

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5151

Chapter 304, Laws of 2021

(partial veto)

67th Legislature
2021 Regular Session

FOSTER CARE AND CHILD CARE LICENSING—VARIOUS PROVISIONS

EFFECTIVE DATE: July 25, 2021—Except for section 4, which takes effect December 31, 2021.

Passed by the Senate April 20, 2021
Yeas 38 Nays 11

DENNY HECK

President of the Senate

Passed by the House April 6, 2021
Yeas 88 Nays 10

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 13, 2021 11:51 AM with
the exception of section 33, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5151** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 13, 2021

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5151

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wilson, C., Das, Kuderer, Nobles, and Saldaña; by request of Department of Children, Youth, and Families)

READ FIRST TIME 02/18/21.

1 AN ACT Relating to foster care and child care licensing by the
2 department of children, youth, and families; amending RCW 13.34.030,
3 43.216.015, 43.216.085, 43.216.087, 43.216.089, 43.216.250,
4 43.216.255, 43.216.260, 43.216.271, 43.216.280, 43.216.305,
5 43.216.325, 43.216.340, 43.216.360, 43.216.395, 43.216.515,
6 43.216.530, 43.216.650, 43.216.660, 43.216.685, 43.216.687,
7 43.216.689, 43.216.690, 43.216.700, 43.216.300, and 74.15.125;
8 reenacting and amending RCW 43.216.010, 43.216.015, and 43.216.020;
9 adding a new section to chapter 43.216 RCW; creating a new section;
10 providing an effective date; and providing expiration dates.

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

12 **Sec. 1.** RCW 13.34.030 and 2020 c 312 s 114 are each amended to
13 read as follows:

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

16 (1) "Abandoned" means when the child's parent, guardian, or other
17 custodian has expressed, either by statement or conduct, an intent to
18 forego, for an extended period, parental rights or responsibilities
19 despite an ability to exercise such rights and responsibilities. If
20 the court finds that the petitioner has exercised due diligence in
21 attempting to locate the parent, no contact between the child and the

1 child's parent, guardian, or other custodian for a period of three
2 months creates a rebuttable presumption of abandonment, even if there
3 is no expressed intent to abandon.

4 (2) "Child," "juvenile," and "youth" mean:

5 (a) Any individual under the age of eighteen years; or

6 (b) Any individual age eighteen to twenty-one years who is
7 eligible to receive and who elects to receive the extended foster
8 care services authorized under RCW 74.13.031. A youth who remains
9 dependent and who receives extended foster care services under RCW
10 74.13.031 shall not be considered a "child" under any other statute
11 or for any other purpose.

12 (3) "Current placement episode" means the period of time that
13 begins with the most recent date that the child was removed from the
14 home of the parent, guardian, or legal custodian for purposes of
15 placement in out-of-home care and continues until: (a) The child
16 returns home; (b) an adoption decree, a permanent custody order, or
17 guardianship order is entered; or (c) the dependency is dismissed,
18 whichever occurs first.

19 (4) "Department" means the department of children, youth, and
20 families.

21 (5) "Dependency guardian" means the person, nonprofit
22 corporation, or Indian tribe appointed by the court pursuant to this
23 chapter for the limited purpose of assisting the court in the
24 supervision of the dependency.

25 (6) "Dependent child" means any child who:

26 (a) Has been abandoned;

27 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
28 person legally responsible for the care of the child;

29 (c) Has no parent, guardian, or custodian capable of adequately
30 caring for the child, such that the child is in circumstances which
31 constitute a danger of substantial damage to the child's
32 psychological or physical development; or

33 (d) Is receiving extended foster care services, as authorized by
34 RCW 74.13.031.

35 (7) "Developmental disability" means a disability attributable to
36 intellectual disability, cerebral palsy, epilepsy, autism, or another
37 neurological or other condition of an individual found by the
38 secretary of the department of social and health services to be
39 closely related to an intellectual disability or to require treatment
40 similar to that required for individuals with intellectual

1 disabilities, which disability originates before the individual
2 attains age eighteen, which has continued or can be expected to
3 continue indefinitely, and which constitutes a substantial limitation
4 to the individual.

5 (8) "Educational liaison" means a person who has been appointed
6 by the court to fulfill responsibilities outlined in RCW 13.34.046.

7 (9) "Extended foster care services" means residential and other
8 support services the department is authorized to provide under RCW
9 74.13.031. These services may include placement in licensed,
10 relative, or otherwise approved care, or supervised independent
11 living settings; assistance in meeting basic needs; independent
12 living services; medical assistance; and counseling or treatment.

13 (10) "Guardian" means the person or agency that: (a) Has been
14 appointed as the guardian of a child in a legal proceeding, including
15 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
16 legal right to custody of the child pursuant to such appointment. The
17 term "guardian" does not include a "dependency guardian" appointed
18 pursuant to a proceeding under this chapter.

19 (11) "Guardian ad litem" means a person, appointed by the court
20 to represent the best interests of a child in a proceeding under this
21 chapter, or in any matter which may be consolidated with a proceeding
22 under this chapter. A "court-appointed special advocate" appointed by
23 the court to be the guardian ad litem for the child, or to perform
24 substantially the same duties and functions as a guardian ad litem,
25 shall be deemed to be guardian ad litem for all purposes and uses of
26 this chapter.

27 (12) "Guardian ad litem program" means a court-authorized
28 volunteer program, which is or may be established by the superior
29 court of the county in which such proceeding is filed, to manage all
30 aspects of volunteer guardian ad litem representation for children
31 alleged or found to be dependent. Such management shall include but
32 is not limited to: Recruitment, screening, training, supervision,
33 assignment, and discharge of volunteers.

34 (13) "Guardianship" means a guardianship pursuant to chapter
35 13.36 RCW or a limited guardianship of a minor pursuant to RCW
36 11.130.215 or equivalent laws of another state or a federally
37 recognized Indian tribe.

38 (14) "Housing assistance" means appropriate referrals by the
39 department or other agencies to federal, state, local, or private
40 agencies or organizations, assistance with forms, applications, or

1 financial subsidies or other monetary assistance for housing. For
2 purposes of this chapter, "housing assistance" is not a remedial
3 service or family reunification service as described in RCW
4 13.34.025(2).

5 (15) "Indigent" means a person who, at any stage of a court
6 proceeding, is:

7 (a) Receiving one of the following types of public assistance:
8 Temporary assistance for needy families, aged, blind, or disabled
9 assistance benefits, medical care services under RCW 74.09.035,
10 pregnant women assistance benefits, poverty-related veterans'
11 benefits, food stamps or food stamp benefits transferred
12 electronically, refugee resettlement benefits, medicaid, or
13 supplemental security income; or

14 (b) Involuntarily committed to a public mental health facility;
15 or

16 (c) Receiving an annual income, after taxes, of one hundred
17 twenty-five percent or less of the federally established poverty
18 level; or

19 (d) Unable to pay the anticipated cost of counsel for the matter
20 before the court because his or her available funds are insufficient
21 to pay any amount for the retention of counsel.

22 (16) "Nonminor dependent" means any individual age eighteen to
23 twenty-one years who is participating in extended foster care
24 services authorized under RCW 74.13.031.

25 (17) "Out-of-home care" means placement in a foster family home
26 or group care facility licensed pursuant to chapter 74.15 RCW or
27 placement in a home, other than that of the child's parent, guardian,
28 or legal custodian, not required to be licensed pursuant to chapter
29 74.15 RCW.

30 (18) "Parent" means the biological or adoptive parents of a
31 child, or an individual who has established a parent-child
32 relationship under RCW 26.26A.100, unless the legal rights of that
33 person have been terminated by a judicial proceeding pursuant to this
34 chapter, chapter 26.33 RCW, or the equivalent laws of another state
35 or a federally recognized Indian tribe.

36 (19) "Prevention and family services and programs" means specific
37 mental health prevention and treatment services, substance abuse
38 prevention and treatment services, and in-home parent skill-based
39 programs that qualify for federal funding under the federal family
40 first prevention services act, P.L. 115-123. For purposes of this

1 chapter, prevention and family services and programs are not remedial
2 services or family reunification services as described in RCW
3 13.34.025(2).

4 (20) "Prevention services" means preservation services, as
5 defined in chapter 74.14C RCW, and other reasonably available
6 services, including housing assistance, capable of preventing the
7 need for out-of-home placement while protecting the child. Prevention
8 services include, but are not limited to, prevention and family
9 services and programs as defined in this section.

10 (21) "Qualified residential treatment program" means a program
11 that meets the requirements provided in RCW 13.34.420, qualifies for
12 funding under the family first prevention services act under 42
13 U.S.C. Sec. 672(k), and, if located within Washington state, is
14 licensed as a group care facility under chapter 74.15 RCW (~~that also~~
15 ~~qualifies for funding under the federal family first prevention~~
16 ~~services act under 42 U.S.C. Sec. 672(k) and meets the requirements~~
17 ~~provided in RCW 13.34.420~~)).

18 (22) "Relative" includes persons related to a child in the
19 following ways:

20 (a) Any blood relative, including those of half-blood, and
21 including first cousins, second cousins, nephews or nieces, and
22 persons of preceding generations as denoted by prefixes of grand,
23 great, or great-great;

24 (b) Stepfather, stepmother, stepbrother, and stepsister;

25 (c) A person who legally adopts a child or the child's parent as
26 well as the natural and other legally adopted children of such
27 persons, and other relatives of the adoptive parents in accordance
28 with state law;

29 (d) Spouses of any persons named in (a), (b), or (c) of this
30 subsection, even after the marriage is terminated;

31 (e) Relatives, as named in (a), (b), (c), or (d) of this
32 subsection, of any half sibling of the child; or

33 (f) Extended family members, as defined by the law or custom of
34 the Indian child's tribe or, in the absence of such law or custom, a
35 person who has reached the age of eighteen and who is the Indian
36 child's grandparent, aunt or uncle, brother or sister, brother-in-law
37 or sister-in-law, niece or nephew, first or second cousin, or
38 stepparent who provides care in the family abode on a twenty-four
39 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

1 (23) "Shelter care" means temporary physical care in a facility
2 licensed pursuant to RCW 74.15.030 or in a home not required to be
3 licensed pursuant to RCW 74.15.030.

4 (24) "Sibling" means a child's birth brother, birth sister,
5 adoptive brother, adoptive sister, half-brother, or half-sister, or
6 as defined by the law or custom of the Indian child's tribe for an
7 Indian child as defined in RCW 13.38.040.

8 (25) "Social study" means a written evaluation of matters
9 relevant to the disposition of the case that contains the information
10 required by RCW 13.34.430.

11 (26) "Supervised independent living" includes, but is not limited
12 to, apartment living, room and board arrangements, college or
13 university dormitories, and shared roommate settings. Supervised
14 independent living settings must be approved by the department or the
15 court.

16 (27) "Voluntary placement agreement" means, for the purposes of
17 extended foster care services, a written voluntary agreement between
18 a nonminor dependent who agrees to submit to the care and authority
19 of the department for the purposes of participating in the extended
20 foster care program.

21 **Sec. 2.** RCW 43.216.010 and 2020 c 270 s 11 are each reenacted
22 and amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

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

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

32 (b) "Early learning" includes but is not limited to programs and
33 services for child care; state, federal, private, and nonprofit
34 preschool; child care subsidies; child care resource and referral;
35 parental education and support; and training and professional
36 development for early learning professionals;

37 (c) "Family day care provider" means a child care provider who
38 regularly provides early childhood education and early learning

1 services for not more than twelve children in the provider's home in
2 the family living quarters;

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

8 (e) "Outdoor nature-based child care" means an agency or an
9 agency-offered program that:

10 (i) Enrolls preschool or school-age children;

11 (ii) Provides early learning services to the enrolled children in
12 an outdoor natural space approved by the department for not less than
13 four hours per day or fifty percent of the daily program hours,
14 whichever is less; and

15 (iii) Teaches a nature-based curriculum to enrolled children;

16 (f) "Service provider" means the entity that operates a community
17 facility.

18 (2) "Agency" does not include the following:

19 (a) Persons related to the child in the following ways:

20 (i) Any blood relative, including those of half-blood, and
21 including first cousins, nephews or nieces, and persons of preceding
22 generations as denoted by prefixes of grand, great, or great-great;

23 (ii) Stepfather, stepmother, stepbrother, and stepsister;

24 (iii) A person who legally adopts a child or the child's parent
25 as well as the natural and other legally adopted children of such
26 persons, and other relatives of the adoptive parents in accordance
27 with state law; or

28 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
29 this subsection, even after the marriage is terminated;

30 (b) Persons who are legal guardians of the child;

31 (c) Persons who care for a neighbor's or friend's child or
32 children, with or without compensation, where the person providing
33 care for periods of less than twenty-four hours does not conduct such
34 activity on an ongoing, regularly scheduled basis for the purpose of
35 engaging in business, which includes, but is not limited to,
36 advertising such care;

37 (d) Parents on a mutually cooperative basis exchange care of one
38 another's children;

1 (e) Nursery schools that are engaged primarily in early childhood
2 education with preschool children and in which no child is enrolled
3 on a regular basis for more than four hours per day;

4 (f) Schools, including boarding schools, that are engaged
5 primarily in education, operate on a definite school year schedule,
6 follow a stated academic curriculum, and accept only school age
7 children;

8 (g) Seasonal camps (~~of three months' or less duration engaged~~
9 ~~primarily in recreational or educational activities~~). For purposes
10 of this chapter, "seasonal camp" means a program that:

11 (i) Operates for three months or less within a period of twelve
12 consecutive months;

13 (ii) Is engaged primarily in recreational or educational
14 activities conducted on a closely supervised basis; and

15 (iii) Is owned by any person, organization, association, or
16 corporation, or is operated by a federal, state, county, or municipal
17 government;

18 (h) Facilities providing child care for periods of less than
19 twenty-four hours when a parent or legal guardian of the child
20 remains on the premises of the facility for the purpose of
21 participating in:

22 (i) Activities other than employment; or

23 (ii) Employment of up to two hours per day when the facility is
24 operated by a nonprofit entity that also operates a licensed child
25 care program at the same facility in another location or at another
26 facility;

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

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

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

35 (iii) The entity is a local affiliate of a national nonprofit;
36 and

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

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

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

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

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

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

11 (4) "Certificate of parental improvement" means a certificate
12 issued under RCW 74.13.720 to an individual who has a founded finding
13 of physical abuse or negligent treatment or maltreatment, or a court
14 finding that the individual's child was dependent as a result of a
15 finding that the individual abused or neglected their child pursuant
16 to RCW 13.34.030(6)(b).

17 (5) "Conviction information" means criminal history record
18 information relating to an incident which has led to a conviction or
19 other disposition adverse to the applicant.

20 (6) "Department" means the department of children, youth, and
21 families.

22 (7) "Early achievers" means a program that improves the quality
23 of early learning programs and supports and rewards providers for
24 their participation.

25 (8) "Early childhood education and assistance program contractor"
26 means an organization that provides early childhood education and
27 assistance program services under a signed contract with the
28 department.

29 (9) "Early childhood education and assistance program provider"
30 means an organization that provides site level, direct, and high
31 quality early childhood education and assistance program services
32 under the direction of an early childhood education and assistance
33 program contractor.

34 (10) "Early start" means an integrated high quality continuum of
35 early learning programs for children birth-to-five years of age.
36 Components of early start include, but are not limited to, the
37 following:

38 (a) Home visiting and parent education and support programs;

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

1 (c) Integrated full-day and part-day high quality early learning
2 programs; and

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

5 (11) "Education data center" means the education data center
6 established in RCW 43.41.400, commonly referred to as the education
7 research and data center.

8 (12) "Employer" means a person or business that engages the
9 services of one or more people, especially for wages or salary to
10 work in an agency.

11 (13) "Enforcement action" means denial, suspension, revocation,
12 modification, or nonrenewal of a license pursuant to RCW
13 43.216.325(1) or assessment of civil monetary penalties pursuant to
14 RCW 43.216.325(3).

15 (14) "Extended day program" means an early childhood education
16 and assistance program that offers early learning education for at
17 least ten hours per day, a minimum of two thousand hours per year, at
18 least four days per week, and operates year-round.

19 (15) "Full day program" means an early childhood education and
20 assistance program that offers early learning education for a minimum
21 of one thousand hours per year.

22 (16) "Inspection report" means a written or digital record or
23 report created by the department that identifies or describes
24 licensing violations or conditions within an agency. An inspection
25 report does not include a child care facility licensing compliance
26 agreement as defined in RCW 43.216.395.

27 (17) "Low-income child care provider" means a person who
28 administers a child care program that consists of at least eighty
29 percent of children receiving working connections child care subsidy.

30 ~~((17))~~ (18) "Low-income neighborhood" means a district or
31 community where more than twenty percent of households are below the
32 federal poverty level.

33 ~~((18))~~ (19) "Negative action" means a court order, court
34 judgment, or an adverse action taken by an agency, in any state,
35 federal, tribal, or foreign jurisdiction, which results in a finding
36 against the applicant reasonably related to the individual's
37 character, suitability, and competence to care for or have
38 unsupervised access to children in child care. This may include, but
39 is not limited to:

40 (a) A decision issued by an administrative law judge;

1 (b) A final determination, decision, or finding made by an agency
2 following an investigation;

3 (c) An adverse agency action, including termination, revocation,
4 or denial of a license or certification, or if pending adverse agency
5 action, the voluntary surrender of a license, certification, or
6 contract in lieu of the adverse action;

7 (d) A revocation, denial, or restriction placed on any
8 professional license; or

9 (e) A final decision of a disciplinary board.

10 ~~((19))~~ (20) "Nonconviction information" means arrest, founded
11 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
12 or other negative action adverse to the applicant.

13 ~~((20))~~ (21) "Nonschool age child" means a child who is age six
14 years or younger and who is not enrolled in a public or private
15 school.

16 ~~((21))~~ (22) "Part day program" means an early childhood
17 education and assistance program that offers early learning education
18 for at least two and one-half hours per class session, at least three
19 hundred twenty hours per year, for a minimum of thirty weeks per
20 year.

21 ~~((22))~~ (23) "Private school" means a private school approved by
22 the state under chapter 28A.195 RCW.

23 ~~((23))~~ (24) "Probationary license" means a license issued as a
24 disciplinary measure to an agency that has previously been issued a
25 full license but is out of compliance with licensing standards.

26 ~~((24))~~ (25) "Requirement" means any rule, regulation, or
27 standard of care to be maintained by an agency.

28 ~~((25))~~ (26) "School age child" means a child who is five years
29 of age through twelve years of age and is attending a public or
30 private school or is receiving home-based instruction under chapter
31 28A.200 RCW.

32 ~~((26))~~ (27) "Secretary" means the secretary of the department.

33 ~~((27))~~ (28) "Washington state preschool program" means an
34 education program for children three-to-five years of age who have
35 not yet entered kindergarten, such as the early childhood education
36 and assistance program.

37 **Sec. 3.** RCW 43.216.015 and 2020 c 262 s 1 and 2020 c 90 s 9 are
38 each reenacted and amended to read as follows:

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

8 (b) The department, in partnership with state and local agencies,
9 tribes, and communities, shall protect children and youth from harm
10 and promote healthy development with effective, high quality
11 prevention, intervention, and early education services delivered in
12 an equitable manner. An important role for the department shall be to
13 provide preventative services to help secure and preserve families in
14 crisis. The department shall partner with the federally recognized
15 Indian tribes to develop effective services for youth and families
16 while respecting the sovereignty of those tribes and the government-
17 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
18 sp. sess. alters the duties, requirements, and policies of the
19 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
20 as amended, or the Indian child welfare act, chapter 13.38 RCW.

21 (2) Beginning July 1, 2018, the department must develop
22 definitions for, work plans to address, and metrics to measure the
23 outcomes for children, youth, and families served by the department
24 and must work with state agencies to ensure services for children,
25 youth, and families are science-based, outcome-driven, data-informed,
26 and collaborative.

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

31 (b) In addition to transparent, frequent reporting of the outcome
32 measures in (c) (i) through (viii) of this subsection, the department
33 must report to the legislature an examination of engagement, resource
34 utilization, and outcomes for clients receiving department services
35 and youth participating in juvenile court alternative programs funded
36 by the department, no less than annually and beginning September 1,
37 2020. The data in this report must be disaggregated by race,
38 ethnicity, and geography. This report must identify areas of focus to
39 advance equity that will inform department strategies so that all
40 children, youth, and families are thriving. Metrics detailing

1 progress towards eliminating disparities and disproportionality over
2 time must also be included. The report must also include information
3 on department outcome measures, actions taken, progress toward these
4 goals, and plans for the future year.

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

6 (i) Improving child development and school readiness through
7 voluntary, high quality early learning opportunities as measured by:

8 (A) Increasing the number and proportion of children kindergarten-
9 ready as measured by the Washington kindergarten inventory of
10 developing skills (WAKids) assessment including mathematics; (B)
11 increasing the proportion of children in early learning programs that
12 have achieved the level 3 or higher early achievers quality standard;
13 and (C) increasing the available supply of licensed child care in
14 (~~both~~) child care centers, outdoor nature-based child care, and
15 family homes, including providers not receiving state subsidy;

16 (ii) Preventing child abuse and neglect;

17 (iii) Improving child and youth safety, permanency, and well-
18 being as measured by: (A) Reducing the number of children entering
19 out-of-home care; (B) reducing a child's length of stay in out-of-
20 home care; (C) reducing maltreatment of youth while in out-of-home
21 care; (D) licensing more foster homes than there are children in
22 foster care; (E) reducing the number of children that reenter out-of-
23 home care within twelve months; (F) increasing the stability of
24 placements for children in out-of-home care; and (G) developing
25 strategies to demonstrate to foster families that their service and
26 involvement is highly valued by the department, as demonstrated by
27 the development of strategies to consult with foster families
28 regarding future placement of a foster child currently placed with a
29 foster family;

30 (iv) Improving reconciliation of children and youth with their
31 families as measured by: (A) Increasing family reunification; and (B)
32 increasing the number of youth who are reunified with their family of
33 origin;

34 (v) In collaboration with county juvenile justice programs,
35 improving adolescent outcomes including reducing multisystem
36 involvement and homelessness; and increasing school graduation rates
37 and successful transitions to adulthood for youth involved in the
38 child welfare and juvenile justice systems;

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

4 (vii) In collaboration with county juvenile justice programs,
5 reducing criminal justice involvement and recidivism as measured by:
6 (A) An increase in the number of youth who successfully complete the
7 terms of diversion or alternative sentencing options; (B) a decrease
8 in the number of youth who commit subsequent crimes; and (C)
9 eliminating the discharge of youth from institutional settings into
10 homelessness; and

11 (viii) Eliminating racial and ethnic disproportionality and
12 disparities in system involvement and across child and youth outcomes
13 in collaboration with other state agencies.

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

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

18 (b) Identify necessary improvements and updates to statutes
19 relevant to their responsibilities and proposing legislative changes
20 to the governor no less than biennially;

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

26 (d) Lead the provision of state services to adolescents, focusing
27 on key transition points for youth, including exiting foster care and
28 institutions, and coordinating with the office of homeless youth
29 prevention and protection programs to address the unique needs of
30 homeless youth; and

31 (e) Create and annually update a list of the rights and
32 responsibilities of foster parents in partnership with foster parent
33 representatives. The list of foster parent rights and
34 responsibilities must be posted on the department's web site,
35 provided to individuals participating in a foster parent orientation
36 before licensure, provided to foster parents in writing at the time
37 of licensure, and provided to foster parents applying for license
38 renewal.

39 (5) The department is accountable to the public. To ensure
40 transparency, beginning December 30, 2018, agency performance data

1 for the services provided by the department, including outcome data
2 for contracted services, must be available to the public, consistent
3 with confidentiality laws, federal protections, and individual rights
4 to privacy. Publicly available data must include budget and funding
5 decisions, performance-based contracting data, including data for
6 contracted services, and performance data on metrics identified in
7 this section. The board must work with the secretary and director to
8 develop the most effective and cost-efficient ways to make department
9 data available to the public, including making this data readily
10 available on the department's web site.

11 (6) Except as provided in section 8, chapter 90, Laws of 2020,
12 the department shall ensure that all new and renewed contracts for
13 services are performance-based.

14 (7) The department must execute all new and renewed contracts for
15 services in accordance with this section and consistent with RCW
16 74.13B.020. When contracted services are managed through a network
17 administrator or other third party, the department must execute data-
18 sharing agreements with the entities managing the contracts to track
19 provider performance measures. Contracts with network administrators
20 or other third parties must provide the contract administrator the
21 ability to shift resources from one provider to another, to evaluate
22 individual provider performance, to add or delete services in
23 consultation with the department, and to reinvest savings from
24 increased efficiencies into new or improved services in their
25 catchment area. Whenever possible, contractor performance data must
26 be made available to the public, consistent with confidentiality laws
27 and individual rights to privacy.

28 (8) (a) The board shall begin its work and call the first meeting
29 of the board on or after July 1, 2018. The board shall immediately
30 assume the duties of the legislative children's oversight committee,
31 as provided for in RCW 74.13.570 and assume the full functions of the
32 board as provided for in this section by July 1, 2019. The office of
33 innovation, alignment, and accountability shall provide quarterly
34 updates regarding the implementation of the department to the board
35 between July 1, 2018, and July 1, 2019.

36 (b) The office of the family and children's ombuds shall
37 establish the board. The board is authorized for the purpose of
38 monitoring and ensuring that the department achieves the stated
39 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with
40 administrative acts, relevant statutes, rules, and policies

1 pertaining to early learning, juvenile rehabilitation, juvenile
2 justice, and children and family services.

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

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

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

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

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

9 (v) One subject matter expert in juvenile rehabilitation and
10 justice;

11 (vi) One subject matter expert in eliminating disparities in
12 child outcomes by family income and race and ethnicity;

13 (vii) One tribal representative from west of the crest of the
14 Cascade mountains;

15 (viii) One tribal representative from east of the crest of the
16 Cascade mountains;

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

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

20 (xi) One parent stakeholder group representative;

21 (xii) One law enforcement representative;

22 (xiii) One child welfare caseworker representative;

23 (xiv) One early childhood learning program implementation
24 practitioner;

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

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

28 (xvii) One physician with experience working with children or
29 youth; and

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

32 (b) The senate members of the board shall be appointed by the
33 leaders of the two major caucuses of the senate. The house of
34 representatives members of the board shall be appointed by the
35 leaders of the two major caucuses of the house of representatives.
36 Members shall be appointed before the close of each regular session
37 of the legislature during an odd-numbered year.

38 (c) The remaining board members shall be nominated by the
39 governor, subject to the approval of the appointed legislators by
40 majority vote, and serve four-year terms. When nominating and

1 approving members after July 28, 2019, the governor and appointed
2 legislators must ensure that at least five of the board members
3 reside east of the crest of the Cascade mountains.

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

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

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

11 (c) To select its officers and adoption of rules for orderly
12 procedure;

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

15 (e) To request and receive information, outcome data, documents,
16 materials, and records from the department relating to children and
17 family welfare, juvenile rehabilitation, juvenile justice, and early
18 learning;

19 (f) To determine whether the department is achieving the
20 performance measures;

21 (g) If final review is requested by a licensee, to review whether
22 department licensors appropriately and consistently applied agency
23 rules in (~~child care facility licensing compliance agreements as~~
24 ~~defined in RCW 43.216.395~~) inspection reports that do not involve a
25 violation of health and safety standards as defined in RCW 43.216.395
26 in cases that have already been reviewed by the internal review
27 process described in RCW 43.216.395 with the authority to overturn,
28 change, or uphold such decisions;

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

33 (i) Upon receipt of records or data from the office of the family
34 and children's ombuds or the department, the board is subject to the
35 same confidentiality restrictions as the office of the family and
36 children's ombuds is under RCW 43.06A.050. The provisions of RCW
37 43.06A.060 also apply to the board.

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

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

6 (13) The board shall review existing surveys of providers,
7 customers, parent groups, and external services to assess whether the
8 department is effectively delivering services, and shall conduct
9 additional surveys as needed to assess whether the department is
10 effectively delivering services.

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

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

17 (16) The board members shall receive no compensation for their
18 service on the board, but shall be reimbursed for travel expenses
19 incurred while conducting business of the board when authorized by
20 the board and within resources allocated for this purpose, except
21 appointed legislators who shall be reimbursed for travel expenses in
22 accordance with RCW 43.03.050 and 43.03.060.

23 (17) The board shall select, by majority vote, an executive
24 director who shall be the chief administrative officer of the board
25 and shall be responsible for carrying out the policies adopted by the
26 board. The executive director is exempt from the provisions of the
27 state civil service law, chapter 41.06 RCW, and shall serve at the
28 pleasure of the board established in this section.

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

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

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

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

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

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

10 **Sec. 4.** RCW 43.216.015 and 2020 c 262 s 1 are each amended to
11 read as follows:

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

19 (b) The department, in partnership with state and local agencies,
20 tribes, and communities, shall protect children and youth from harm
21 and promote healthy development with effective, high quality
22 prevention, intervention, and early education services delivered in
23 an equitable manner. An important role for the department shall be to
24 provide preventative services to help secure and preserve families in
25 crisis. The department shall partner with the federally recognized
26 Indian tribes to develop effective services for youth and families
27 while respecting the sovereignty of those tribes and the government-
28 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
29 sp. sess. alters the duties, requirements, and policies of the
30 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
31 as amended, or the Indian child welfare act, chapter 13.38 RCW.

32 (2) Beginning July 1, 2018, the department must develop
33 definitions for, work plans to address, and metrics to measure the
34 outcomes for children, youth, and families served by the department
35 and must work with state agencies to ensure services for children,
36 youth, and families are science-based, outcome-driven, data-informed,
37 and collaborative.

38 (3)(a) Beginning July 1, 2018, the department must establish
39 short and long-term population level outcome measure goals, including

1 metrics regarding reducing disparities by family income, race, and
2 ethnicity in each outcome.

3 (b) In addition to transparent, frequent reporting of the outcome
4 measures in (c)(i) through (viii) of this subsection, the department
5 must report to the legislature an examination of engagement, resource
6 utilization, and outcomes for clients receiving department services
7 and youth participating in juvenile court alternative programs funded
8 by the department, no less than annually and beginning September 1,
9 2020. The data in this report must be disaggregated by race,
10 ethnicity, and geography. This report must identify areas of focus to
11 advance equity that will inform department strategies so that all
12 children, youth, and families are thriving. Metrics detailing
13 progress towards eliminating disparities and disproportionality over
14 time must also be included. The report must also include information
15 on department outcome measures, actions taken, progress toward these
16 goals, and plans for the future year.

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

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

28 (ii) Preventing child abuse and neglect;

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

1 regarding future placement of a foster child currently placed with a
2 foster family;

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

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

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

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

22 (viii) Eliminating racial and ethnic disproportionality and
23 disparities in system involvement and across child and youth outcomes
24 in collaboration with other state agencies.

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

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

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

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

37 (d) Lead the provision of state services to adolescents, focusing
38 on key transition points for youth, including exiting foster care and
39 institutions, and coordinating with the office of homeless youth

1 prevention and protection programs to address the unique needs of
2 homeless youth; and

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

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

23 (6) The department shall ensure that all new and renewed
24 contracts for services are performance-based.

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

39 (8) (a) The board shall begin its work and call the first meeting
40 of the board on or after July 1, 2018. The board shall immediately

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (xi) One parent stakeholder group representative;

32 (xii) One law enforcement representative;

33 (xiii) One child welfare caseworker representative;

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

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

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

39 (xvii) One physician with experience working with children or
40 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~~) inspection reports that do not involve a
36 violation of health and safety standards as defined in RCW 43.216.395
37 in cases that have already been reviewed by the internal review
38 process described in RCW 43.216.395 with the authority to overturn,
39 change, or uphold such 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 **Sec. 5.** RCW 43.216.020 and 2020 c 262 s 5 and 2020 c 90 s 4 are
22 each reenacted and amended to read as follows:

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

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

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

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

38 (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 recommendations to the legislature in a time frame
6 which corresponds to the child care and development fund federal
7 reporting requirements, regarding working connections subsidy and
8 state-funded preschool rates and compensation models that would
9 attract and retain high quality early learning professionals:

10 (i) State-funded early learning subsidy rates and market rates of
11 licensed early learning homes (~~and~~), centers, and outdoor nature-
12 based child care;

13 (ii) Compensation of early learning educators in licensed centers
14 (~~and~~), homes, and outdoor nature-based child care, and early
15 learning teachers at state higher education institutions;

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

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

20 (g) To administer the early support for infants and toddlers
21 program in RCW 43.216.580, serve as the state lead agency for Part C
22 of the federal individuals with disabilities education act (IDEA),
23 and develop and adopt rules that establish minimum requirements for
24 the services offered through Part C programs, including allowable
25 allocations and expenditures for transition into Part B of the
26 federal individuals with disabilities education act (IDEA);

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

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

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

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

39 (l) To develop and adopt rules for administration of the program
40 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. 6.** RCW 43.216.085 and 2019 c 369 s 2 are each amended to
28 read as follows:

29 (1) The department, in collaboration with tribal governments and
30 community and statewide partners, shall implement a quality rating
31 and improvement system, called the early achievers program. The early
32 achievers program provides a foundation of quality for the early care
33 and education system. The early achievers program is applicable to
34 licensed or certified child care centers (~~(and homes)~~), family home
35 child care, outdoor nature-based child care, and early learning
36 programs such as working connections child care and early childhood
37 education and assistance programs.

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

1 (a) Improve short-term and long-term educational outcomes for
2 children as measured by assessments including, but not limited to,
3 the Washington kindergarten inventory of developing skills in RCW
4 28A.655.080;

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

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

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

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

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

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

16 (3) (a) Licensed or certified child care centers (~~and homes~~),
17 family home child care, and outdoor nature-based child care, serving
18 nonschool-age children and receiving state subsidy payments, must
19 participate in the early achievers program by the required deadlines
20 established in RCW 43.216.135.

21 (b) Approved early childhood education and assistance program
22 providers receiving state-funded support must participate in the
23 early achievers program by the required deadlines established in RCW
24 43.216.515.

25 (c) Participation in the early achievers program is voluntary
26 for:

27 (i) Licensed or certified child care centers (~~and homes~~),
28 family home child care, and outdoor nature-based child care, not
29 receiving state subsidy payments; and

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

31 (d) School-age child care providers are exempt from participating
32 in the early achievers program. By July 1, 2017, the department and
33 the office of the superintendent of public instruction shall jointly
34 design a plan to incorporate school-age child care providers into the
35 early achievers program or other appropriate quality improvement
36 system. To test implementation of the early achievers system for
37 school-age child care providers the department and the office of the
38 superintendent of public instruction shall implement a pilot program.

39 (4) (a) There are five primary levels in the early achievers
40 program.

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

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

6 (5) The department has the authority to determine the rating
7 cycle for the early achievers program. The department shall
8 streamline and eliminate duplication between early achievers
9 standards and state child care rules in order to reduce costs
10 associated with the early achievers rating cycle and child care
11 licensing.

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

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

18 (c) The first rating is free for early achievers program
19 participants.

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

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

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

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

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

1 (b) The department shall publish to the department's web site, or
2 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 that receive state subsidy, early childhood
5 education and assistance programs, and federal head start programs in
6 Washington; and

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

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

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

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

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

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

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

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

35 (10) In collaboration with tribal governments, community and
36 statewide partners, and the early achievers review subcommittee
37 created in RCW 43.216.075, the department shall develop a protocol
38 for granting early achievers program participants an extension in
39 meeting rating level requirement timelines outlined for the working

1 connections child care program and the early childhood education and
2 assistance program.

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

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

9 (c) Extensions may only be granted to early achievers program
10 participants who have demonstrated engagement in the early achievers
11 program.

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

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

26 (c) Licensed child care centers (~~and~~), child care home
27 providers, and outdoor nature-based child care must meet national
28 accreditation standards approved by the department for the early
29 achievers program in order to be granted credit for the early
30 achievers program standards. Eligibility for the early achievers
31 program is not subject to bargaining, mediation, or interest
32 arbitration under RCW 41.56.028, consistent with the legislative
33 reservation of rights under RCW 41.56.028(4)(d).

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

37 (13) A child care or early learning program that is operated by a
38 federally recognized tribe and receives state funds shall participate
39 in the early achievers program. The tribe may choose to participate
40 through an interlocal agreement between the tribe and the department.

1 The interlocal agreement must reflect the government-to-government
2 relationship between the state and the tribe, including recognition
3 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

15 (14) The department shall consult with the early achievers review
16 subcommittee on all substantial policy changes to the early achievers
17 program.

18 (15) Nothing in this section changes the department's
19 responsibility to collectively bargain over mandatory subjects or
20 limits the legislature's authority to make programmatic modifications
21 to licensed child care and early learning programs under RCW
22 41.56.028(4)(d).

23 **Sec. 7.** RCW 43.216.087 and 2019 c 369 s 5 are each amended to
24 read as follows:

25 (1)(a) The department shall, in collaboration with tribal
26 governments and community and statewide partners, implement a
27 protocol to maximize and encourage participation in the early
28 achievers program for culturally diverse and low-income center
29 ~~((and)),~~ family home, and outdoor nature-based child care providers.
30 Amounts appropriated for the encouragement of culturally diverse and
31 low-income center ~~((and)),~~ family home, and outdoor nature-based
32 child care provider participation shall be appropriated separately
33 from the other funds appropriated for the department, are the only
34 funds that may be used for the protocol, and may not be used for any
35 other purposes. Funds appropriated for the protocol shall be
36 considered an ongoing program for purposes of future departmental
37 budget requests.

38 (b) The department shall prioritize the resources authorized in
39 this section to assist providers in the early achievers program to

1 help them reach a rating of level 3 or higher wherever access to
2 subsidized care is at risk.

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

5 (a) The creation of a substitute pool;

6 (b) The development of needs-based grants for providers in the
7 early achievers program who demonstrate a need for assistance to
8 improve program quality. Needs-based grants may be used for
9 environmental improvements of early learning facilities; purchasing
10 curriculum development, instructional materials, supplies, and
11 equipment; and focused infant-toddler improvements. Priority for the
12 needs-based grants shall be given to culturally diverse and low-
13 income providers;

14 (c) The development of materials and assessments in a timely
15 manner, and to the extent feasible, in the provider and family home
16 languages; and

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

20 **Sec. 8.** RCW 43.216.089 and 2020 c 262 s 3 are each amended to
21 read as follows:

22 (1) By December 15, 2020, the department, in consultation with
23 the statewide child care resource and referral network, and the early
24 achievers review subcommittee of the early learning advisory council,
25 shall submit, in compliance with RCW 43.01.036, a final report to the
26 governor and the legislature regarding providers' progress in the
27 early achievers program. The report must include the following
28 elements:

29 (a) The number, and relative percentage, of family child care,
30 outdoor nature-based child care, and center providers who have
31 enrolled in the early achievers program and who have:

32 (i) Completed the level 2 activities;

33 (ii) Completed rating readiness consultation and are waiting to
34 be rated;

35 (iii) Achieved the required rating level to remain eligible for
36 state-funded support under the early childhood education and
37 assistance program or a subsidy under the working connections child
38 care subsidy program;

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

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

7 (vi) Not achieved the required rating level after completing
8 remedial activities; or

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

11 (b) A review of the services available to providers and children
12 from diverse racial, ethnic, and cultural backgrounds;

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

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

20 (i) A subsidy under the working connections child care program;
21 or

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

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

26 (f) The average amount of time required for providers to achieve
27 local level milestones within each level of the early achievers
28 program;

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

33 (h) Recommendations for improving access for children from
34 diverse racial, ethnic, and cultural backgrounds to providers rated
35 at a level 3 or higher in the early achievers program;

36 (i) Recommendations for improving the early achievers program
37 standards;

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

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

4 (l) An analysis of the impact of increased regulations on the
5 cost of child care; and

6 (m) 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 43.216.515, 43.216.525,
10 and 43.216.555;

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

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 43.216.515; and

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

27 (2) The elements required to be reported under subsection (1)(a)
28 of this section must be reported at the county level, and for those
29 counties with a population of five hundred thousand and higher, the
30 data must be reported at the zip code level.

31 (3) If, based on information in an annual report submitted in
32 2018 or later under this section, fifteen percent or more of the
33 licensed or contracted providers who are participating in the early
34 achievers program in a county or in a single zip code have not
35 achieved the rating levels under RCW 43.216.135 and 43.216.515, the
36 department must:

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

39 (b) Develop a plan to mitigate the effect on the children and
40 families served by these providers. The plan must be submitted to the

1 legislature as part of the final report described in subsection (1)
2 of this section along with any recommendations for legislative action
3 to address the needs of the providers and the children and families
4 they serve.

5 (4) (a) Beginning December 1, 2020, the department, in
6 collaboration with the statewide child care resource and referral
7 network, shall make available on its public web site, in a consumer-
8 friendly format, the following elements:

9 (i) The number, and relative percentage, of family child care and
10 center child care providers who have enrolled in the early achievers
11 program and who have:

12 (A) Submitted their request for on-site evaluation and are
13 waiting to be rated; and

14 (B) Achieved the required rating level to remain eligible for
15 state-funded support under the early childhood education and
16 assistance program or a subsidy under the working connections child
17 care subsidy program;

18 (ii) The distribution of early childhood education and assistance
19 program programming by school district; and

20 (iii) Indicators of supply and demand at the local level, as well
21 as identification of regions or areas in which there are insufficient
22 numbers of child care facilities using nationally developed
23 methodology.

24 (b) The elements required to be made available under (a)(i) of
25 this subsection (4) must be made available at the county level, and
26 for those counties with a population of five hundred thousand and
27 higher, the data must be reported at the zip code level.

28 (c) To the extent data are available, the elements required to be
29 reported under (a)(ii) and (iii) of this subsection (4) must be
30 updated at a minimum of a quarterly basis on the department's public
31 web site.

32 (d) If in any individual state fiscal year, based on information
33 reported in (a)(ii) and (iii) of this subsection (4), fifteen percent
34 or more of the licensed or contracted providers who are participating
35 in the early achievers program in a county or in a single zip code
36 have not achieved the rating levels required under RCW 43.216.135 and
37 43.216.515, the department must:

38 (i) Analyze the reasons providers in the affected counties or zip
39 codes have not attained the required rating levels; and

1 (ii) Develop a plan to mitigate the effect on the children and
2 families served by these providers. The plan must be submitted to the
3 legislature by November 1st of the year following the state fiscal
4 year in question, along with any recommendations for legislative
5 action to address the needs of the providers and the children and
6 families they serve.

7 (5) Beginning September 15, 2021, and each odd-numbered year
8 thereafter, the department shall submit a report to the governor and
9 the legislature outlining the availability and quality of services
10 available to early learning providers and children from diverse
11 racial, ethnic, and cultural backgrounds and from low-income
12 neighborhoods and communities. The report must include the following
13 elements:

14 (a) To the extent data is available, an analysis of the racial,
15 ethnic, and linguistic diversity of early childhood education and
16 assistance program providers and participants, and the providers and
17 participants of working connections child care;

18 (b) A review of the services available to providers and children
19 from diverse racial, ethnic, and cultural backgrounds;

20 (c) An examination of the effectiveness of efforts to increase
21 and maintain successful participation by providers serving children
22 and families from diverse racial, ethnic, and linguistic backgrounds
23 and providers who serve children from low-income households;

24 (d) To the extent data is available, the distribution of early
25 achievers program-rated facilities by child and provider
26 demographics, including but not limited to race and ethnicity, home
27 language, and geographical location;

28 (e) Recommendations for improving and maintaining access for
29 children from diverse racial, ethnic, and cultural backgrounds to
30 providers rated at a level 3 or higher in the early achievers
31 program;

32 (f) Recommendations to address any identified barriers to access
33 to high-quality preschool for children living in low-income
34 neighborhoods;

35 (g) An examination of expulsion rates of children from diverse
36 racial, ethnic, and diverse cultural backgrounds and from low-income
37 neighborhoods and communities; and

38 (h) An analysis of how early learning providers and families from
39 diverse racial, ethnic, and cultural backgrounds and from low-income

1 neighborhoods and communities have influenced or participated in the
2 department's early learning plans and implementation strategies.

3 (6) Beginning September 15, 2022, and each even-numbered year
4 thereafter, the department shall submit a report to the governor and
5 the legislature on the availability of supports to providers and
6 their effectiveness at improving quality. The report must include the
7 following elements:

8 (a) An analysis of the effectiveness of recruitment efforts for
9 new and returning high-quality early learning providers and programs;

10 (b) An analysis of the effectiveness of quality improvement tools
11 and incentives on the retention and quality improvement of early
12 learning professionals;

13 (c) An analysis of the supply of high-quality subsidized early
14 learning. This analysis must include:

15 (i) An examination of the trend in supply of early learning
16 providers and workers;

17 (ii) A description of the primary obstacles and challenges faced
18 by providers who have not achieved the required early achievers
19 rating level to remain eligible to receive a subsidy under the
20 working connections child care program or state-funded support under
21 the early childhood education and assistance program;

22 (iii) The number, and relative percentage, of family child care
23 and center providers who have enrolled in the early achievers program
24 and who have:

25 (A) Not achieved the required rating level initially but
26 qualified for and are working through intensive targeted support in
27 preparation for a partial rerate outside the standard rating cycle;

28 (B) Not achieved the required rating level initially and engaged
29 in remedial activities before successfully achieving the required
30 rating level;

31 (C) Not achieved the required rating level after completing
32 remedial activities; or

33 (D) Received an extension from the department based on
34 exceptional circumstances pursuant to RCW 43.216.085; and

35 (iv) Recommendations for improving retention and reducing
36 barriers to entry for early learning providers;

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

1 (e) A summary of the types of exceptional circumstances for which
2 the department has granted an extension to early achievers rating
3 milestones pursuant to RCW 43.216.085;

4 (f) An analysis of the availability and quality of infant and
5 toddler care; and

6 (g) An examination of any identified barriers that discourage
7 providers from offering extended day early care and education
8 opportunities.

9 (7) The information to be disclosed or shared under this section
10 must not include sensitive personal information of in-home caregivers
11 for vulnerable populations as defined in RCW 42.56.640, and must not
12 include any other information protected from disclosure under state
13 or federal law.

14 **Sec. 9.** RCW 43.216.250 and 2018 c 58 s 70 are each amended to
15 read as follows:

16 It shall be the secretary's duty with regard to licensing under
17 this chapter:

18 (1) In consultation and with the advice and assistance of persons
19 representative of the various type agencies to be licensed, to
20 designate categories of child care facilities or outdoor locations
21 for which separate or different requirements shall be developed as
22 may be appropriate whether because of variations in the ages and
23 other characteristics of the children served, variations in the
24 purposes and services offered or size or structure of the agencies to
25 be licensed, or because of any other factor relevant thereto;

26 (2)(a) In consultation with the state fire marshal's office, the
27 secretary shall use an interagency process to address health and
28 safety requirements for child care programs that serve school-age
29 children and are operated in buildings that contain public or private
30 schools that safely serve children during times in which school is in
31 session;

32 (b) Any requirements in (a) of this subsection as they relate to
33 the physical facility, including outdoor playgrounds, do not apply to
34 before-school and after-school programs that serve only school-age
35 children and operate in the same facilities used by public or private
36 schools;

37 (3) In consultation and with the advice and assistance of parents
38 or guardians, and persons representative of the various type agencies
39 to be licensed, to adopt and publish minimum requirements for

1 licensing applicable to each of the various categories of agencies to
2 be licensed under this chapter;

3 (4) In consultation with law enforcement personnel, the secretary
4 shall investigate the conviction record or pending charges of each
5 agency and its staff seeking licensure or relicensure, and other
6 persons having unsupervised access to children in child care;

7 (5) To satisfy the shared background check requirements provided
8 for in RCW 43.216.270 and 43.20A.710, the department of children,
9 youth, and families and the department of social and health services
10 shall share federal fingerprint-based background check results as
11 permitted under the law. The purpose of this provision is to allow
12 both departments to fulfill their joint background check
13 responsibility of checking any individual who may have unsupervised
14 access to vulnerable adults, children, or juveniles. Neither
15 department may share the federal background check results with any
16 other state agency or person;

17 (6) To issue, revoke, or deny licenses to agencies pursuant to
18 this chapter. Licenses shall specify the category of child care that
19 an agency is authorized to render and the ages and number of children
20 to be served;

21 (7) To prescribe the procedures and the form and contents of
22 reports necessary for the administration of this chapter and to
23 require regular reports from each licensee;

24 (8) To inspect agencies periodically to determine whether or not
25 there is compliance with this chapter and the requirements adopted
26 under this chapter;

27 (9) To review requirements adopted under this chapter at least
28 every two years and to adopt appropriate changes after consultation
29 with affected groups for child care requirements; and

30 (10) To consult with public and private agencies in order to help
31 them improve their methods and facilities for the care and early
32 learning of children.

33 **Sec. 10.** RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each
34 amended to read as follows:

35 (1) No later than November 1, 2016, the department shall
36 implement a single set of licensing standards for child care and the
37 early childhood education and assistance program. The department
38 shall produce the single set of licensing standards within the

1 department's available appropriations. The new licensing standards
2 must:

3 (a) Provide minimum ~~((health and safety standards))~~ licensing
4 requirements for child care and preschool programs;

5 (b) Rely on the standards established in the early achievers
6 program to address quality issues in participating early childhood
7 programs;

8 (c) Take into account the separate needs of family care
9 providers, outdoor nature-based child care providers, and child care
10 centers; and

11 (d) Promote the continued safety of child care settings.

12 (2) Private schools that operate early learning programs and do
13 not receive state subsidy payments shall be subject ~~((only))~~ to the
14 minimum health and safety standards ~~((in subsection (1)(a) of this~~
15 ~~section))~~ as defined in RCW 43.216.395(2)(b), the health and safety
16 requirements under chapter 28A.195 RCW, and the requirements
17 necessary to assure a sufficient early childhood education to meet
18 usual requirements needed for transition into elementary school. The
19 state, and any agency thereof, shall not restrict or dictate any
20 specific educational or other programs for early learning programs
21 operated by private schools except for programs that receive state
22 subsidy payments.

23 **Sec. 11.** RCW 43.216.260 and 2007 c 415 s 4 are each amended to
24 read as follows:

25 Applications for licensure shall require, at a minimum, the
26 following information:

27 (1) The size and suitability of a facility or location for an
28 outdoor nature-based child care program, and the plan of operation
29 for carrying out the purpose for which an applicant seeks a license;

30 (2) The character, suitability, and competence of an agency and
31 other persons associated with an agency directly responsible for the
32 care of children;

33 (3) The number of qualified persons required to render the type
34 of care for which an agency seeks a license;

35 (4) ~~((The))~~ To provide for the comfort, care, and well-being of
36 children, information about the health, safety, cleanliness, and
37 general adequacy of the premises ~~((to provide for the comfort, care,~~
38 ~~and well-being of children))~~, including the real property and
39 premises for an outdoor nature-based child care program;

1 (5) The provision of necessary care and early learning, including
2 food, supervision, and discipline; physical, mental, and social
3 well-being; and educational and recreational opportunities for those
4 served;

5 (6) The financial ability of an agency to comply with minimum
6 requirements established under this chapter; and

7 (7) The maintenance of records pertaining to the care of
8 children.

9 **Sec. 12.** RCW 43.216.271 and 2017 3rd sp.s. c 6 s 207 are each
10 amended to read as follows:

11 Subject to appropriation, the department shall maintain an
12 individual-based or portable background check clearance registry. Any
13 individual seeking a child care license or employment in any child
14 care facility or outdoor nature-based child care program licensed or
15 regulated under current law shall submit a background application on
16 a form prescribed by the department in rule.

17 **Sec. 13.** RCW 43.216.280 and 2006 c 265 s 303 are each amended to
18 read as follows:

19 Licensed child day care centers and outdoor nature-based child
20 care providers shall provide notice of pesticide use to parents or
21 guardians of students and employees pursuant to chapter 17.21 RCW.

22 **Sec. 14.** RCW 43.216.305 and 2020 c 343 s 5 are each amended to
23 read as follows:

24 (1) Each agency shall make application for a license or the
25 continuation of a full license to the department (~~(on forms)~~) using a
26 method prescribed by the department. Upon receipt of such
27 application, the department shall either grant or deny a license or
28 continuation of a full license within ninety days. A license or
29 continuation shall be granted if the agency meets the minimum
30 requirements set forth in this chapter and the departmental
31 requirements consistent with this chapter, except that an initial
32 license may be issued as provided in RCW 43.216.315. The department
33 shall consider whether an agency is in good standing, as defined in
34 subsection (4)(b) of this section, before granting a continuation of
35 a full license. Full licenses provided for in this chapter shall
36 continue to remain valid so long as the licensee meets the
37 requirements for a nonexpiring license in subsection (2) of this

1 section and may be transferred to a new licensee in the event of a
2 transfer of ownership of a child care operation. The licensee,
3 however, shall advise the secretary of any material change in
4 circumstances which might constitute grounds for reclassification of
5 license as to category. The license issued under this chapter applies
6 only to the licensee and the location stated in the application. For
7 licensed family day care homes having an acceptable history of child
8 care, the license may remain in effect for two weeks after a move.

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

12 (a) Submit the annual licensing fee;

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

16 (c) Submit a declaration of compliance with all licensing rules;
17 and

18 (d) (~~Submit~~) For all current employees of the agency and as
19 defined by department rule, submit background check applications into
20 the department's electronic workforce registry on the schedule
21 established by the department.

22 (3) If a licensee fails to meet the requirements in subsection
23 (2) of this section for continuation of a full license the license
24 expires and the licensee must submit a new application for licensure
25 under this chapter.

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

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

31 (i) Valid complaints;

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

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

36 (c) The department shall consider whether an agency is in good
37 standing when determining the most appropriate approach and process
38 for monitoring visits, for the purposes of administrative efficiency
39 while protecting children, consistent with this chapter. If the
40 department determines that an agency is not in good standing, the

1 department may issue a probationary license, as provided in RCW
2 43.216.320.

3 **Sec. 15.** RCW 43.216.325 and 2018 c 58 s 38 are each amended to
4 read as follows:

5 (1) An agency may be denied a license, or any license issued
6 pursuant to this chapter may be suspended, revoked, modified, or not
7 renewed by the secretary upon proof (a) that the agency has failed or
8 refused to comply with the provisions of this chapter or the
9 requirements adopted pursuant to this chapter; or (b) that the
10 conditions required for the issuance of a license under this chapter
11 have ceased to exist with respect to such licenses. RCW 43.216.327
12 governs notice of a license denial, revocation, suspension, or
13 modification and provides the right to an adjudicative proceeding.

14 (2) In any adjudicative proceeding regarding the denial,
15 modification, suspension, or revocation of any license under this
16 chapter, the department's decision shall be upheld if it is supported
17 by a preponderance of the evidence.

18 (3) (a) The department may assess civil monetary penalties upon
19 proof that an agency has failed or refused to comply with the rules
20 adopted under this chapter or that an agency subject to licensing
21 under this chapter is operating without a license except that civil
22 monetary penalties shall not be levied against a licensed foster
23 home.

24 (b) Monetary penalties levied against unlicensed agencies that
25 submit an application for licensure within thirty days of
26 notification and subsequently become licensed will be forgiven. These
27 penalties may be assessed in addition to or in lieu of other
28 disciplinary actions. Civil monetary penalties, if imposed, may be
29 assessed and collected, with interest, for each day an agency is or
30 was out of compliance.

31 (c) Civil monetary penalties shall not exceed one hundred fifty
32 dollars per violation for a family day care home and two hundred
33 fifty dollars per violation for child day care centers or outdoor
34 nature-based child care programs. Each day upon which the same or
35 substantially similar action occurs is a separate violation subject
36 to the assessment of a separate penalty.

37 (d) The department shall provide a notification period before a
38 monetary penalty is effective and may forgive the penalty levied if
39 the agency comes into compliance during this period.

1 (e) The department may suspend, revoke, or not renew a license
2 for failure to pay a civil monetary penalty it has assessed pursuant
3 to this chapter within ten days after such assessment becomes final.
4 RCW 43.216.335 governs notice of a civil monetary penalty and
5 provides the right to an adjudicative proceeding. The preponderance
6 of evidence standard shall apply in adjudicative proceedings related
7 to assessment of civil monetary penalties.

8 (4)(a) In addition to or in lieu of an enforcement action being
9 taken, the department may place a child day care center, outdoor
10 nature-based child care provider, or family day care provider on
11 nonreferral status if the center or provider has failed or refused to
12 comply with this chapter or rules adopted under this chapter or an
13 enforcement action has been taken. The nonreferral status may
14 continue until the department determines that: (i) No enforcement
15 action is appropriate; or (ii) a corrective action plan has been
16 successfully concluded.

17 (b) Whenever a child day care center, outdoor nature-based child
18 care provider, or family day care provider is placed on nonreferral
19 status, the department shall provide written notification to the
20 child day care center, outdoor nature-based child care provider, or
21 family day care provider.

22 (5) The department shall notify appropriate public and private
23 child care resource and referral agencies of the department's
24 decision to: (a) Take an enforcement action against a child day care
25 center, outdoor nature-based child care provider, or family day care
26 provider; or (b) place or remove a child day care center, outdoor
27 nature-based child care provider, or family day care provider on
28 nonreferral status.

29 **Sec. 16.** RCW 43.216.340 and 2014 c 9 s 1 are each amended to
30 read as follows:

31 (1) Before requiring any alterations to a child care facility due
32 to inconsistencies with requirements in chapter 19.27 RCW, the
33 department shall:

34 (a) Consult with the city or county enforcement official; and

35 (b) Receive written verification from the city or county
36 enforcement official that the alteration is required.

37 (2) The department's consultation with the city or county
38 enforcement official is limited to licensed child care space.

1 (3) Unless there is imminent danger to children or staff, the
2 department may not modify, suspend, or revoke a child care license or
3 business activities while the department is waiting to:

4 (a) Consult with the city or county enforcement official under
5 subsection (1)(a) of this section; or

6 (b) Receive written verification from the city or county
7 enforcement official that the alteration is required under subsection
8 (1)(b) of this section.

9 (4) For the purposes of this section, "child care facility" means
10 a family day care home, school-age care, outdoor nature-based child
11 care, and child day care center.

12 **Sec. 17.** RCW 43.216.360 and 2011 c 296 s 3 are each amended to
13 read as follows:

14 When the department suspects that an agency is providing child
15 care services without a license, it shall send notice to that agency
16 within ten days. The notice shall include, but not be limited to, the
17 following information:

18 (1) That a license is required and the reasons why;

19 (2) That the agency is suspected of providing child care without
20 a license;

21 (3) That the agency must immediately stop providing child care
22 until the agency becomes licensed;

23 (4) That the department can issue a penalty of one hundred fifty
24 dollars per day for each day a family day care home provided care
25 without being licensed and two hundred fifty dollars for each day a
26 child day care center or outdoor nature-based child care provider
27 provided care without being licensed;

28 (5) That if the agency does not initiate the licensing process
29 within thirty days of the date of the notice, the department will
30 post on its web site that the agency is providing child care without
31 a license.

32 **Sec. 18.** RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each
33 amended to read as follows:

34 (1) The department shall develop an internal review process to
35 determine whether department licensors have appropriately and
36 consistently applied agency rules in (~~child care facility licensing~~
37 ~~compliance agreements~~)) inspection reports that do not involve a
38 violation of health and safety standards. Adverse licensing decisions

1 including license denial, suspension, revocation, modification, or
2 nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines
3 pursuant to RCW 43.216.335 are not subject to the internal review
4 process in this section, but may be appealed using the administrative
5 procedure act, chapter 34.05 RCW.

6 (2) The definitions in this subsection apply throughout this
7 section.

8 (a) "Child care facility licensing compliance agreement" means an
9 agreement issued by the department in lieu of the department taking
10 enforcement action against a child care provider that contains: (i) A
11 description of the violation and the rule or law that was violated;
12 (ii) a statement from the licensee regarding the proposed plan to
13 comply with the rule or law; (iii) the date the violation must be
14 corrected; (iv) information regarding other licensing action that may
15 be imposed if compliance does not occur by the required date; and (v)
16 the signature of the licensor and licensee or the licensee's
17 delegate.

18 (b) "Health and safety standards" means rules or requirements
19 developed by the department to protect the health and safety of
20 children against ~~((substantial))~~ risk of bodily, mental, or
21 psychological injury, harm, illness, or death.

22 (3) The internal review process shall be conducted by the
23 following six individuals:

24 (a) Three department employees who may include child care
25 licensors; and

26 (b) Three child care providers selected by the department from
27 names submitted by the oversight board for children, youth, and
28 families established in RCW 43.216.015.

29 (4) The internal review process established in this section may
30 overturn, change, or uphold a department licensing decision by
31 majority vote. In the event that the six individuals conducting the
32 internal review process are equally divided, the secretary or the
33 secretary's designee shall make the decision of the internal review
34 process. The internal review process must provide the parties with a
35 written decision of the outcome after completion of the internal
36 review process. A licensee must request a review under the internal
37 review process within ten days of the development of ~~((a child care~~
38 ~~facility licensing compliance agreement))~~ an inspection report and
39 the internal review process must be completed within ~~((thirty))~~ sixty

1 days after the request from the licensee to initiate the internal
2 review process is received.

3 (5) A licensee may request a final review by the oversight board
4 for children, youth, and families after completing the internal
5 review process established in this section by giving notice to the
6 department and the oversight board for children, youth, and families
7 within ten days of receiving the written decision produced by the
8 internal review process.

9 ~~((6) The department shall not develop a child care facility
10 licensing compliance agreement with a child care provider for first-
11 time violations of rules that do not relate to health and safety
12 standards and that can be corrected on the same day that the
13 violation is identified. The department shall develop a procedure for
14 providing a warning and offering technical assistance to providers in
15 response to these first-time violations.))~~

16 **Sec. 19.** RCW 43.216.515 and 2020 c 321 s 1 are each amended to
17 read as follows:

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

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

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

36 (4) A new early childhood education and assistance program
37 provider must complete the requirements in this subsection to be
38 eligible to receive state-funded support under the early childhood
39 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 5
10 within twelve months of beginning remedial activities.

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

21 (5) (a) If an early childhood education and assistance program
22 provider has successfully completed all of the required early
23 achievers program activities and is waiting to be rated by the
24 deadline provided in this section, the provider may continue to
25 participate in the early achievers program as an approved early
26 childhood education and assistance program provider and receive state
27 subsidy pending the successful completion of a level 4 or 5 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 section
35 does not rate or request to be rated at a level 4 or 5 following the
36 remedial period, the provider is not eligible to receive state-funded
37 support under the early childhood education and assistance program
38 under this section.

39 (ii) If the early childhood education and assistance program
40 provider described under subsection (4) (b) (i) or (ii) of this section

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

5 (6) (a) When an early childhood education and assistance program
6 in good standing changes classroom locations to a comparable or
7 improved space within the same facility, or to a comparable or
8 improved outdoor location for an outdoor nature-based child care, a
9 rerating is not required outside of the regular rerating and renewal
10 cycle.

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

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

27 (8) The department shall develop multiple pathways for licensed
28 or certified child care centers and homes to administer an early
29 childhood education and assistance program. The pathways shall
30 include an accommodation for these providers to rate at a level 4 or
31 5 in the early achievers program according to the timelines and
32 standards established in subsection (4) (b) (ii) of this section. The
33 department must consider using the intermediate level that is between
34 level 3 and level 4 as described in RCW 43.216.085, incentives, and
35 front-end funding in order to encourage providers to participate in
36 the pathway.

37 **Sec. 20.** RCW 43.216.530 and 2015 3rd sp.s. c 7 s 10 are each
38 amended to read as follows:

1 The department shall review applications from public or private
2 organizations for state funding of early childhood education and
3 assistance programs. The department shall consider local community
4 needs, demonstrated capacity, and the need to support a mixed
5 delivery system of early learning that includes alternative models
6 for delivery including licensed centers, outdoor nature-based child
7 care providers, and licensed family child care providers when
8 reviewing applications.

9 **Sec. 21.** RCW 43.216.650 and 2015 c 199 s 1 are each amended to
10 read as follows:

11 (1) For the purposes of this section, "near fatality" means an
12 act that, as certified by a physician, places the child in serious or
13 critical condition.

14 (2)(a) The department shall conduct a child fatality review if a
15 child fatality occurs in an early learning program described in RCW
16 (~~43.215.400 through 43.215.450~~) 43.216.500 through 43.216.550 or a
17 licensed child care center, licensed outdoor nature-based child care,
18 or a licensed child care home.

19 (b) The department shall convene a child fatality review
20 committee and determine the membership of the review committee. The
21 committee shall comprise individuals with appropriate expertise,
22 including but not limited to experts from outside the department with
23 knowledge of early learning licensing requirements and program
24 standards, a law enforcement officer with investigative experience, a
25 representative from a county or state health department, and a child
26 advocate with expertise in child fatalities. The department shall
27 invite one parent or guardian for membership on the child fatality
28 review committee who has had a child die in a child care setting. The
29 department shall ensure that the fatality review team is made up of
30 individuals who had no previous involvement in the case.

31 (c) The department shall allow the parents or guardians whose
32 child's death is being reviewed to testify before the child fatality
33 review committee.

34 (d) The primary purpose of the fatality review shall be the
35 development of recommendations to the department and legislature
36 regarding changes in licensing requirements, practice, or policy to
37 prevent fatalities and strengthen safety and health protections for
38 children.

1 (e) Upon conclusion of a child fatality review required pursuant
2 to this section, the department shall, within one hundred eighty days
3 following the fatality, issue a report on the results of the review,
4 unless an extension has been granted by the governor. Reports must be
5 distributed to the appropriate committees of the legislature, and the
6 department shall create a public web site where all child fatality
7 review reports required under this section must be posted and
8 maintained. A child fatality review report completed pursuant to this
9 section is subject to public disclosure and must be posted on the
10 public web site, except that confidential information may be redacted
11 by the department consistent with the requirements of RCW 13.50.100,
12 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and
13 other applicable state and federal laws.

14 (3) The department shall consult with the office of the family
15 and children's ombuds to determine if a review should be conducted in
16 the case of a near child fatality that occurs in an early learning
17 program described in RCW ((~~43.215.400 through 43.215.450~~)) 43.216.500
18 through 43.216.550 or licensed child care center, licensed outdoor
19 nature-based child care, or licensed child care home.

20 (4) In any review of a child fatality or near fatality, the
21 department and the fatality review team must have access to all
22 records and files regarding the child or that are otherwise relevant
23 to the review and that have been produced or retained by the early
24 education and assistance program provider or licensed child care
25 center, licensed outdoor nature-based child care, or licensed family
26 home provider.

27 (5) The child fatality review committee shall coordinate with
28 local law enforcement to ensure that the fatality or near fatality
29 review does not interfere with any ongoing or potential criminal
30 investigation.

31 (6)(a) A child fatality or near fatality review completed
32 pursuant to this section is subject to discovery in a civil or
33 administrative proceeding, but may not be admitted into evidence or
34 otherwise used in a civil or administrative proceeding except
35 pursuant to this section.

36 (b) A department employee responsible for conducting a child
37 fatality or near fatality review, or member of a child fatality or
38 near fatality review team, may not be examined in a civil or
39 administrative proceeding regarding the following:

40 (i) The work of the child fatality or near fatality review team;

1 (ii) The incident under review;

2 (iii) The employee's or member's statements, deliberations,
3 thoughts, analyses, or impressions relating to the work of the child
4 fatality or near fatality review team or the incident under review;
5 or

6 (iv) Statements, deliberations, thoughts, analyses, or
7 impressions of any other member of the child fatality or near
8 fatality review team, or any person who provided information to the
9 child fatality or near fatality review team, relating to the work of
10 the child fatality or near fatality review team or the incident under
11 review.

12 (c) Documents prepared by or for a child fatality or near
13 fatality review team are inadmissible and may not be used in a civil
14 or administrative proceeding, except that any document that exists
15 before its use or consideration in a child fatality or near fatality
16 review, or that is created independently of such review, does not
17 become inadmissible merely because it is reviewed or used by a child
18 fatality or near fatality review team. A person is not unavailable as
19 a witness merely because the person has been interviewed by or has
20 provided a statement for a child fatality or near fatality review,
21 but if called as a witness, a person may not be examined regarding
22 the person's interactions with the child fatality or near fatality
23 review including, without limitation, whether the person was
24 interviewed during such review, the questions that were asked during
25 such review, and the answers that the person provided during such
26 review. This section may not be construed as restricting a person
27 from testifying fully in any proceeding regarding his or her
28 knowledge of the incident under review.

29 (d) The restrictions in this section do not apply in a licensing
30 or disciplinary proceeding arising from an agency's effort to revoke
31 or suspend the license of any licensed professional based in whole or
32 in part upon allegations of wrongdoing in connection with a minor's
33 death or near fatality reviewed by a child fatality or near fatality
34 review team.

35 (7) The department shall develop and implement procedures to
36 carry out the requirements of this section.

37 (8) Nothing in this section creates a duty for the office of the
38 family and children's ombuds under RCW 43.06A.030 as related to
39 children in the care of an early learning program described in RCW
40 (~~43.215.400 through 43.215.450~~) 43.216.500 through 43.216.550, a

1 licensed child care center, a licensed outdoor nature-based child
2 care, or a licensed child care home.

3 **Sec. 22.** RCW 43.216.660 and 2017 3rd sp.s. c 6 s 212 are each
4 amended to read as follows:

5 It shall be the policy of the state of Washington to:

6 (1) Recognize the family as the most important social and
7 economic unit of society and support the central role parents play in
8 child rearing. All parents are encouraged to care for and nurture
9 their children through the traditional methods of parental care at
10 home. The availability of quality, affordable child care is a concern
11 for working parents, the costs of care are often beyond the resources
12 of working parents, and child care facilities are not located
13 conveniently to workplaces and neighborhoods. Parents are encouraged
14 to participate fully in the effort to improve the quality of child
15 care services.

16 (2) Promote a variety of culturally and developmentally
17 appropriate child care settings and services of the highest possible
18 quality in accordance with the basic principle of continuity of care.
19 These settings shall include, but not be limited to, family day care
20 homes, (~~mini-centers~~) outdoor nature-based child care, centers, and
21 schools.

22 (3) Promote the growth, development and safety of children by
23 working with community groups including providers and parents to
24 establish standards for quality service, training of child care
25 providers, fair and equitable monitoring, and salary levels
26 commensurate with provider responsibilities and support services.

27 (4) Promote equal access to quality, affordable, socio-
28 economically integrated child care for all children and families.

29 (5) Facilitate broad community and private sector involvement in
30 the provision of quality child care services to foster economic
31 development and assist industry through the department.

32 **Sec. 23.** RCW 43.216.685 and 2013 c 23 s 99 are each amended to
33 read as follows:

34 (1) The department shall establish and maintain a toll-free
35 telephone number, and an interactive web-based system through which
36 persons may obtain information regarding child day care centers,
37 outdoor nature-based child care providers, and family day care
38 providers. This number shall be available twenty-four hours a day for

1 persons to request information. The department shall respond to
2 recorded messages left at the number within two business days. The
3 number shall be published in reasonably available printed and
4 electronic media. The number shall be easily identifiable as a number
5 through which persons may obtain information regarding child day care
6 centers and family day care providers as set forth in this section.

7 (2) Through the toll-free telephone line established by this
8 section, the department shall provide information to callers about:

9 (a) Whether a day care provider is licensed; (b) whether a day care
10 provider's license is current; (c) the general nature of any
11 enforcement against the providers; (d) how to report suspected or
12 observed noncompliance with licensing requirements; (e) how to report
13 alleged abuse or neglect in a day care; (f) how to report health,
14 safety, and welfare concerns in a day care; (g) how to receive
15 follow-up assistance, including information on the office of the
16 family and children's ombuds; and (h) how to receive referral
17 information on other agencies or entities that may be of further
18 assistance to the caller.

19 (3) (~~Beginning in January 2006, the~~) The department shall print
20 the toll-free number established by this section on the face of new
21 licenses issued to child day care centers, outdoor nature-based child
22 care providers, and family day care providers.

23 (4) This section shall not be construed to require the disclosure
24 of any information that is exempt from public disclosure under
25 chapter 42.56 RCW.

26 **Sec. 24.** RCW 43.216.687 and 2007 c 415 s 6 are each amended to
27 read as follows:

28 (1) Every child day care center, outdoor nature-based child care
29 provider, and family day care provider shall prominently post the
30 following items, clearly visible to parents and staff:

31 (a) The license issued under this chapter;

32 (b) The department's toll-free telephone number established by
33 RCW (~~(43.215.520)~~) 43.216.685;

34 (c) The notice of any pending enforcement action. The notice must
35 be posted immediately upon receipt. The notice must be posted for at
36 least two weeks or until the violation causing the enforcement action
37 is corrected, whichever is longer;

1 (d) A notice that inspection reports and any notices of
2 enforcement actions for the previous three years are available from
3 the licensee and the department; and

4 (e) Any other information required by the department.

5 (2) The department shall disclose the receipt, general nature,
6 and resolution or current status of all complaints on record with the
7 department after July 24, 2005, against a child day care center or
8 family day care provider that result in an enforcement action.
9 Information may be posted:

10 (a) On a web site; or

11 (b) In a physical location that is easily accessed by parents and
12 potential employers.

13 (3) This section shall not be construed to require the disclosure
14 of any information that is exempt from public disclosure under
15 chapter 42.56 RCW.

16 **Sec. 25.** RCW 43.216.689 and 2007 c 415 s 7 are each amended to
17 read as follows:

18 (1) Every child day care center, outdoor nature-based child care
19 provider, and family day care provider shall have readily available
20 for review by the department, parents, and the public a copy of each
21 inspection report and notice of enforcement action received by the
22 center or provider from the department for the past three years. This
23 subsection only applies to reports and notices received on or after
24 July 24, 2005.

25 (2) The department shall make available to the public during
26 business hours all inspection reports and notices of enforcement
27 actions involving child day care centers, outdoor nature-based child
28 care providers, and family day care providers. The department shall
29 include in the inspection report a statement of the corrective
30 measures taken by the center or provider.

31 (3) The department may make available on a publicly accessible
32 web site all inspection reports and notices of licensing actions,
33 including the corrective measures required or taken, involving child
34 day care centers, outdoor nature-based child care providers, and
35 family day care providers.

36 (4) This section shall not be construed to require the disclosure
37 of any information that is exempt from public disclosure under
38 chapter 42.56 RCW.

1 **Sec. 26.** RCW 43.216.690 and 2019 c 362 s 3 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (2) of this section, ((a))
4 child day care ((center)) centers and outdoor nature-based child care
5 providers licensed under this chapter may not allow on the premises
6 an employee or volunteer, who has not provided the child day care
7 center or outdoor nature-based child care provider with:

8 (a) Immunization records indicating that he or she has received
9 the measles, mumps, and rubella vaccine; or

10 (b) Proof of immunity from measles through documentation of
11 laboratory evidence of antibody titer or a health care provider's
12 attestation of the person's history of measles sufficient to provide
13 immunity against measles.

14 (2)(a) The child day care center and outdoor nature-based child
15 care provider may allow a person to be employed or volunteer on the
16 premises for up to thirty calendar days if he or she signs a written
17 attestation that he or she has received the measles, mumps, and
18 rubella vaccine or is immune from measles, but requires additional
19 time to obtain and provide the records required in subsection (1)(a)
20 or (b) of this section.

21 (b) The child day care center and outdoor nature-based child care
22 provider may allow a person to be employed or volunteer on the
23 premises if the person provides the child day care center or outdoor
24 nature-based child care provider with a written certification signed
25 by a health care practitioner, as defined in RCW 28A.210.090, that
26 the measles, mumps, and rubella vaccine is, in the practitioner's
27 judgment, not advisable for the person. This subsection (2)(b) does
28 not apply if it is determined that the measles, mumps, and rubella
29 vaccine is no longer contraindicated.

30 (3) The child day care center and outdoor nature-based child care
31 provider shall maintain the documents required in subsection (1) or
32 (2) of this section in the person's personnel record maintained by
33 the child day care center.

34 (4) For purposes of this section, "volunteer" means a nonemployee
35 who provides care and supervision to children at the child day care
36 center or outdoor nature-based child care program.

37 **Sec. 27.** RCW 43.216.700 and 2007 c 415 s 10 are each amended to
38 read as follows:

1 (1) Every licensed child day care center and outdoor nature-based
2 child care provider shall, at the time of licensure or renewal and at
3 any inspection, provide to the department proof that the licensee has
4 day care insurance as defined in RCW 48.88.020, or is self-insured
5 pursuant to chapter 48.90 RCW.

6 (a) Every licensed child day care center and outdoor nature-based
7 child care provider shall comply with the following requirements:

8 (i) Notify the department when coverage has been terminated;

9 (ii) Post at the day care center or outdoor nature-based child
10 care location, in a manner likely to be observed by patrons, notice
11 that coverage has lapsed or been terminated;

12 (iii) Provide written notice to parents that coverage has lapsed
13 or terminated within thirty days of lapse or termination.

14 (b) Liability limits under this subsection shall be the same as
15 set forth in RCW 48.88.050.

16 (c) The department may take action as provided in RCW
17 (~~43.215.300~~) 43.216.325 if the licensee fails to maintain in full
18 force and effect the insurance required by this subsection.

19 (d) This subsection applies to child day care centers and outdoor
20 nature-based child care providers holding licenses, initial licenses,
21 and probationary licenses under this chapter.

22 (e) A child day care center holding a license under this chapter
23 on July 24, 2005, is not required to be in compliance with this
24 subsection until the time of renewal of the license or until January
25 1, 2006, whichever is sooner.

26 (2)(a) Every licensed family day care provider shall, at the time
27 of licensure or renewal either:

28 (i) Provide to the department proof that the licensee has day
29 care insurance as defined in RCW 48.88.020, or other applicable
30 insurance; or

31 (ii) Provide written notice of their insurance status on a
32 standard form developed by the department to parents with a child
33 enrolled in family day care and keep a copy of the notice to each
34 parent on file. Family day care providers may choose to opt out of
35 the requirement to have day care or other applicable insurance but
36 must provide written notice of their insurance status to parents with
37 a child enrolled and shall not be subject to the requirements of (b)
38 or (c) of this subsection.

39 (b) Any licensed family day care provider that provides to the
40 department proof that the licensee has insurance as provided under

1 (a)(i) of this subsection shall comply with the following
2 requirements:

3 (i) Notify the department when coverage has been terminated;

4 (ii) Post at the day care home, in a manner likely to be observed
5 by patrons, notice that coverage has lapsed or been terminated;

6 (iii) Provide written notice to parents that coverage has lapsed
7 or terminated within thirty days of lapse or termination.

8 (c) Liability limits under (a)(i) of this subsection shall be the
9 same as set forth in RCW 48.88.050.

10 (d) The department may take action as provided in RCW
11 (~~43.215.300~~) 43.216.325 if the licensee fails to comply with the
12 requirements of this subsection.

13 (e) A family day care provider holding a license under this
14 chapter on July 24, 2005, is not required to be in compliance with
15 this subsection until the time of renewal of the license or until
16 January 1, 2006, whichever is sooner.

17 (3) Noncompliance or compliance with the provisions of this
18 section shall not constitute evidence of liability or nonliability in
19 any injury litigation.

20 NEW SECTION. **Sec. 28.** A new section is added to chapter 43.216
21 RCW to read as follows:

22 (1) The department shall establish a licensed outdoor nature-
23 based child care program.

24 (2) The department shall adopt rules to implement the outdoor
25 nature-based child care program and may waive or adapt licensing
26 requirements when necessary to allow for the operation of outdoor
27 classrooms.

28 (3) The department shall apply the early achievers program to the
29 outdoor nature-based child care program to assess quality in outdoor
30 learning environments and may waive or adapt early achievers
31 requirements when necessary to allow for the operation of outdoor
32 classrooms.

33 (4) A child care or early learning program operated by a
34 federally recognized tribe may participate in the outdoor nature-
35 based child care program through an interlocal agreement between the
36 tribe and the department. The interlocal agreement must reflect the
37 government-to-government relationship between the state and the
38 tribe, including recognition of tribal sovereignty.

1 (5) Subject to the availability of funds, the department may
2 convene an advisory group of outdoor, nature-based early learning
3 practitioners to inform and support implementation of the outdoor
4 nature-based child care program.

5 **Sec. 29.** RCW 43.216.300 and 2018 c 58 s 41 are each amended to
6 read as follows:

7 ~~((1))~~ The secretary ~~((shall))~~ may not charge fees to the
8 licensee for obtaining a child care license. ~~((The secretary may
9 waive the fees when, in the discretion of the secretary, the fees
10 would not be in the best interest of public health and safety, or
11 when the fees would be to the financial disadvantage of the state.~~

12 ~~(2) Fees charged shall be based on, but shall not exceed, the
13 cost to the department for the licensure of the activity or class of
14 activities and may include costs of necessary inspection.~~

15 ~~(3) The secretary shall establish the fees charged by rule.)~~

16 **Sec. 30.** RCW 74.15.125 and 1995 c 302 s 7 are each amended to
17 read as follows:

18 (1) The department may issue a probationary license to a licensee
19 who has had a license but is temporarily unable to comply with a rule
20 or has been the subject of multiple complaints or concerns about
21 noncompliance if:

22 (a) The noncompliance does not present an immediate threat to the
23 health and well-being of the children but would be likely to do so if
24 allowed to continue; and

25 (b) The licensee has a plan approved by the department to correct
26 the area of noncompliance within the probationary period.

27 (2) A probationary license may be issued for up to six months,
28 and at the discretion of the department it may be extended for an
29 additional six months. The department shall immediately terminate the
30 probationary license, if at any time the noncompliance for which the
31 probationary license was issued presents an immediate threat to the
32 health or well-being of the children.

33 (3) The department may, at any time, issue a probationary license
34 for due cause that states the conditions of probation.

35 (4) An existing license is invalidated when a probationary
36 license is issued.

1 (5) At the expiration of the probationary license, the department
2 shall reinstate the original license for the remainder of its term,
3 issue a new license, or revoke the original license.

4 (6) A right to an adjudicative proceeding shall not accrue to the
5 licensee whose license has been placed on probationary status unless
6 the licensee does not agree with the placement on probationary status
7 and the department then suspends, revokes, or modifies the license.

8 (7)(a) The department may issue a child-specific license to a
9 relative, as defined in RCW 13.36.020, or a suitable person, as
10 defined in RCW 13.36.020, who opts to become licensed for placement
11 of a specific child and that child's siblings or relatives in the
12 department's care, custody, and control.

13 (b) Such individuals must meet all minimum licensing requirements
14 for foster family homes established pursuant to RCW 74.15.030 and are
15 subject to child-specific license criteria, which the department is
16 authorized to establish by rule.

17 (c) For purposes of federal funding, a child-specific license is
18 considered a full license with all of the rights and responsibilities
19 of a foster family home license, except that at the discretion of the
20 department the licensee may only receive placement of specific
21 children pursuant to (a) of this subsection.

22 (d) A child-specific license does not confer upon the licensee a
23 right to placement of a particular child, nor does it confer party
24 status in any proceeding under chapter 13.34 RCW.

25 (e) The department shall seek input from the following
26 stakeholders during the development and adoption of rules necessary
27 to implement this section: Representatives from the kinship care
28 oversight committee, an organization that represents current and
29 former foster youth, an organization that represents child placing
30 agencies, and a statewide advisory group of foster youth and alumni
31 of foster care. The department shall seek tribal input as outlined in
32 the department's government-to-government policy, per RCW 43.376.020.

33 NEW SECTION. Sec. 31. Section 3 of this act expires December
34 31, 2021.

35 NEW SECTION. Sec. 32. Section 4 of this act takes effect
36 December 31, 2021.

1 ****NEW SECTION. Sec. 33. If specific funding for the purposes of***
2 ***section 29 of this act, referencing section 29 of this act by bill or***
3 ***chapter number and section number, is not provided by June 30, 2021,***
4 ***in the omnibus appropriations act, section 29 of this act is null and***
5 ***void.***

**Sec. 33 was vetoed. See message at end of chapter.*

6 NEW SECTION. **Sec. 34.** Section 29 of this act expires June 30,
7 2023.

Passed by the Senate April 20, 2021.

Passed by the House April 6, 2021.

Approved by the Governor May 13, 2021, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 13, 2021.

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

"I am returning herewith, without my approval as to Section 33, Substitute Senate Bill No. 5151 entitled:

"AN ACT Relating to foster care and child care licensing by the department of children, youth, and families."

Section 33 is a null and void clause. It provides that if specific funding for the purposes of Section 29, a section related to prohibiting charging licensees for obtaining a child care license, is not provided in the omnibus appropriations act, then Section 29 is null and void. Although the omnibus appropriations act references Section 29 of this bill, it does not provide specific funding for Section 29. Section 33 must be vetoed so that Section 29 can be implemented.

For these reasons I have vetoed Section 33 of Substitute Senate Bill No. 5151.

With the exception of Section 33, Substitute Senate Bill No. 5151 is approved."

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