

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1391

Chapter 369, Laws of 2019

(partial veto)

66th Legislature
2019 Regular Session

EARLY ACHIEVERS PROGRAM--VARIOUS PROVISIONS

EFFECTIVE DATE: July 28, 2019

Passed by the House April 18, 2019
Yeas 93 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2019
Yeas 42 Nays 3

CYRUS HABIB

President of the Senate

Approved May 13, 2019 3:48 PM with the
exception of section 12, 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
**ENGROSSED SECOND SUBSTITUTE HOUSE
BILL 1391** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 16, 2019

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1391

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Appropriations (originally sponsored by Representatives Senn, Dent, Eslick, Reeves, Pollet, and Ortiz-Self)

READ FIRST TIME 02/28/19.

1 AN ACT Relating to implementing improvements to the early
2 achievers program as reviewed and recommended by the joint select
3 committee on the early achievers program; amending RCW 43.216.085,
4 43.216.515, 43.216.135, 43.216.087, 43.216.655, 43.216.089, and
5 43.216.100; adding new sections to chapter 43.216 RCW; creating new
6 sections; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that a
9 commitment to early learning quality was established through the
10 passage of the early start act and creation of the early achievers
11 program. The legislature recognizes that achieving the desired child
12 outcomes from high quality early learning and child care requires
13 additional financial support, including the payment of living wages
14 to providers, and that the success of the early achievers system must
15 continue to be supported through adequate funding. Further, the
16 legislature finds that the federal administration of children and
17 families advises states to set child care subsidy rates at the
18 seventy-fifth percentile of private market rates in order to ensure
19 equal access to high quality child care. The legislature further
20 finds that objectives of the early achievers program include
21 providing professional development and robust training and coaching

1 opportunities that are available in geographically diverse areas to
2 child care and early education providers who are often small business
3 owners and as such play a critical role in our state's economy.

4 (2) The legislature further finds that the department of
5 children, youth, and families has undertaken efforts to identify
6 professional equivalencies for early learning providers that
7 recognize the commitment and years of experience that much of the
8 workforce demonstrates.

9 (3) Therefore, as recommended by the joint select committee on
10 the early achievers program, the legislature intends to work toward
11 raising base subsidy rates for licensed child care centers and family
12 homes and further incentivize the provision of care for infants and
13 toddlers by considering rates for providers serving these young
14 children. Further, the legislature intends to look to increase needs-
15 based grants, scholarships, and professional development assistance,
16 as well as reduce early achievers coaching ratios, in order to
17 support providers in continuous improvement. The legislature further
18 intends to support the work of the department of children, youth, and
19 families' professional equivalencies committee and the department's
20 development of the proficiency review process.

21 **Sec. 2.** RCW 43.216.085 and 2017 3rd sp.s. c 6 s 113 are each
22 amended to read as follows:

23 (1) The department, in collaboration with tribal governments and
24 community and statewide partners, shall implement a quality rating
25 and improvement system, called the early achievers program. The early
26 achievers program provides a foundation of quality for the early care
27 and education system. The early achievers program is applicable to
28 licensed or certified child care centers and homes and early learning
29 programs such as working connections child care and early childhood
30 education and assistance programs.

31 (2) The objectives of the early achievers program are to:

32 (a) Improve short-term and long-term educational outcomes for
33 children as measured by assessments including, but not limited to,
34 the Washington kindergarten inventory of developing skills in RCW
35 28A.655.080;

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

38 (c) Support improvement in early learning and child care programs
39 throughout the state;

- 1 (d) Increase the readiness of children for school;
2 (e) Close the disparities in access to quality care;
3 (f) Provide professional development and coaching opportunities
4 to early child care and education providers; and
5 (g) Establish a common set of expectations and standards that
6 define, measure, and improve the quality of early learning and child
7 care settings.

8 (3) (a) Licensed or certified child care centers and homes serving
9 nonschool-age children and receiving state subsidy payments must
10 participate in the early achievers program by the required deadlines
11 established in RCW 43.216.135.

12 (b) Approved early childhood education and assistance program
13 providers receiving state-funded support must participate in the
14 early achievers program by the required deadlines established in RCW
15 43.216.515.

16 (c) Participation in the early achievers program is voluntary
17 for:

18 (i) Licensed or certified child care centers and homes not
19 receiving state subsidy payments; and

20 (ii) Early learning programs not receiving state funds.

21 (d) School-age child care providers are exempt from participating
22 in the early achievers program. By July 1, 2017, the department and
23 the office of the superintendent of public instruction shall jointly
24 design a plan to incorporate school-age child care providers into the
25 early achievers program or other appropriate quality improvement
26 system. To test implementation of the early achievers system for
27 school-age child care providers the department and the office of the
28 superintendent of public instruction shall implement a pilot program.

29 (4) (a) There are five primary levels in the early achievers
30 program.

31 (b) In addition to the primary levels, the department must
32 establish an intermediate level that is between level 3 and level 4
33 and serves to assist participants in transitioning to level 4.

34 (c) Participants are expected to actively engage and continually
35 advance within the program.

36 (5) The department has the authority to determine the rating
37 cycle for the early achievers program. The department shall
38 streamline and eliminate duplication between early achievers
39 standards and state child care rules in order to reduce costs

1 associated with the early achievers rating cycle and child care
2 licensing.

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

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

9 (c) The first rating is free for early achievers program
10 participants.

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

13 (6)(a) Early achievers program participants may request to be
14 rerated outside the established rating cycle. A rerating shall reset
15 the rating cycle timeline for participants.

16 (b) The department may charge a fee for optional rerating
17 requests made by program participants that are outside the
18 established rating cycle.

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

22 (7)(a) The department must create a single source of information
23 for parents and caregivers to access details on a provider's early
24 achievers program rating level, licensing history, and other
25 indicators of quality and safety that will help parents and
26 caregivers make informed choices. The licensing history that the
27 department must provide for parents and caregivers pursuant to this
28 subsection shall only include license suspension, surrender,
29 revocation, denial, stayed suspension, or reinstatement. No unfounded
30 child abuse or neglect reports may be provided to parents and
31 caregivers pursuant to this subsection.

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

34 (i) (~~By November 1, 2015,~~) Early achievers program rating
35 levels 1 through 5 for all child care programs that receive state
36 subsidy, early childhood education and assistance programs, and
37 federal head start programs in Washington; and

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

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

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

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

12 (8)(a) The department shall create a professional development
13 pathway for early achievers program participants to obtain a high
14 school diploma or equivalency or higher education credential in early
15 childhood education, early childhood studies, child development, or
16 an academic field related to early care and education.

17 (b) The professional development pathway must include
18 opportunities for scholarships and grants to assist early achievers
19 program participants with the costs associated with obtaining an
20 educational degree.

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

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

27 (10) In collaboration with tribal governments, community and
28 statewide partners, and the early achievers review subcommittee
29 created in RCW 43.216.075, the department shall develop a protocol
30 for granting early achievers program participants an extension in
31 meeting rating level requirement timelines outlined for the working
32 connections child care program and the early childhood education and
33 assistance program.

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

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

1 (c) Extensions may only be granted to early achievers program
2 participants who have demonstrated engagement in the early achievers
3 program.

4 (11)(a) The department shall accept national accreditation that
5 meets the requirements of this subsection (11) as a qualification for
6 the early achievers program ratings.

7 (b) Each national accreditation agency will be allowed to submit
8 its most current standards of accreditation to establish potential
9 credit earned in the early achievers program. The department shall
10 grant credit to accreditation bodies that can demonstrate that their
11 standards meet or exceed the current early achievers program
12 standards. By December 1, 2019, and subject to the availability of
13 amounts appropriated for this specific purpose, the department must
14 submit a detailed plan to the governor and the legislature to
15 implement a robust cross-accreditation process with multiple pathways
16 that allows a provider to earn equivalent early achievers credit
17 resulting from accreditation by high quality national organizations.

18 (c) Licensed child care centers and child care home providers
19 must meet national accreditation standards approved by the department
20 for the early achievers program in order to be granted credit for the
21 early achievers program standards. Eligibility for the early
22 achievers program is not subject to bargaining, mediation, or
23 interest arbitration under RCW 41.56.028, consistent with the
24 legislative reservation of rights under RCW 41.56.028(4)(d).

25 (12) The department shall explore the use of alternative quality
26 assessment tools that meet the culturally specific needs of the
27 federally recognized tribes in the state of Washington.

28 (13) A child care or early learning program that is operated by a
29 federally recognized tribe and receives state funds shall participate
30 in the early achievers program. The tribe may choose to participate
31 through an interlocal agreement between the tribe and the department.
32 The interlocal agreement must reflect the government-to-government
33 relationship between the state and the tribe, including recognition
34 of tribal sovereignty. The interlocal agreement must provide that:

35 (a) Tribal child care facilities and early learning programs may
36 volunteer, but are not required, to be licensed by the department;

37 (b) Tribal child care facilities and early learning programs are
38 not required to have their early achievers program rating level
39 published to the department's web site or through a link on the
40 department's web site; and

1 (c) Tribal child care facilities and early learning programs must
2 provide notification to parents or guardians who apply for or have
3 been admitted into their program that early achievers program rating
4 level information is available and provide the parents or guardians
5 with the program's early achievers program rating level upon request.

6 (14) The department shall consult with the early achievers review
7 subcommittee on all substantial policy changes to the early achievers
8 program.

9 (15) Nothing in this section changes the department's
10 responsibility to collectively bargain over mandatory subjects or
11 limits the legislature's authority to make programmatic modifications
12 to licensed child care and early learning programs under RCW
13 41.56.028(4)(d).

14 **Sec. 3.** RCW 43.216.515 and 2015 3rd sp.s. c 7 s 9 are each
15 amended to read as follows:

16 (1) Approved early childhood education and assistance programs
17 shall receive state-funded support through the department. Public or
18 private organizations((7)) including, but not limited to, school
19 districts, educational service districts, community and technical
20 colleges, local governments, or nonprofit organizations, are eligible
21 to participate as providers of the state early childhood education
22 and assistance program.

23 (2) Funds obtained by providers through voluntary grants or
24 contributions from individuals, agencies, corporations, or
25 organizations may be used to expand or enhance preschool programs so
26 long as program standards established by the department are
27 maintained.

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

34 ~~(4) ((Existing early childhood education and assistance program~~
35 ~~providers must complete the following requirements to be eligible to~~
36 ~~receive state-funded support under the early childhood education and~~
37 ~~assistance program:~~

38 ~~(a) Enroll in the early achievers program by October 1, 2015;~~

1 ~~(b) Rate at a level 4 or 5 in the early achievers program by~~
2 ~~March 1, 2016. If an early childhood education and assistance program~~
3 ~~provider rates below a level 4 by March 1, 2016, the provider must~~
4 ~~complete remedial activities with the department, and rate at a level~~
5 ~~4 or 5 within six months of beginning remedial activities.~~

6 ~~(5) Effective October 1, 2015,)~~ A new early childhood education
7 and assistance program provider must complete the requirements in
8 this subsection ~~((5))~~ to be eligible to receive state-funded
9 support under the early childhood education and assistance program:

10 (a) Enroll in the early achievers program within thirty days of
11 the start date of the early childhood education and assistance
12 program contract;

13 (b) (i) Except as provided in (b) (ii) of this subsection, rate at
14 a level 4 or 5 in the early achievers program within ~~((twelve))~~
15 twenty-four months of enrollment. If an early childhood education and
16 assistance program provider rates below a level 4 within ~~((twelve))~~
17 twenty-four months of enrollment, the provider must complete remedial
18 activities with the department, and rate at a level 4 or 5 within six
19 months of beginning remedial activities.

20 (ii) Licensed or certified child care centers and homes that
21 administer an early childhood education and assistance program shall
22 rate at a level 4 or 5 in the early achievers program within
23 ~~((eighteen))~~ twenty-four months of the start date of the early
24 childhood education and assistance program contract. If an early
25 childhood education and assistance program provider rates below a
26 level 4 within ~~((eighteen))~~ twenty-four months, the provider must
27 complete remedial activities with the department, and rate at a level
28 4 or 5 within six months of beginning remedial activities.

29 ~~((6))~~ (5) (a) If an early childhood education and assistance
30 program provider has successfully completed all of the required early
31 achievers program activities and is waiting to be rated by the
32 deadline provided in this section, the provider may continue to
33 participate in the early achievers program as an approved early
34 childhood education and assistance program provider and receive state
35 subsidy pending the successful completion of a level 4 or 5 rating.

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

1 (6) (a) When an early childhood education and assistance program
2 in good standing changes classroom locations to a comparable or
3 improved space within the same facility, a rerating is not required
4 outside of the regular rerating and renewal cycle.

5 (b) When an early childhood education and assistance program in
6 good standing moves to a new facility, the provider must notify the
7 department of the move within six months of changing locations in
8 order to retain their existing rating. The early achievers program
9 must conduct an observational visit to ensure the new classroom space
10 is of comparable or improved environmental quality. If a provider
11 fails to notify the department within six months of a move, the early
12 achievers rating must be changed from the posted rated level to
13 "Participating, Not Yet Rated" and the provider will cease to receive
14 tiered reimbursement incentives until a new rating is completed.

15 (7) The department shall collect data periodically to determine
16 the demand for full-day programming for early childhood education and
17 assistance program providers. The department shall analyze this
18 demand by geographic region and shall include the findings in the
19 annual report required under RCW (~~(43.215.102)~~) 43.216.089.

20 ~~((By December 1, 2015,))~~ The department shall develop ((a))
21 multiple pathways for licensed or certified child care centers and
22 homes to administer an early childhood education and assistance
23 program. The pathways shall include an accommodation for these
24 providers to rate at a level 4 or 5 in the early achievers program
25 according to the timelines and standards established in subsection
26 ~~((5))~~ (4) (b) (ii) of this section. The department must consider
27 using the intermediate level that is between level 3 and level 4 as
28 described in RCW 43.216.085, incentives, and front-end funding in
29 order to encourage providers to participate in the pathway.

30 **Sec. 4.** RCW 43.216.135 and 2018 c 52 s 6 are each amended to
31 read as follows:

32 (1) The department shall establish and implement policies in the
33 working connections child care program to promote stability and
34 quality of care for children from low-income households. These
35 policies shall focus on supporting school readiness for young
36 learners. Policies for the expenditure of funds constituting the
37 working connections child care program must be consistent with the
38 outcome measures established by the department and the standards

1 established in this section intended to promote stability, quality,
2 and continuity of early care and education programming.

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

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

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

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

13 (c) Rate or request to be rated at a level 3 or higher in the
14 early achievers program by December 31, 2019. If a child care
15 provider (~~((rates below))~~) does not rate at or request to be rated at a
16 level 3 by December 31, 2019, the provider is no longer eligible to
17 receive state subsidy. If the provider rates below a level 3 when the
18 rating is released, the provider must complete remedial activities
19 with the department, and (~~((rate at))~~) must rate at or request to be
20 rated at a level 3 or higher no later than ((June)) December 30,
21 2020.

22 (4) (~~((Effective July 1, 2016,))~~) A new child care provider serving
23 nonschool-age children and receiving state subsidy payments must
24 complete the following activities to be eligible to receive a state
25 subsidy under this section:

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

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

30 (c) Rate or request to be rated at a level 3 or higher in the
31 early achievers program within thirty months of enrollment. If a
32 child care provider (~~((rates below))~~) does not rate or request to be
33 rated at a level 3 within thirty months from enrollment into the
34 early achievers program, the provider is no longer eligible to
35 receive state subsidy. If the provider rates below a level 3 when the
36 rating is released, the provider must complete remedial activities
37 with the department, and rate or request to be rated at a level 3 or
38 higher within ((six)) twelve months of beginning remedial activities.

39 (5) If a child care provider does not rate or request to be rated
40 at a level 3 or higher following the remedial period, the provider is

1 no longer eligible to receive state subsidy under this section. If a
2 child care provider does not rate at a level 3 or higher when the
3 rating is released following the remedial period, the provider is no
4 longer eligible to receive state subsidy under this section.

5 (6) If a child care provider serving nonschool-age children and
6 receiving state subsidy payments has successfully completed all level
7 2 activities and is waiting to be rated by the deadline provided in
8 this section, the provider may continue to receive a state subsidy
9 pending the successful completion of the level 3 rating activity.

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

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

16 (9)(a) The department shall establish and implement policies in
17 the working connections child care program to allow eligibility for
18 families with children who:

19 (i) In the last six months have:

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

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

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

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

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

29 (b) Children who are eligible for working connections child care
30 pursuant to this subsection do not have to keep receiving services
31 identified in this subsection to maintain twelve-month authorization.
32 The department of social and health services' involvement with the
33 family referred for working connections child care ends when the
34 family's child protective services, child welfare services, or family
35 assessment response case is closed.

36 **Sec. 5.** RCW 43.216.087 and 2015 3rd sp.s. c 7 s 5 are each
37 amended to read as follows:

38 (1)(a) The department shall, in collaboration with tribal
39 governments and community and statewide partners, implement a

1 protocol to maximize and encourage participation in the early
2 achievers program for culturally diverse and low-income center and
3 family home child care providers. Amounts appropriated for the
4 encouragement of culturally diverse and low-income center and family
5 home child care provider participation shall be appropriated
6 separately from the other funds appropriated for the department, are
7 the only funds that may be used for the protocol, and may not be used
8 for any other purposes. Funds appropriated for the protocol shall be
9 considered an ongoing program for purposes of future departmental
10 budget requests.

11 (b) (~~During the first thirty months of implementation of the~~
12 ~~early achievers program~~) The department shall prioritize the
13 resources authorized in this section to assist providers (~~(rating at~~
14 ~~a level 2)~~) in the early achievers program to help them reach a
15 (~~(level 3)~~) rating of level 3 or higher wherever access to subsidized
16 care is at risk.

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

19 (a) The creation of a substitute pool;

20 (b) The development of needs-based grants for providers (~~(at~~
21 ~~level 2)~~) in the early achievers program (~~(to assist with)~~) who
22 demonstrate a need for assistance to improve program quality. Needs-
23 based grants may be used for environmental improvements of early
24 learning facilities; purchasing curriculum development, instructional
25 materials, supplies, and equipment (~~(to improve program quality)~~);
26 and focused infant-toddler improvements. Priority for the needs-based
27 grants shall be given to culturally diverse and low-income providers;

28 (c) The development of materials and assessments in a timely
29 manner, and to the extent feasible, in the provider and family home
30 languages; and

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

34 NEW SECTION. Sec. 6. (1) Subject to the availability of amounts
35 appropriated for this specific purpose, the department of children,
36 youth, and families must deliver a progress report to the governor
37 and the legislature by July 1, 2020, and a final report by July 1,
38 2021, that includes:

1 (a) An analysis of consumer income and copay requirements in the
2 working connections child care program and recommendations for
3 mitigating the "cliff effect" for child care subsidy consumers.
4 Recommendations must consider:

5 (i) How to further develop and implement a sliding scale or
6 tiered reimbursement and phase-out model that works for both
7 consumers and providers and provides incentives for quality child
8 care across communities;

9 (ii) Whether or not increasing or decreasing the eligibility
10 threshold for working connections child care would allow parents to
11 grow professionally without losing affordable child care;

12 (iii) Whether further graduation of the copay scale would help
13 alleviate the cliff that occurs at subsidy cutoff; and

14 (iv) Capping family child care expenses at seven percent of a
15 family's income;

16 (b) Recommendations related to differential slot rates for the
17 early childhood education and assistance program based on variable
18 factors that may contribute to costs for providers when working to
19 achieve positive child outcomes. When developing the recommendations,
20 the department must:

21 (i) Consider, at a minimum, variations by geographic region,
22 contractor type, child risk factors, and teacher credentials;

23 (ii) Evaluate advantages and disadvantages of linking early
24 childhood education and assistance program rates and other child care
25 subsidy rates; and

26 (iii) Review the department-designated subsidy regions and adjust
27 regional boundaries as necessary to reflect regional economic
28 conditions; and

29 (c) A plan for blending child care development funds and early
30 childhood education and assistance program funds to provide extended
31 day slots in the early childhood education and assistance program.
32 The plan must include consideration of administrative efficiencies
33 gained resulting from fully transferring the working connections
34 child care program into the department.

35 (2) This section expires January 1, 2020.

36 **Sec. 7.** RCW 43.216.655 and 2015 3rd sp.s. c 7 s 13 are each
37 amended to read as follows:

38 (1) The education data center established in RCW 43.41.400 must
39 collect longitudinal, student-level data on all children attending an

1 early childhood education and assistance program. Upon completion of
2 an electronic time and attendance record system, the education data
3 center must collect longitudinal, student-level data on all children
4 attending a working connections child care program. Data collected
5 should capture at a minimum the following characteristics:

6 (a) Daily program attendance;

7 (b) Identification of classroom and teacher;

8 (c) Early achievers program quality level rating;

9 (d) Program hours;

10 (e) Program duration;

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

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

16 (2) The department shall provide early learning providers
17 student-level data collected pursuant to this section that are
18 specific to the early learning provider's program. Upon completion of
19 an electronic time and attendance record system identified in
20 subsection (1) of this section, the department shall provide child
21 care providers student-level data that are specific to the child care
22 provider's program.

23 (3) ~~((a))~~ The department shall review available research and
24 best practices literature on cultural competency in early learning
25 settings. The department shall review the K-12 components for
26 cultural competency developed by the professional educator standards
27 board and identify components appropriate for early learning
28 professional development.

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

33 (4) (a) The Washington state institute for public policy shall
34 conduct a longitudinal analysis examining relationships between the
35 early achievers program quality ratings levels and outcomes for
36 children participating in subsidized early care and education
37 programs.

38 (b) The institute shall submit the first report to the
39 appropriate committees of the legislature and the early learning
40 advisory council by December 31, 2019. The institute shall submit

1 subsequent reports annually to the appropriate committees of the
2 legislature and the early learning advisory council by December 31st,
3 with the final report due December 31, 2022. The final report shall
4 include a cost-benefit analysis.

5 ~~(5) ((a) By December 1, 2015, the department shall provide~~
6 ~~recommendations to the appropriate committees of the legislature on~~
7 ~~child attendance policies pertaining to the working connections child~~
8 ~~care program and the early childhood education and assistance~~
9 ~~program. The recommendations shall include the following:~~

10 ~~(i) Allowable periods of child absences;~~

11 ~~(ii) Required contact with parents or caregivers to discuss child~~
12 ~~absences and encourage regular program attendance; and~~

13 ~~(iii) A de-enrollment procedure when allowable child absences are~~
14 ~~exceeded.~~

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

32 NEW SECTION. Sec. 8. A new section is added to chapter 43.216
33 RCW to read as follows:

34 The department must adopt administrative policies in the early
35 achievers program, within the department's appropriations, to:

36 (1) Consider child care provider schedules and needs and allow
37 flexibility when scheduling data collection and rating visits at a
38 facility;

39 (2) Prioritize reratings for providers rated at a level 2;

1 (3) Prioritize reratings for providers rated at a level 3 who are
2 seeking to become early childhood education and assistance program
3 providers; and

4 (4) Provide continuous and robust postrating feedback to
5 providers.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.216
7 RCW to read as follows:

8 Subject to the availability of amounts appropriated for this
9 specific purpose, the department must adopt administrative policies
10 in the early achievers program to:

11 (1) Eliminate rating scale barriers, to the extent possible,
12 within the assessment tools and data collection methodologies used in
13 the early achievers program and weight early achievers points to
14 incentivize providers to serve infants and toddlers;

15 (2) Remove barriers to timely approvals for one-on-one behavioral
16 support assistants when requested by a provider; and

17 (3) Require trauma-informed care training for raters and coaches.

18 NEW SECTION. **Sec. 10.** (1) By December 1, 2019, and subject to
19 the availability of amounts appropriated for this specific purpose,
20 the department of children, youth, and families must submit to the
21 governor and the legislature a plan to pay providers an enhanced
22 rate, award additional early achievers points, and create a
23 corresponding trauma-informed care designation for providers serving
24 behaviorally challenged children.

25 (2) This section expires December 30, 2019.

26 NEW SECTION. **Sec. 11.** (1) By December 1, 2019, and within the
27 department of children, youth, and families' appropriations, the
28 department of children, youth, and families must evaluate options and
29 propose recommendations to the governor and legislature related to
30 paying child care subsidy providers a set monthly rate rather than a
31 daily rate.

32 (2) This section expires December 30, 2019.

33 ***NEW SECTION.** **Sec. 12.** ***A new section is added to chapter 43.216***
34 ***RCW to read as follows:***

35 ***(1) The cost of child care regulations work group is established***
36 ***to study: (a) The financial impacts of department licensing***

1 regulations on child care businesses and benefits of these
2 regulations; (b) direct and indirect financial costs to child care
3 providers that are associated with participation in the early
4 achievers quality rating system; and (c) benefits to providers
5 associated with participation in the early achievers quality rating
6 system. The work group must review available health, safety, and
7 education outcome data for children and families engaged in early
8 achievers programs when analyzing the costs and benefits associated
9 with provider participation in the early achievers quality rating
10 system. The work group must include an analysis of costs associated
11 with licensing and early achievers requirements that may have a
12 disproportionate economic impact on child care businesses located in
13 rural areas of the state.

14 (2) (a) The secretary of the department or his or her designee
15 shall convene the first meeting of the work group by August 1, 2019.
16 The work group must meet at least six times between August 1, 2019,
17 and January 31, 2020, and must convene at least two meetings of those
18 meetings in locations east of the crest of the Cascade mountains.

19 (b) The work group must consist of the following twelve voting
20 members:

21 (i) Three licensed family home child care providers selected by a
22 statewide organization representing the interests of family child
23 care providers. At least one family home child care provider must
24 provide child care for children of agricultural workers, speak
25 Spanish as a first language, or be located east of the crest of the
26 Cascade mountains;

27 (ii) Three licensed child care center providers selected by a
28 statewide organization representing the interests of licensed child
29 care centers. At least one child care center provider must provide
30 child care for children of agricultural workers, speak Spanish as a
31 first language, or be located east of the crest of the Cascade
32 mountains;

33 (iii) Two foster parents selected by a statewide organization
34 solely focused on supporting foster parents. At least one foster
35 parent must reside east of the crest of the Cascade mountains; and

36 (iv) Four legislators, consisting of two members of the house of
37 representatives and two members of the senate. The speaker of the
38 house of representatives shall appoint one member to the work group
39 from each of the two largest caucuses in the house of
40 representatives. The president of the senate shall appoint one member

1 to the work group from each of the two largest caucuses in the
2 senate.

3 (3) The work group shall elect its cochairs, one from among the
4 legislative members and one from among the citizen members.

5 (4) The work group may seek input or collaborate with other
6 parties as it deems necessary. The work group may contract with
7 additional persons who have specific technical expertise if such
8 expertise is necessary to carry out the mandates of the study. The
9 work group may enter into such a contract only if an appropriation is
10 specifically provided for this purpose.

11 (5) Legislative members of the work group are reimbursed for
12 travel expenses in accordance with RCW 44.04.120. Nonlegislative
13 members must be reimbursed for travel expenses according to chapter
14 43.03 RCW.

15 (6) Staff support for the work group shall be provided by the
16 department.

17 (7) By May 31, 2020, the work group must submit its findings and
18 recommendations to the governor and the appropriate committees of the
19 legislature.

20 (8) This section expires July 1, 2020.

*Sec. 12 was vetoed. See message at end of chapter.

21 **Sec. 13.** RCW 43.216.089 and 2015 3rd sp.s. c 7 s 18 are each
22 amended to read as follows:

23 (1) Beginning December 15, 2015, and each December 15th
24 thereafter, the department, in collaboration with the statewide child
25 care resource and referral organization, and the early achievers
26 review subcommittee of the early learning advisory council, shall
27 submit, in compliance with RCW 43.01.036, a progress report to the
28 governor and the legislature regarding providers' progress in the
29 early achievers program. Each progress report must include the
30 following elements:

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

34 (i) Completed the level 2 activities;

35 (ii) Completed rating readiness consultation and are waiting to
36 be rated;

37 (iii) Achieved the required rating level to remain eligible for
38 state-funded support under the early childhood education and

1 assistance program or a subsidy under the working connections child
2 care program;

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

6 (v) Not achieved the required rating level initially and engaged
7 in remedial activities before successfully achieving the required
8 rating level;

9 (vi) Not achieved the required rating level after completing
10 remedial activities; or

11 (vii) Received an extension from the department based on
12 exceptional circumstances pursuant to RCW ((~~43.215.100~~)) 43.216.085;

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

15 (c) An examination of the effectiveness of efforts to increase
16 successful participation by providers serving children and families
17 from diverse cultural and linguistic backgrounds and providers who
18 serve children from low-income households;

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

22 (i) A subsidy under the working connections child care program;
23 or

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

26 (e) A summary of the types of exceptional circumstances for which
27 the department has granted an extension pursuant to RCW
28 ((~~43.215.100~~)) 43.216.085;

29 (f) The average amount of time required for providers to achieve
30 local level milestones within each level of the early achievers
31 program;

32 (g) To the extent data is available, an analysis of the
33 distribution of early achievers program-rated facilities in relation
34 to child and provider demographics, including but not limited to race
35 and ethnicity, home language, and geographical location;

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

39 (i) Recommendations for improving the early achievers program
40 standards;

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

3 (k) The number of contracted slots that use both early childhood
4 education and assistance program funding and working connections
5 child care program funding; and

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

8 (i) Progress on early childhood education and assistance program
9 implementation as required pursuant to RCW (~~(43.215.415, 43.215.425,~~
10 ~~and 43.215.455)~~) 43.216.515, 43.216.525, and 43.216.555;

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

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

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

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

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

21 (vii) An analysis of the demand for full-day programming for
22 early childhood education and assistance program providers required
23 under RCW (~~(43.215.415)~~) 43.216.515; and

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

27 (2) The first annual report due under subsection (1) of this
28 section also shall include a description of the early achievers
29 program extension protocol required under RCW (~~(43.215.100)~~)
30 43.216.085.

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

35 (4) If, based on information in an annual report submitted in
36 2018 or later under this section, fifteen percent or more of the
37 licensed or contracted providers who are participating in the early
38 achievers program in a county or in a single zip code have not
39 achieved the rating levels under RCW (~~(43.215.135)~~) 43.216.135 and
40 (~~(43.215.415)~~) 43.216.515, the department must:

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

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

8 **Sec. 14.** RCW 43.216.100 and 2016 c 72 s 701 are each amended to
9 read as follows:

10 The department, in collaboration with the office of the
11 superintendent of public instruction, shall create a community
12 information and involvement plan to inform home-based, tribal, and
13 family early learning providers of the early achievers program under
14 RCW ((43.215.100)) 43.216.085.

15 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2019, in the omnibus appropriations act, this
18 act is null and void.

Passed by the House April 18, 2019.

Passed by the Senate April 13, 2019.

Approved by the Governor May 13, 2019, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2019.

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

"I am returning herewith, without my approval as to Section 12,
Engrossed Second Substitute House Bill No. 1391 entitled:

"AN ACT Relating to implementing improvements to the early
achievers program as reviewed and recommended by the joint select
committee on the early achievers program."

The purpose of Section 12, which directs the Department of Children,
Youth and Families (DCYF) to create a workgroup to study the cost of
child care regulations, overlaps with the work of the Child Care
Collaborative Task Force in HB 1344. In order to streamline efforts
and also avoid duplicative efforts, I am directing the Department of
Commerce and DCYF to ensure that purpose of Section 12 is
incorporated into the work of the HB 1344 Task Force.

For these reasons I have vetoed Section 12 of Engrossed Second
Substitute House Bill No. 1391.

With the exception of Section 12, Engrossed Second Substitute House
Bill No. 1391 is approved."

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