focusing  
36 on key transition points for youth, including exiting foster care and  
37 institutions, and coordinating with the office of homeless youth  
38 prevention and protection programs to address the unique needs of  
39 homeless youth; and

1 (e) Create and annually update a list of the rights and  
2 responsibilities of foster parents in partnership with foster parent  
3 representatives. The list of foster parent rights and  
4 responsibilities must be posted on the department's web site,  
5 provided to individuals participating in a foster parent orientation  
6 before licensure, provided to foster parents in writing at the time  
7 of licensure, and provided to foster parents applying for license  
8 renewal.

9 (5) The department is accountable to the public. To ensure  
10 transparency, beginning December 30, 2018, agency performance data  
11 for the services provided by the department, including outcome data  
12 for contracted services, must be available to the public, consistent  
13 with confidentiality laws, federal protections, and individual rights  
14 to privacy. Publicly available data must include budget and funding  
15 decisions, performance-based contracting data, including data for  
16 contracted services, and performance data on metrics identified in  
17 this section. The board must work with the secretary and director to  
18 develop the most effective and cost-efficient ways to make department  
19 data available to the public, including making this data readily  
20 available on the department's web site.

21 (6) ~~((The))~~ Except as provided in section 8 of this act, the  
22 department shall ensure that all new and renewed contracts for  
23 services are performance-based.

24 (7) The department must execute all new and renewed contracts for  
25 services in accordance with this section and consistent with RCW  
26 74.13B.020. When contracted services are managed through a network  
27 administrator or other third party, the department must execute data-  
28 sharing agreements with the entities managing the contracts to track  
29 provider performance measures. Contracts with network administrators  
30 or other third parties must provide the contract administrator the  
31 ability to shift resources from one provider to another, to evaluate  
32 individual provider performance, to add or delete services in  
33 consultation with the department, and to reinvest savings from  
34 increased efficiencies into new or improved services in their  
35 catchment area. Whenever possible, contractor performance data must  
36 be made available to the public, consistent with confidentiality laws  
37 and individual rights to privacy.

38 (8)(a) The board shall begin its work and call the first meeting  
39 of the board on or after July 1, 2018. The board shall immediately  
40 assume the duties of the legislative children's oversight committee,

1 as provided for in RCW 74.13.570 and assume the full functions of the  
2 board as provided for in this section by July 1, 2019. The office of  
3 innovation, alignment, and accountability shall provide quarterly  
4 updates regarding the implementation of the department to the board  
5 between July 1, 2018, and July 1, 2019.

6 (b) The office of the family and children's ombuds shall  
7 establish the board. The board is authorized for the purpose of  
8 monitoring and ensuring that the department achieves the stated  
9 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with  
10 administrative acts, relevant statutes, rules, and policies  
11 pertaining to early learning, juvenile rehabilitation, juvenile  
12 justice, and children and family services.

13 (9) (a) The board shall consist of the following members:

14 (i) Two senators and two representatives from the legislature  
15 with one member from each major caucus;

16 (ii) One nonvoting representative from the governor's office;

17 (iii) One subject matter expert in early learning;

18 (iv) One subject matter expert in child welfare;

19 (v) One subject matter expert in juvenile rehabilitation and  
20 justice;

21 (vi) One subject matter expert in reducing disparities in child  
22 outcomes by family income and race and ethnicity;

23 (vii) One tribal representative from west of the crest of the  
24 Cascade mountains;

25 (viii) One tribal representative from east of the crest of the  
26 Cascade mountains;

27 (ix) One current or former foster parent representative;

28 (x) One representative of an organization that advocates for the  
29 best interest of the child;

30 (xi) One parent stakeholder group representative;

31 (xii) One law enforcement representative;

32 (xiii) One child welfare caseworker representative;

33 (xiv) One early childhood learning program implementation  
34 practitioner;

35 (xv) One current or former foster youth under age twenty-five;

36 (xvi) One individual under age twenty-five with current or  
37 previous experience with the juvenile justice system;

38 (xvii) One physician with experience working with children or  
39 youth; and

1 (xviii) One judicial representative presiding over child welfare  
2 court proceedings or other children's matters.

3 (b) The senate members of the board shall be appointed by the  
4 leaders of the two major caucuses of the senate. The house of  
5 representatives members of the board shall be appointed by the  
6 leaders of the two major caucuses of the house of representatives.  
7 Members shall be appointed before the close of each regular session  
8 of the legislature during an odd-numbered year.

9 (c) The remaining board members shall be nominated by the  
10 governor, subject to the approval of the appointed legislators by  
11 majority vote, and serve four-year terms. When nominating and  
12 approving members after July 28, 2019, the governor and appointed  
13 legislators must ensure that at least five of the board members  
14 reside east of the crest of the Cascade mountains.

15 (10) The board has the following powers, which may be exercised  
16 by majority vote of the board:

17 (a) To receive reports of the office of the family and children's  
18 ombuds;

19 (b) To obtain access to all relevant records in the possession of  
20 the office of the family and children's ombuds, except as prohibited  
21 by law;

22 (c) To select its officers and adoption of rules for orderly  
23 procedure;

24 (d) To request investigations by the office of the family and  
25 children's ombuds of administrative acts;

26 (e) To request and receive information, outcome data, documents,  
27 materials, and records from the department relating to children and  
28 family welfare, juvenile rehabilitation, juvenile justice, and early  
29 learning;

30 (f) To determine whether the department is achieving the  
31 performance measures;

32 (g) If final review is requested by a licensee, to review whether  
33 department licensors appropriately and consistently applied agency  
34 rules in child care facility licensing compliance agreements as  
35 defined in RCW 43.216.395 that do not involve a violation of health  
36 and safety standards as defined in RCW 43.216.395 in cases that have  
37 already been reviewed by the internal review process described in RCW  
38 43.216.395 with the authority to overturn, change, or uphold such  
39 decisions;

1 (h) To conduct annual reviews of a sample of department contracts  
2 for services from a variety of program and service areas to ensure  
3 that those contracts are performance-based and to assess the measures  
4 included in each contract; and

5 (i) Upon receipt of records or data from the office of the family  
6 and children's ombuds or the department, the board is subject to the  
7 same confidentiality restrictions as the office of the family and  
8 children's ombuds is under RCW 43.06A.050. The provisions of RCW  
9 43.06A.060 also apply to the board.

10 (11) The board has general oversight over the performance and  
11 policies of the department and shall provide advice and input to the  
12 department and the governor.

13 (12) The board must no less than twice per year convene  
14 stakeholder meetings to allow feedback to the board regarding  
15 contracting with the department, departmental use of local, state,  
16 private, and federal funds, and other matters as relating to carrying  
17 out the duties of the department.

18 (13) The board shall review existing surveys of providers,  
19 customers, parent groups, and external services to assess whether the  
20 department is effectively delivering services, and shall conduct  
21 additional surveys as needed to assess whether the department is  
22 effectively delivering services.

23 (14) The board is subject to the open public meetings act,  
24 chapter 42.30 RCW, except to the extent disclosure of records or  
25 information is otherwise confidential under state or federal law.

26 (15) Records or information received by the board is confidential  
27 to the extent permitted by state or federal law. This subsection does  
28 not create an exception for records covered by RCW 13.50.100.

29 (16) The board members shall receive no compensation for their  
30 service on the board, but shall be reimbursed for travel expenses  
31 incurred while conducting business of the board when authorized by  
32 the board and within resources allocated for this purpose, except  
33 appointed legislators who shall be reimbursed for travel expenses in  
34 accordance with RCW 43.03.050 and 43.03.060.

35 (17) The board shall select, by majority vote, an executive  
36 director who shall be the chief administrative officer of the board  
37 and shall be responsible for carrying out the policies adopted by the  
38 board. The executive director is exempt from the provisions of the  
39 state civil service law, chapter 41.06 RCW, and shall serve at the  
40 pleasure of the board established in this section.

1 (18) The board shall maintain a staff not to exceed one full-time  
2 equivalent employee. The board-selected executive director of the  
3 board is responsible for coordinating staff appointments.

4 (19) The board shall issue an annual report to the governor and  
5 legislature by December 1st of each year with an initial report  
6 delivered by December 1, 2019. The report must review the  
7 department's progress towards meeting stated performance measures and  
8 desired performance outcomes, and must also include a review of the  
9 department's strategic plan, policies, and rules.

10 (20) The definitions in this subsection apply throughout this  
11 section unless the context clearly requires otherwise.

12 (a) "Board" means the oversight board for children, youth, and  
13 families established in subsection (8) of this section.

14 (b) "Director" means the director of the office of innovation,  
15 alignment, and accountability.

16 (c) "Performance-based contract" means results-oriented  
17 contracting that focuses on the quality or outcomes that tie at least  
18 a portion of the contractor's payment, contract extensions, or  
19 contract renewals to the achievement of specific measurable  
20 performance standards and requirements.

21 NEW SECTION. **Sec. 10.** This act takes effect September 1, 2020.

22 NEW SECTION. **Sec. 11.** Sections 8 and 9 of this act expire June  
23 30, 2021.

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