

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2619

Chapter 343, Laws of 2020

(partial veto)

66th Legislature
2020 Regular Session

EARLY LEARNING--VARIOUS PROVISIONS

EFFECTIVE DATE: June 11, 2020

Passed by the House February 13, 2020
Yeas 95 Nays 2

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2020
Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Approved April 3, 2020 1:52 PM with
the exception of section 4, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is **HOUSE
BILL 2619** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 3, 2020

**Secretary of State
State of Washington**

HOUSE BILL 2619

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Representatives Shewmake, Chapman, Ramel, Springer, Van Werven, Senn, Doglio, Goodman, and Tharinger

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

1 AN ACT Relating to increasing early learning access through
2 licensing, eligibility, and rate improvements; amending RCW
3 43.216.514 and 43.216.305; adding a new section to chapter 43.216
4 RCW; creating new sections; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the
7 rural child care access act.

8 NEW SECTION. **Sec. 2.** (1) The legislature finds that many rural
9 communities face child care and early learning supply shortages due
10 to factors that include geographic isolation and fewer providers.
11 These shortages contribute to economic challenges in the child care
12 market, undermining child care affordability for families and
13 threatening the viability of child care businesses. Families deserve
14 access to a full range of child care and early learning choices and
15 providers need stable funding that is essential to meet high quality
16 standards.

17 (2) The legislature further finds that while federal child care
18 and development fund rules allow child care subsidy rates to exceed
19 private pay rates in order to pay for quality care and health and
20 safety requirements, state rules require child care subsidy rates to

1 be lower than a provider's private pay rate with limited exceptions.
2 This limitation has the effect of forcing child care providers to
3 raise private pay rates when state subsidy rates go up, resulting in
4 families who do not qualify for subsidy leaving licensed care because
5 it has become unaffordable.

6 (3) Therefore, it is the intent of the legislature to implement
7 policies to relieve providers and families by streamlining child care
8 access, balancing subsidy requirements, and supporting the needs of
9 rural communities.

10 **Sec. 3.** RCW 43.216.514 and 2019 c 408 s 7 are each amended to
11 read as follows:

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

15 (b) A child who is eligible at the time of enrollment in the
16 early childhood education and assistance program maintains program
17 eligibility until the child begins kindergarten.

18 (2) As space is available, children may be included in the early
19 childhood education and assistance program pursuant to RCW
20 43.216.512. Priority within this group must be given first to
21 children with incomes up to one hundred thirty percent of the federal
22 poverty level.

23 ****NEW SECTION. Sec. 4. A new section is added to chapter 43.216***
24 ***RCW to read as follows:***

25 (1) ***Subject to the availability of amounts appropriated for this***
26 ***specific purpose, the department may pay child day care centers and***
27 ***family day care providers a subsidy rate that is equal to or higher***
28 ***than the provider's private pay rate in order to support high quality***
29 ***care and the implementation of health, safety, and quality***
30 ***requirements.***

31 (2) ***The department must adopt rules to implement this section.***

****Sec. 4 was vetoed. See message at end of chapter.***

32 **Sec. 5.** RCW 43.216.305 and 2018 c 58 s 40 are each amended to
33 read as follows:

34 (1) Each agency shall make application for a license or the
35 continuation of a full license to the department on forms prescribed
36 by the department. Upon receipt of such application, the department

1 shall either grant or deny a license or continuation of a full
2 license within ninety days. A license or continuation shall be
3 granted if the agency meets the minimum requirements set forth in
4 this chapter and the departmental requirements consistent with this
5 chapter, except that an initial license may be issued as provided in
6 RCW 43.216.315. The department shall consider whether an agency is in
7 good standing, as defined in subsection (4)(b) of this section,
8 before granting a continuation of a full license. Full licenses
9 provided for in this chapter shall continue to remain valid so long
10 as the licensee meets the requirements for a nonexpiring license in
11 subsection (2) of this section and may be transferred to a new
12 licensee in the event of a transfer of ownership of a child care
13 operation. The licensee, however, shall advise the secretary of any
14 material change in circumstances which might constitute grounds for
15 reclassification of license as to category. The license issued under
16 this chapter (~~is not transferable and~~) applies only to the licensee
17 and the location stated in the application. For licensed family day
18 care homes having an acceptable history of child care, the license
19 may remain in effect for two weeks after a move.

20 (2) In order to qualify for a nonexpiring full license, a
21 licensee must meet the following requirements on an annual basis as
22 established from the date of initial licensure:

23 (a) Submit the annual licensing fee;

24 (b) Submit a declaration to the department indicating the
25 licensee's intent to continue operating a licensed child care
26 program, or the intent to cease operation on a date certain;

27 (c) Submit a declaration of compliance with all licensing rules;
28 and

29 (d) Submit background check applications on the schedule
30 established by the department.

31 (3) If a licensee fails to meet the requirements in subsection
32 (2) of this section for continuation of a full license the license
33 expires and the licensee must submit a new application for licensure
34 under this chapter.

35 (4)(a) Nothing about the nonexpiring license process may
36 interfere with the department's established monitoring practice.

37 (b) For the purpose of this section, an agency is considered to
38 be in good standing if in the intervening period between monitoring
39 visits the agency does not have any of the following:

40 (i) Valid complaints;

1 (ii) A history of noncompliance related to those valid complaints
2 or pending from prior monitoring visits; or

3 (iii) Other information that when evaluated would result in a
4 finding of noncompliance with this section.

5 (c) The department shall consider whether an agency is in good
6 standing when determining the most appropriate approach and process
7 for monitoring visits, for the purposes of administrative efficiency
8 while protecting children, consistent with this chapter. If the
9 department determines that an agency is not in good standing, the
10 department may issue a probationary license, as provided in RCW
11 43.216.320.

12 NEW SECTION. **Sec. 6.** (1) By November 1, 2020, the department of
13 children, youth, and families must provide the appropriate committees
14 of the legislature with a list of recommended child care licensing
15 innovations designed to improve access to care in rural areas of the
16 state. The recommendations must include estimated costs for each item
17 and any statutory changes necessary for implementation.

18 (2) This section expires November 1, 2021.

19 NEW SECTION. **Sec. 7.** (1) The department of children, youth, and
20 families shall establish a pilot project to create a dual license
21 that allows individuals to receive a combined foster care and child
22 care license. The pilot project must commence by July 1, 2020, and
23 conclude by June 30, 2022.

24 (2) The department must consult with stakeholders in the foster
25 care and child care sectors during the design and implementation of
26 the pilot project.

27 (3) The department may adopt rules to implement the pilot project
28 and may waive or adapt licensing requirements when necessary to allow
29 for the implementation of a dual license for individuals.

30 (4) The department must provide a brief status report to the
31 appropriate committees of the legislature and the governor by July 1,
32 2021, describing implementation of the pilot project. By November 1,
33 2022, the department must recommend to the governor and the
34 appropriate committees of the legislature whether the dual license
35 pilot project should be made permanent.

36 (5) This section expires November 1, 2023.

Passed by the House February 13, 2020.

Passed by the Senate March 4, 2020.

Approved by the Governor April 3, 2020, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 3, 2020.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 4, House Bill No. 2619 entitled:

"AN ACT Relating to increasing early learning access through licensing, eligibility, and rate improvements."

Section 4 allows the department to pay a subsidy rate equal to or higher than what providers bill for private pay. Although I believe that quality child care comes at a cost, I have concerns with utilizing tax-payer dollars to pay child care providers more than the market rate. I also believe subsidy payments over the market rate could have the unintended consequence of driving up private pay standards.

For these reasons I have vetoed Section 4 of House Bill No. 2619.

With the exception of Section 4, House Bill No. 2619 is approved."

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