

2SHB 1213 - H AMD 438

By Representative McCaslin

NOT ADOPTED 03/09/2021

1 On page 20, after line 5, insert the following:

2

3 **"Sec. 209.** RCW 43.216.085 and 2019 c 369 s 2 are each amended
4 to read as follows:

5 (1) The department, in collaboration with tribal governments and
6 community and statewide partners, shall implement a quality rating
7 and improvement system, called the early achievers program. The
8 early achievers program provides a foundation of quality for the
9 early care and education system. The early achievers program is
10 applicable to licensed or certified child care centers and homes and
11 early learning programs such as working connections child care and
12 early childhood education and assistance programs.

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

14 (a) Improve short-term and long-term educational outcomes for
15 children as measured by assessments including, but not limited to,
16 the Washington kindergarten inventory of developing skills in RCW
17 28A.655.080;

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

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

22 (d) Increase the readiness of children for school;

23 (e) Close the disparities in access to quality care;

24 (f) Provide professional development and coaching opportunities
25 to early child care and education providers; and

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27

1 (g) Establish a common set of expectations and standards that
2 define, measure, and improve the quality of early learning and child
3 care settings.

4 ~~(3)((a) Licensed or certified child care centers and homes~~
5 ~~serving nonschool-age children and receiving state subsidy payments~~
6 ~~must participate in the early achievers program by the required~~
7 ~~deadlines established in RCW 43.216.135.~~

8 ~~(b) Approved early childhood education and assistance program~~
9 ~~providers receiving state funded support must participate in the~~
10 ~~early achievers program by the required deadlines established in RCW~~
11 ~~43.216.515.~~

12 ~~(c))~~ Participation in the early achievers program is voluntary
13 for:

14 (i) Licensed or certified child care centers and homes (~~not~~
15 ~~receiving state subsidy payments~~); and

16 (ii) Early learning programs (~~not receiving state funds~~).

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

26 (4)(a) There are five primary levels in the early achievers
27 program.

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

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

33 (5) The department has the authority to determine the rating
34 cycle for the early achievers program. The department shall

1 streamline and eliminate duplication between early achievers
2 standards and state child care rules in order to reduce costs
3 associated with the early achievers rating cycle and child care
4 licensing.

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

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

11 (c) The first rating is free for early achievers program
12 participants.

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

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

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

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

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

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

3 (i) Early achievers program rating levels 1 through 5 for all
4 child care programs voluntarily enrolled in the program that receive
5 state subsidy, early childhood education and assistance programs,
6 and federal head start programs in Washington; and

7 (ii) New early achievers program ratings within (~~(thirty)~~) 30
8 days after a program becomes licensed or certified, or receives a
9 rating.

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

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

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

21 (8)(a) The department shall create a professional development
22 pathway for early achievers program participants to obtain a high
23 school diploma or equivalency or higher education credential in
24 early childhood education, early childhood studies, child
25 development, or an academic field related to early care and education.

26 (b) The professional development pathway must include
27 opportunities for scholarships and grants to assist early achievers
28 program participants with the costs associated with obtaining an
29 educational degree.

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

32 (9) The early achievers quality improvement awards shall be
33 reserved for participants offering programs to an enrollment
34

1 population consisting of at least five percent of children receiving
2 a state subsidy.

3 (10) In collaboration with tribal governments, community and
4 statewide partners, and the early achievers review subcommittee
5 created in RCW 43.216.075, the department shall develop a protocol
6 for granting early achievers program participants an extension in
7 meeting rating level requirement timelines outlined for the working
8 connections child care program and the early childhood education and
9 assistance program.

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

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

16 (c) Extensions may only be granted to early achievers program
17 participants who have demonstrated engagement in the early achievers
18 program.

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

22 (b) Each national accreditation agency will be allowed to submit
23 its most current standards of accreditation to establish potential
24 credit earned in the early achievers program. The department shall
25 grant credit to accreditation bodies that can demonstrate that their
26 standards meet or exceed the current early achievers program
27 standards. By December 1, 2019, and subject to the availability of
28 amounts appropriated for this specific purpose, the department must
29 submit a detailed plan to the governor and the legislature to
30 implement a robust cross-accreditation process with multiple
31 pathways that allows a provider to earn equivalent early achievers
32 credit resulting from accreditation by high quality national
33 organizations.

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1 (c) Licensed child care centers and child care home providers
2 must meet national accreditation standards approved by the
3 department for the early achievers program in order to be granted
4 credit for the early achievers program standards. Eligibility for
5 the early achievers program is not subject to bargaining, mediation,
6 or interest arbitration under RCW 41.56.028, consistent with the
7 legislative reservation of rights under RCW 41.56.028(4)(d).

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

11 (13) A child care or early learning program that is operated by
12 a federally recognized tribe and receives state funds (~~shall~~) may
13 participate in the early achievers program. The tribe may choose to
14 participate through an interlocal agreement between the tribe and
15 the department. The interlocal agreement must reflect the
16 government-to-government relationship between the state and the
17 tribe, including recognition of tribal sovereignty. The interlocal
18 agreement must provide that:

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

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

25 (c) Tribal child care facilities and early learning programs
26 must provide notification to parents or guardians who apply for or
27 have been admitted into their program that early achievers program
28 rating level information is available and provide the parents or
29 guardians with the program's early achievers program rating level
30 upon request.

31 (14) The department shall consult with the early achievers
32 review subcommittee on all substantial policy changes to the early
33 achievers program.

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

6
7 NEW SECTION. **Sec. 210.** RCW 43.216.135 (Child care providers—
8 Subsidy requirements—Tiered reimbursements—Copayments.) and 2020 c
9 321 s 2 & 2020 c 279 s 1 are each repealed.

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11 **Sec. 211.** RCW 43.216.515 and 2020 c 321 s 1 are each amended to
12 read as follows:

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

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

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

31 (4) ~~((A new early childhood education and assistance program
32 provider must complete the requirements in this subsection to be
33 eligible to receive state funded support under the early childhood
34 education and assistance program:))~~

1 ~~(a) Enroll in the early achievers program within thirty days of~~
2 ~~the start date of the early childhood education and assistance~~
3 ~~program contract;~~

4 ~~(b)(i) Except as provided in (b)(ii) of this subsection, rate at~~
5 ~~a level 4 or 5 in the early achievers program within twenty four~~
6 ~~months of enrollment. If an early childhood education and assistance~~
7 ~~program provider rates below a level 4 within twenty four months of~~
8 ~~enrollment, the provider must complete remedial activities with the~~
9 ~~department, and must rate at or request to be rated at a level 4 or~~
10 ~~5 within twelve months of beginning remedial activities.~~

11 ~~(ii) Licensed or certified child care centers and homes that~~
12 ~~administer an early childhood education and assistance program shall~~
13 ~~rate at a level 4 or 5 in the early achievers program within twenty~~
14 ~~four months of the start date of the early childhood education and~~
15 ~~assistance program contract. If an early childhood education and~~
16 ~~assistance program provider rates below a level 4 within twenty four~~
17 ~~months, the provider must complete remedial activities with the~~
18 ~~department, and must rate at or request to be rated at a level 4 or~~
19 ~~5 within twelve months of beginning remedial activities.~~

20 ~~(5)(a) If an early childhood education and assistance program~~
21 ~~provider has successfully completed all of the required early~~
22 ~~achievers program activities and is waiting to be rated by the~~
23 ~~deadline provided in this section, the provider may continue to~~
24 ~~participate in the early achievers program as an approved early~~
25 ~~childhood education and assistance program provider and receive~~
26 ~~state subsidy pending the successful completion of a level 4 or 5~~
27 ~~rating.~~

28 ~~(b) To avoid disruption, the department may allow for early~~
29 ~~childhood education and assistance program providers who have rated~~
30 ~~below a level 4 after completion of the twelve month remedial period~~
31 ~~to continue to provide services until the current school year is~~
32 ~~finished.~~

33 ~~(c)(i) If the early childhood education and assistance program~~
34 ~~provider described under subsection (4)(b)(i) or (ii) of this~~

1 ~~section does not rate or request to be rated at a level 4 or 5~~
2 ~~following the remedial period, the provider is not eligible to~~
3 ~~receive state funded support under the early childhood education and~~
4 ~~assistance program under this section.~~

5 ~~(ii) If the early childhood education and assistance program~~
6 ~~provider described under subsection (4)(b)(i) or (ii) of this~~
7 ~~section does not rate at a level 4 or 5 when the rating is released~~
8 ~~following the remedial period, the provider is not eligible to~~
9 ~~receive state funded support under the early childhood education and~~
10 ~~assistance program under this section.~~

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

15 ~~(b) When an early childhood education and assistance program in~~
16 ~~good standing moves to a new facility, the provider must notify the~~
17 ~~department of the move within six months of changing locations in~~
18 ~~order to retain their existing rating. The early achievers program~~
19 ~~must conduct an observational visit to ensure the new classroom~~
20 ~~space is of comparable or improved environmental quality. If a~~
21 ~~provider fails to notify the department within six months of a move,~~
22 ~~the early achievers rating must be changed from the posted rated~~
23 ~~level to "Participating, Not Yet Rated" and the provider will cease~~
24 ~~to receive tiered reimbursement incentives until a new rating is~~
25 ~~completed.~~

26 ~~(7))~~ The department shall collect data periodically to
27 determine the demand for full-day programming for early childhood
28 education and assistance program providers. The department shall
29 analyze this demand by geographic region and shall include the
30 findings in the annual report required under RCW 43.216.089.

31 ~~((8))~~(5) The department shall develop multiple pathways for
32 licensed or certified child care centers and homes to administer an
33 early childhood education and assistance program. ~~((The pathways~~
34 ~~shall include an accommodation for these providers to rate at a~~

1 ~~level 4 or 5 in the early achievers program according to the~~
2 ~~timelines and standards established in subsection (4)(b)(ii) of this~~
3 ~~section. The department must consider using the intermediate level~~
4 ~~that is between level 3 and level 4 as described in RCW 43.216.085,~~
5 ~~incentives, and front-end funding in order to encourage providers to~~
6 ~~participate in the pathway.))"~~

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8 Correct the title.

EFFECT: Makes participation in the Early Achievers program
voluntary for all child care and early providers.

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