

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5237

Chapter 199, Laws of 2021

67th Legislature
2021 Regular Session

CHILD CARE AND EARLY LEARNING—VARIOUS PROVISIONS

EFFECTIVE DATE: July 25, 2021—Except for sections 105 and 503, which become effective May 7, 2021; sections 201, 202, 301, 309, and 504, which become effective July 1, 2021; sections 204 through 206 and 403, which become effective July 1, 2026; and section 505, which becomes effective July 1, 2024.

Passed by the Senate April 22, 2021
Yeas 27 Nays 22

DENNY HECK

President of the Senate

Passed by the House April 22, 2021
Yeas 65 Nays 32

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 7, 2021 11:12 AM

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 **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5237** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 7, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5237

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wilson, C., Dhingra, Das, Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña, and Salomon)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to expanding accessible, affordable child care
2 and early childhood development programs; amending RCW 43.88.055,
3 43.216.075, 83.100.230, 43.216.136, 43.216.505, 43.216.512,
4 43.216.556, 43.216.749, 43.216.090, 43.216.578, 43.216.010,
5 43.216.710, and 43.216.514; reenacting and amending RCW 28B.50.248,
6 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter
7 43.216 RCW; adding a new section to chapter 43.330 RCW; creating new
8 sections; repealing RCW 43.216.1365; providing effective dates;
9 providing expiration dates; and declaring an emergency.

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

11 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
12 cited as the fair start for kids act.

13 NEW SECTION. **Sec. 2.** INTENT. (1) The legislature finds that
14 high quality child care and early learning is critical to a child's
15 success in school and life. The legislature recognizes that COVID-19
16 has devastated the existing child care industry, making it unduly
17 burdensome for families to find care. The legislature recognizes that
18 without immediate action to support child care providers, and without
19 expanded access to affordable child care, especially infant and
20 school-age care, parents will not be able to return to work while

1 children lose valuable learning opportunities. In order to bolster a
2 full economic recovery, the legislature finds that every child
3 deserves a fair start.

4 (2) The legislature finds that access to affordable child care
5 increases economic growth and labor force participation. The
6 legislature further finds that an affordable, accessible system of
7 high quality child care is necessary to the health of Washington's
8 economy because employers benefit when parents have safe, stable, and
9 appropriate care for their children. The legislature recognizes that
10 too many working parents are forced to reduce their hours, decline
11 promotional opportunities, or leave the workforce completely due to a
12 lack of affordable and appropriate child care. The legislature finds
13 that a report commissioned by the department of commerce in 2019
14 found that working parents in Washington forego \$14,000,000,000 each
15 year directly due to child care scarcity. The legislature recognizes
16 that this disproportionately impacts women in the workforce and that
17 in September 2020 alone, 78,000 men left the workforce, compared to
18 600,000 women.

19 (3) The legislature recognizes that quality child care can be a
20 stabilizing factor for children experiencing homelessness, and is a
21 proven protective factor against the impacts of trauma they may
22 experience. Access to child care is also a necessary support for
23 families with young children in resolving homelessness and securing
24 employment.

25 (4) The legislature finds that the scarcity of child care,
26 exacerbated by COVID-19, most significantly impacts families furthest
27 from opportunity. The legislature recognizes that there are
28 additional barriers to accessing this foundational support for
29 immigrant communities and families whose first language is not
30 English, families who have children with disabilities, rural
31 communities, or other child care deserts. The legislature recognizes
32 that high quality, inclusive child care and early learning programs
33 have been shown to reduce the opportunity gap for low-income children
34 and black, indigenous, and children of color while consistently
35 improving outcomes for all children both inside and outside of the
36 classroom.

37 (5) The legislature finds that without access to comprehensive,
38 high quality prenatal to five services, children often enter
39 kindergarten without the social-emotional, physical, cognitive, and
40 language skills they need to be successful and fall behind their

1 peers, facing compounding developmental challenges throughout their
2 K-12 education. The legislature finds that cascading impacts of
3 inaccessible child care and early learning programs create systemic
4 barriers for children and their families that result in higher
5 special education needs, greater likelihood of needing to repeat
6 grades, increased child welfare and juvenile justice involvement,
7 reduced high school graduation rates, limited postsecondary education
8 attainment, and greater barriers to employment in adulthood.

9 (6) The legislature finds the vast majority of child care
10 providers are small businesses and nonprofit organizations. In
11 addition to adhering to federal, state, and local regulations to
12 ensure healthy and safe environments for children, the legislature
13 recognizes that child care providers must ensure their employees are
14 adequately compensated and supported. However, the legislature
15 acknowledges that the reduced staffing ratios for health and safety,
16 additional cost of personal protective equipment and extra cleaning
17 supplies, increased use of substitutes needed during COVID-19-related
18 absences, and increased technology demands during school closures
19 from the pandemic are further straining the viability of the child
20 care business model in Washington state.

21 (7) The legislature finds that the health and stability of the
22 early learning workforce is pivotal to any expansion of child care in
23 Washington state. The legislature recognizes that the child care
24 workforce, predominantly comprised of women of color, is structurally
25 afflicted by low wages, limited or no health care, and a severe lack
26 of retirement benefits. The legislature further recognizes that the
27 threat of COVID-19 compounds these underlying issues, forcing
28 providers to navigate increased stress, anxiety, and behavioral
29 issues all while risking their lives to care for children. The
30 legislature recognizes that families, friends, and neighbors who
31 provide care are a critical component of the child care system. The
32 legislature finds that child care workers are essential and deserve
33 to be compensated and benefited accordingly.

34 (8) Therefore, the legislature resolves to respond to the
35 COVID-19 crisis by first stabilizing the child care industry and then
36 expanding access to a comprehensive continuum of high quality early
37 childhood development programs, including infant and school-age child
38 care, preschool, parent and family supports, and prenatal to three
39 services. The legislature recognizes this continuum as critical to

1 meeting different families' needs and offering every child in
2 Washington access to a fair start.

3 (9) The legislature recognizes that the federal government has
4 provided substantial additional funding through the coronavirus
5 response and relief supplemental appropriations act, P.L. 116-260,
6 division M., and the American rescue plan act of 2021. The purpose of
7 the additional federal funding is to ensure access to affordable
8 child care and stabilize and support child care providers affected by
9 COVID-19. Therefore, it is the intent of the legislature to use the
10 additional federal funding to supplement state funding in order to
11 accelerate these investments.

12 (10) The legislature recognizes the strengths that multilingual,
13 diverse early learning providers and caregivers contribute to early
14 learning across the state. Therefore, the legislature intends to
15 expand language access services to create an inclusive early learning
16 system that specifically supports underserved providers.

17 (11) The legislature intends to expand eligibility for existing
18 child care and preschool programs to increase access. The legislature
19 recognizes that expansion must be accompanied by an investment to
20 make child care more affordable. Therefore, the legislature intends
21 to eliminate copayments for low-income families and limit copayments
22 for any family on subsidy to no more than seven percent of their
23 income.

24 (12) The legislature further intends to stabilize, support, and
25 grow the diverse early learning workforce by funding living wages and
26 affordable health benefits while providing training, infant and early
27 childhood mental health consultation, shared business services, and a
28 variety of other supports that recognize the critical role that early
29 learning providers serve for all Washington children.

30 (13) The legislature intends to accelerate Washington's economic
31 recovery from the devastating impacts of COVID-19 by dramatically
32 expanding access to affordable, high quality child care and
33 preschool, in order to get parents back to work and provide every
34 child with a fair start.

35 **PART I**

36 **INVESTING IN CHILD CARE AND EARLY LEARNING**

1 NEW SECTION. **Sec. 101.** FAIR START FOR KIDS ACCOUNT. (1) The
2 fair start for kids account is created in the state treasury. Moneys
3 in the account may be spent only after appropriation.

4 (2) Expenditures from the account may be used only for child care
5 and early learning purposes.

6 NEW SECTION. **Sec. 102.** FAIR START FOR KIDS SPENDING GOALS AND
7 STRATEGIES. (1) The spending goals and strategies for the fair start
8 for kids account created under section 101 of this act include, but
9 are not limited to:

10 (a) Increasing child care subsidy rates, with the goal of moving
11 toward the full cost of providing high quality child care;

12 (b) Expanding health care coverage through state sponsorship of
13 child care workers on the Washington health benefit exchange and
14 providing consumer assistance through navigators, as well as any
15 other expansions of access to affordable health care for staff in
16 child care centers, family home providers, outdoor nature-based care,
17 and early childhood education and assistance program staff;

18 (c) Increasing child care and early learning providers'
19 compensation;

20 (d) Implementing the provisions of collective bargaining
21 agreements for family child care providers negotiated pursuant to RCW
22 41.56.028;

23 (e) Supporting and expanding access to the early childhood
24 education and assistance program to reach state-funded entitlement
25 required in RCW 43.216.556;

26 (f) Making child care affordable for families;

27 (g) Providing resources and supports for family, friend, and
28 neighbor caregivers that better reflect the full cost of care;

29 (h) Providing child care subsidies for families working to
30 resolve homelessness;

31 (i) Providing professional development opportunities and
32 supporting the substitute pool for child care and early learning
33 providers;

34 (j) Delivering infant and early childhood mental health
35 consultation services;

36 (k) Establishing prekindergarten through third grade systems
37 coordinators at educational service districts;

38 (l) Supporting youth development programs serving children and
39 youth ages birth through 12 including, but not limited to, expanded

1 learning opportunities, mentoring, school-age child care, and
2 wraparound supports or integrated student supports;

3 (m) Awarding grants and loans through the early learning
4 facilities grant and loan program established under chapter 43.31
5 RCW;

6 (n) Funding special designations in the working connections child
7 care programs, early childhood education and assistance programs, and
8 birth to three early childhood education and assistance programs
9 including designations established in sections 302, 304, 305, and 404
10 of this act;

11 (o) Supporting costs for transparent data collection and
12 information technology systems operated by the department and
13 department contractors, in particular, to ensure equitable systemic
14 service provision and outcomes;

15 (p) Providing access to learning technology;

16 (q) Providing child care resource and referral services;

17 (r) Conducting quality rating and improvement system activities
18 through the early achievers program;

19 (s) Expanding prenatal to three services and supports, including
20 the birth to three early childhood education and assistance program
21 and the in-home parent skill-based programs established in RCW
22 43.216.130;

23 (t) Building and delivering a family resource and referral
24 linkage system;

25 (u) Allowing the exploration of options to provide regulatory
26 relief and make licensing more affordable for child care providers;

27 (v) Administering comprehensive shared services hubs to allow the
28 ongoing pooling and shared use of services by licensed or certified
29 child care centers and family home providers;

30 (w) Training department staff to ensure consistent and equitable
31 application of child care licensing and quality standards across the
32 state including antibias and antiracist training;

33 (x) Providing incentives and supports for child care providers to
34 become licensed;

35 (y) Studying and evaluating options to incentivize business
36 participation in child care and early learning systems;

37 (z) Providing start-up grants to eligible organizations as
38 described in RCW 43.31.575 who provide or commit to providing the
39 early childhood education and assistance program or working
40 connections child care. Start-up grants must be used for one-time

1 start-up costs associated with the start-up of a new child care or
2 early childhood education and assistance program site; and

3 (aa) Recognizing the benefits of the diverse workforce and
4 facilitating communication in the three most commonly spoken
5 languages by developing a language access plan that centers on equity
6 and access for immigrants, multilingual providers, caregivers, and
7 families.

8 (2) This section does not interfere with, impede, or in any way
9 diminish the right of family child care providers to bargain
10 collectively with the state through the exclusive bargaining
11 representatives as provided for under RCW 41.56.028.

12 **Sec. 103.** RCW 43.88.055 and 2020 c 218 s 2 are each amended to
13 read as follows:

14 LEGISLATIVE BALANCED BUDGET REQUIREMENT. (1) The legislature must
15 adopt a four-year balanced budget as follows:

16 (a) Beginning in the 2013-2015 fiscal biennium, the legislature
17 shall enact a balanced omnibus operating appropriations bill that
18 leaves, in total, a positive ending fund balance in the general fund
19 and related funds.

20 (b) Beginning in the 2013-2015 fiscal biennium, the projected
21 maintenance level of the omnibus appropriations bill enacted by the
22 legislature shall not exceed the available fiscal resources for the
23 next ensuing fiscal biennium.

24 (2) For purposes of this section:

25 (a) "Available fiscal resources" means the beginning general fund
26 and related fund balances and any fiscal resources estimated for the
27 general fund and related funds, adjusted for enacted legislation, and
28 with forecasted revenues adjusted to the greater of (i) the official
29 general fund and related funds revenue forecast for the ensuing
30 biennium, or (ii) the official general fund and related funds
31 forecast for the second fiscal year of the current fiscal biennium,
32 increased by 4.5 percent for each fiscal year of the ensuing
33 biennium;

34 (b) "Projected maintenance level" means estimated appropriations
35 necessary to maintain the continuing costs of program and service
36 levels either funded in that appropriations bill or mandated by other
37 state or federal law, and the amount of any general fund moneys
38 projected to be transferred to the budget stabilization account
39 pursuant to Article VII, section 12 of the state Constitution;

1 (c) "Related funds," as used in this section, means the
2 Washington opportunity pathways account, the workforce education
3 investment account, the fair start for kids account, and the
4 education legacy trust account.

5 (3) Subsection (1)(a) and (b) of this section does not apply to
6 an appropriations bill that makes net reductions in general fund and
7 related funds appropriations and is enacted between July 1st and
8 February 15th of any fiscal year.

9 (4) Subsection (1)(b) of this section does not apply in a fiscal
10 biennium in which money is appropriated from the budget stabilization
11 account pursuant to Article VII, section 12(d)(ii) of the state
12 Constitution.

13 **Sec. 104.** RCW 43.216.075 and 2020 c 262 s 4 are each amended to
14 read as follows:

15 INVESTMENT ACCOUNTABILITY AND OVERSIGHT. (1) The early learning
16 advisory council is established to advise the department on statewide
17 early learning issues that contribute to the ongoing efforts of
18 building a comprehensive system of quality early learning programs
19 and services for Washington's young children and families.

20 (2) The council shall work in conjunction with the department to
21 ~~((assist))~~:

22 (a) Assist in policy development and implementation that ~~((assist~~
23 ~~the department in promoting)) promotes alignment of private and~~
24 public sector actions, objectives, and resources, ~~((ensuring)) with~~
25 the overall goal of promoting school readiness for all children;

26 (b) Provide recommendations annually to the governor and the
27 legislature, beginning August 31, 2022, regarding the phased
28 implementation of strategies and priorities identified in section 102
29 of this act;

30 (c) Maintain a focus on racial equity and inclusion in order to
31 dismantle systemic racism at its core and contribute to statewide
32 efforts to break the cycle of intergenerational poverty;

33 (d) Maintain a focus on inclusionary practices for children with
34 disabilities;

35 (e) Partner with nonprofit organizations to collect and analyze
36 data and measure progress; and

37 (f) Assist the department in monitoring and ensuring that the
38 investments funded by the fair start for kids account created in

1 section 101 of this act are designed to support the following
2 objectives:

3 (i) Advance racial equity and strengthen families by recognizing
4 and responding to the growing diversity of our state's population;

5 (ii) Promote access to affordable, high quality child care and
6 early learning opportunities for all families, paying particular
7 attention to the needs of rural and other underserved communities;

8 (iii) Promote kindergarten readiness by enhancing child
9 development, including development of social-emotional skills, and
10 eliminating exclusionary admissions practices and disproportionate
11 removals in child care and early learning programs; and

12 (iv) Contribute to efforts to strengthen and grow our state's
13 economy by supporting working parents as well as stabilizing and
14 supporting the child care and early learning workforce.

15 (3) In collaboration with the council, the department shall
16 consult with its advisory groups and other interested stakeholders
17 and shall submit a biennial report to the governor and legislature
18 describing how the investments funded by the fair start for kids act
19 have impacted the policy objectives stated in subsection (2)(f) of
20 this section. The first report under this section is due September
21 15, 2023. The council shall include diverse, statewide representation
22 from public, nonprofit, and for-profit entities. Its membership shall
23 include critical partners in service delivery and reflect regional,
24 racial, and cultural diversity to adequately represent the ((needs))
25 interests of all children and families in the state.

26 (4) Councilmembers shall serve two-year terms. However, to
27 stagger the terms of the council, the initial appointments for twelve
28 of the members shall be for one year. Once the initial one-year to
29 two-year terms expire, all subsequent terms shall be for two years,
30 with the terms expiring on June 30th of the applicable year. The
31 terms shall be staggered in such a way that, where possible, the
32 terms of members representing a specific group do not expire
33 simultaneously.

34 (5) The council shall consist of members essential to
35 coordinating services statewide prenatal through age ((five)) 12, as
36 follows:

37 (a) In addition to being staffed and supported by the department,
38 the governor shall appoint one representative from each of the
39 following: The department of commerce and the department of health((7

1 ~~the student achievement council, and the state board for community~~
2 ~~and technical colleges));~~

3 (b) One representative from the student achievement council, to
4 be appointed by the student achievement council;

5 (c) The military spouse liaison created within the department of
6 veterans affairs under RCW 43.60A.245;

7 (d) One representative from the state board for community and
8 technical colleges, to be appointed by the state board for community
9 and technical colleges;

10 (e) One representative from the office of the superintendent of
11 public instruction, to be appointed by the superintendent of public
12 instruction;

13 ~~((c) The governor shall appoint leaders in early childhood~~
14 ~~education to represent critical service delivery and support sectors,~~
15 ~~with at least one individual representing each of the following:~~

16 ~~(i) The head start state collaboration office director or the~~
17 ~~director's designee;~~

18 ~~(ii) A representative of a head start, early head start, or~~
19 ~~migrant/seasonal head start program;~~

20 ~~(iii) A representative of a local education agency;~~

21 ~~(iv) A representative of the state agency responsible for~~
22 ~~programs under section 619 or part C of the federal individuals with~~
23 ~~disabilities education act;~~

24 ~~(v) A representative of the early childhood education and~~
25 ~~assistance program;~~

26 ~~(vi) A representative of licensed family day care providers;~~

27 ~~(vii) A representative of child day care centers; and~~

28 ~~(viii) A representative from the home visiting advisory committee~~
29 ~~established in RCW 43.216.130;~~

30 ~~(d))~~ (f) Two members of the house of representatives, one from
31 each caucus, to be appointed by the speaker of the house of
32 representatives and two members of the senate, one from each caucus,
33 to be appointed by the majority leader in the senate and the minority
34 leader in the senate;

35 ~~((e))~~ (g) Two parents, one of whom serves on the department's
36 parent advisory group, to be appointed by the ~~((governor))~~ parent
37 advisory group;

38 ~~((f))~~ (h) One representative of the private-public partnership
39 created in RCW 43.216.065, to be appointed by the partnership board;

1 ~~((g))~~ (i) One representative from the developmental
2 disabilities community representing children and families involved in
3 part C of the federal individuals with disabilities education act and
4 one representative from the developmental disabilities community
5 representing children and families involved in part B of the federal
6 individuals with disabilities education act;

7 ~~((h))~~ (j) Two representatives from early learning regional
8 coalitions;

9 ~~((i) — Representatives)~~ (k) Up to five representatives of
10 underserved communities who have a special expertise or interest in
11 high quality early learning, one to be appointed by each of the
12 following commissions:

13 (i) The Washington state commission on Asian Pacific American
14 affairs established under chapter 43.117 RCW;

15 (ii) The Washington state commission on African American affairs
16 established under chapter 43.113 RCW; ~~((and))~~

17 (iii) The Washington state commission on Hispanic affairs
18 established under chapter 43.115 RCW;

19 (iv) The Washington state women's commission established under
20 chapter 43.119 RCW; and

21 (v) The Washington state office of equity established under
22 chapter 43.06D RCW;

23 ~~((j))~~ (l) Two representatives designated by sovereign tribal
24 governments, one of whom must be a representative of a tribal early
25 childhood education assistance program or head start program;

26 ~~((k))~~ (m) One representative from the Washington federation of
27 independent schools;

28 ~~((l))~~ (n) One representative from the Washington library
29 association; ~~((and~~

30 ~~((m))~~ (o) One representative from a statewide advocacy coalition
31 of organizations that focuses on early learning;

32 (p) One representative from an association representing statewide
33 business interests, to be appointed by the association and one
34 representative from a regional business coalition;

35 (q) One representative of an advocacy organization for immigrants
36 and refugees;

37 (r) One representative of an organization advocating for expanded
38 learning opportunities and school-age child care programs;

39 (s) One representative from the largest union representing child
40 care providers;

1 (t) A representative of a head start, early head start, or
2 migrant and seasonal head start program, to be appointed by the head
3 start collaboration office;

4 (u) A representative of educational service districts, to be
5 appointed by a statewide association of educational service district
6 board members;

7 (v) A provider responsible for programs under section 619 of the
8 federal individuals with disabilities education act, to be appointed
9 by the superintendent of public instruction;

10 (w) A representative of the state agency responsible for part C
11 of the federal individuals with disabilities education act, to be
12 appointed by the department;

13 (x) A representative of the early childhood education and
14 assistance program, to be appointed by an association representing
15 early childhood education and assistance programs;

16 (y) A representative of licensed family home providers, to be
17 appointed by the largest union representing child care providers;

18 (z) A representative of child care centers, to be appointed by an
19 association representing child care centers;

20 (aa) A representative from the home visiting advisory committee
21 established in RCW 43.216.130, to be appointed by the committee;

22 (bb) An infant or early childhood mental health expert, to be
23 appointed by the Barnard center for infant and early childhood mental
24 health at the University of Washington;

25 (cc) A family, friend, and neighbor caregiver, to be appointed by
26 the largest union representing child care providers;

27 (dd) A representative from prenatal to three services;

28 (ee) A pediatrician, to be appointed by the state chapter of the
29 American academy of pediatrics; and

30 (ff) A representative of the statewide child care resource and
31 referral organization, to be appointed by the statewide child care
32 resource and referral organization.

33 (6) The council shall be cochaired by two members, to be elected
34 by the council for two-year terms and not more than one cochair may
35 represent a state agency.

36 (7) At the direction of the cochairs, the council may convene
37 advisory groups, such as a parent caucus, to evaluate specific issues
38 and report related findings and recommendations to the full council.

1 (8) The council shall appoint two members and stakeholders with
2 expertise in early learning to sit on the technical working group
3 created in section 2, chapter 234, Laws of 2010.

4 ~~((+8))~~ (9) Each member of the ~~((board))~~ council shall be
5 compensated in accordance with RCW 43.03.240 and reimbursed for
6 travel expenses incurred in carrying out the duties of the ~~((board))~~
7 council in accordance with RCW 43.03.050 and 43.03.060.

8 ~~((+9))~~ (10)(a) The council shall convene an early achievers
9 review subcommittee to provide feedback and guidance on strategies to
10 improve the quality of instruction and environment for early learning
11 and provide input and recommendations on the implementation and
12 refinement of the early achievers program. The subcommittee shall at
13 a minimum provide feedback and guidance to the department and the
14 council on the following:

15 (i) Adequacy of data collection procedures;

16 (ii) Coaching and technical assistance standards;

17 (iii) Progress in reducing barriers to participation for low-
18 income providers and providers from diverse cultural backgrounds,
19 including a review of the early achievers program's rating tools,
20 quality standard areas, and components, and how they are applied;

21 (iv) Strategies in response to data on the effectiveness of early
22 achievers program standards in relation to providers and children
23 from diverse cultural backgrounds;

24 (v) Status of the life circumstance exemption protocols; ~~((and))~~

25 (vi) Analysis of early achievers program data trends; and

26 (vii) Other relevant early learning data including progress in
27 serving students with disabilities ages birth to five and least
28 restrictive environment data.

29 (b) The subcommittee must include consideration of cultural
30 linguistic responsiveness when analyzing the areas for review
31 required by (a) of this subsection.

32 (c) The subcommittee shall include representatives from child
33 care centers, family child care, the early childhood education and
34 assistance program, contractors for early achievers program technical
35 assistance and coaching, tribal governments, the organization
36 responsible for conducting early achievers program ratings, and
37 parents of children participating in early learning programs,
38 including working connections child care and early childhood
39 education and assistance programs. The subcommittee shall include
40 representatives from diverse cultural and linguistic backgrounds.

1 ~~((10))~~ (11)(a) The council shall convene a temporary licensing
2 subcommittee to provide feedback and recommendations on improvement
3 to the statewide licensing process.

4 (b) Members of the subcommittee must include two representatives
5 of the department, two child care providers, and two parents of
6 children in child care. One child care provider and one parent
7 representative must reside east of the crest of the Cascade mountains
8 and one child care provider and one parent representative must reside
9 west of the crest of the Cascade mountains.

10 (c) The subcommittee shall:

11 (i) Examine strategies to increase the number of licensed child
12 care providers in the state, including meeting with prospective
13 licensees to explain the licensure requirements and inspect and
14 provide feedback on the physical space that is contemplated for
15 licensure;

16 (ii) Develop model policies for licensed child care providers to
17 implement licensing standards including, but not limited to,
18 completing the child care and early learning licensing guidebook, to
19 be made available to support providers with compliance; and

20 (iii) Develop recommendations regarding incentives and financial
21 supports to help prospective providers navigate the licensing
22 process.

23 (d) The subcommittee shall provide feedback and recommendations
24 to the department of children, youth, and families pursuant to this
25 subsection (11) by December 1, 2022.

26 (12) The department shall provide staff support to the council.

27 **Sec. 105.** RCW 83.100.230 and 2019 c 415 s 990 are each amended
28 to read as follows:

29 The education legacy trust account is created in the state
30 treasury. Money in the account may be spent only after appropriation.
31 Expenditures from the account may be used only for support of the
32 common schools, and for expanding access to higher education through
33 funding for new enrollments and financial aid, early learning and
34 child care programs, and other educational improvement efforts.

35 ~~((During the 2015-2017, 2017-2019, and 2019-2021 fiscal biennia~~
36 ~~appropriations from the account may be made for support of early~~
37 ~~learning programs. It is the intent of the legislature that this~~
38 ~~policy will be continued in subsequent fiscal biennia.))~~

1 (b) The household meets all other program eligibility
2 requirements.

3 (4) Beginning July 1, 2027, and subject to the availability of
4 amounts appropriated for this specific purpose, a family is eligible
5 for working connections child care when the household's annual income
6 is above 75 percent of the state median income and is at or below 85
7 percent of the state median income adjusted for family size and:

8 (a) The child receiving care is: (i) Less than 13 years of age;
9 or (ii) less than 19 years of age and has a verified special need
10 according to department rule or is under court supervision; and

11 (b) The household meets all other program eligibility
12 requirements.

13 (5) (a) Beginning July 1, 2021, through June 30, 2023, the
14 department must calculate a monthly copayment according to the
15 following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	\$115

25 (b) Beginning July 1, 2023, the department must calculate a
26 monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

1 (c) Beginning July 1, 2025, the department must calculate a
2 maximum monthly copayment of \$215 for households with incomes above
3 60 percent and at or below 75 percent of the state median income.

4 (d) Subject to the availability of amounts appropriated for this
5 specific purpose, the department shall adopt a copayment model for
6 households with annual incomes above 75 percent of the state median
7 income and at or below 85 percent of the state median income. The
8 model must calculate a copayment for each household that is no
9 greater than seven percent of the household's countable income within
10 this income range.

11 (e) The department may adjust the copayment schedule to comply
12 with federal law.

13 (6) The department must adopt rules to implement this section,
14 including an income phase-out eligibility period.

15 **Sec. 202.** RCW 43.216.136 and 2020 c 279 s 2 are each amended to
16 read as follows:

17 WORKING CONNECTIONS CHILD CARE FOR STUDENT PARENTS. (1) The
18 department shall establish and implement policies in the working
19 connections child care program to promote stability and quality of
20 care for children from low-income households. These policies shall
21 focus on supporting school readiness for young learners. Policies for
22 the expenditure of funds constituting the working connections child
23 care program must be consistent with the outcome measures established
24 by the department and the standards established in this section
25 intended to promote stability, quality, and continuity of early care
26 and education programming.

27 (2) As recommended by P.L. 113-186, authorizations for the
28 working connections child care subsidy are effective for twelve
29 months beginning July 1, 2016(~~(, unless an earlier date is provided~~
30 ~~in the omnibus appropriations act)~~).

31 (a) A household's 12-month authorization begins on the date that
32 child care is expected to begin.

33 (b) If a newly eligible household does not begin care within 12
34 months of being determined eligible by the department, the household
35 must reapply in order to qualify for subsidy.

36 (3)(a) The department shall establish and implement policies in
37 the working connections child care program to allow eligibility for
38 families with children who:

39 (i) In the last six months have:

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

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

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

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

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

10 (b) (~~Children~~) Families who are eligible for working
11 connections child care pursuant to this subsection do not have to
12 keep receiving services identified in this subsection to maintain
13 twelve-month authorization.

14 (4) (a) Beginning (~~August 1, 2020~~) July 1, 2021, and subject to
15 the availability of amounts appropriated for this specific purpose,
16 the department may not require an applicant or consumer to meet work
17 requirements as a condition of receiving working connections child
18 care benefits when the applicant or consumer is (~~+~~

19 ~~(i) A single parent;~~

20 ~~(ii) A) a full-time student of a community, technical, or tribal~~
21 ~~college (~~+~~) and (~~(iii) Pursuing~~)~~ is enrolled in: (i) A vocational
22 education program that leads to a degree or certificate in a specific
23 occupation (~~, not to result in a bachelor's or advanced degree~~);

24 (ii) An associate degree program; or

25 (iii) A registered apprenticeship program.

26 (b) An applicant or consumer is a full-time student for the
27 purposes of this subsection if he or she meets the college's
28 definition of a full-time student. (~~The student must maintain~~
29 ~~passing grades and be in good standing pursuant to college attendance~~
30 ~~requirements.~~)

31 (c) Nothing in this subsection is intended to change how
32 applicants or consumers are prioritized when applicants or consumers
33 are placed on a waitlist for working connections child care benefits.

34 (d) Subject to the availability of amounts appropriated for this
35 specific purpose, the department may extend the provisions of this
36 subsection (4) to full-time students who are enrolled in a bachelor's
37 degree program or applied baccalaureate degree program.

38 (5) (a) The department must extend the homeless grace period, as
39 adopted in department rule as of January 1, 2020, from a four-month
40 grace period to a twelve-month grace period.

1 (b) For the purposes of this section, "homeless" means being
2 without a fixed, regular, and adequate nighttime residence as
3 described in the federal McKinney-Vento homeless assistance act (42
4 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

5 (6) For purposes of this section, "authorization" means a
6 transaction created by the department that allows a child care
7 provider to claim payment for care. The department may adjust an
8 authorization based on a household's eligibility status.

9 NEW SECTION. Sec. 203. EARLY CHILDHOOD EDUCATION AND ASSISTANCE
10 PROGRAM INTENT. (1) The legislature finds that eligibility guidelines
11 for the national school lunch program require free meals for children
12 with household incomes at or below 130 percent of the federal poverty
13 level and that this income level is approximately equivalent to 36
14 percent of the state median income for a household of three. The
15 legislature further finds that eligibility guidelines require
16 reduced-price meals for children with household incomes at or below
17 185 percent of the federal poverty level and that this income level
18 is approximately equivalent to 50 percent of the state median income
19 for a household of three.

20 (2) Therefore, the legislature intends to raise the maximum
21 family income for children entitled to enroll in the early childhood
22 education and assistance program to 36 percent of the state median
23 income beginning July 1, 2026. Beginning in the 2030-31 school year,
24 the legislature intends to raise the maximum family income for
25 children entitled to enroll in this program to 50 percent of the
26 state median income. It is the intent of the legislature to
27 standardize income eligibility levels for assistance programs in
28 order to help families and social workers better understand the
29 benefits for which families qualify and to simplify and align state
30 systems wherever feasible.

31 (3) The legislature further intends to support educational
32 service districts to help school districts partner with early
33 childhood education and assistance program contractors and providers
34 to expand access.

35 **Sec. 204.** RCW 43.216.505 and 2021 c 67 s 1 are each amended to
36 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout RCW 43.216.500 through 43.216.559,
3 43.216.900, and 43.216.901.

4 (1) "Advisory committee" means the advisory committee under RCW
5 43.216.520.

6 (2) "Approved programs" means those state-supported education and
7 special assistance programs which are recognized by the department as
8 meeting the minimum program rules adopted by the department to
9 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
10 43.216.901 and are designated as eligible for funding by the
11 department under RCW 43.216.530 and 43.216.540.

12 (3) "Comprehensive" means an assistance program that focuses on
13 the needs of the child and includes education, health, and family
14 support services.

15 (4) "Eligible child" means a three to five-year old child who is
16 not age-eligible for kindergarten, is not a participant in a federal
17 or state program providing comprehensive services, and who:

18 (a) ~~Has a family ((income at or below one hundred ten percent of~~
19 ~~the federal poverty level, as published annually by the federal~~
20 ~~department of health and human services)) with financial need;~~

21 (b) Is experiencing homelessness;

22 (c) Has participated in early head start or a successor federal
23 program providing comprehensive services for children from birth
24 through two years of age, the early support for infants and toddlers
25 program or received class C developmental services, the birth to
26 three early childhood education and assistance program, or the early
27 childhood intervention and prevention services program;

28 (d) Is eligible for special education due to disability under RCW
29 28A.155.020; ((~~e~~

30 ~~e-)) Is Indian as defined in rule by the department after~~

31 consultation and agreement with Washington state's federally
32 recognized tribes pursuant to section 207 of this act and is at or
33 below 100 percent of the state median income adjusted for family
34 size; or

35 (f) Meets criteria under rules adopted by the department if the
36 number of such children equals not more than ten percent of the total
37 enrollment in the early childhood program. Preference for enrollment
38 in this group shall be given to children from families with the
39 lowest income, children in foster care, or to eligible children from
40 families with multiple needs.

1 (5) "Family support services" means providing opportunities for
2 parents to:

3 (a) Actively participate in their child's early childhood
4 program;

5 (b) Increase their knowledge of child development and parenting
6 skills;

7 (c) Further their education and training;

8 (d) Increase their ability to use needed services in the
9 community;

10 (e) Increase their self-reliance; and

11 (f) Connect with culturally competent, disability positive
12 therapists and supports where appropriate.

13 (6) (~~"Homeless"~~) "Experiencing homelessness" means a child
14 without a fixed, regular, and adequate nighttime residence as
15 described in the federal McKinney-Vento homeless assistance act
16 (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed
17 on January 1, 2021.

18 (7) "Family with financial need" means families with incomes at
19 or below 36 percent of the state median income adjusted for family
20 size until the 2030-31 school year. Beginning in the 2030-31 school
21 year, "family with financial need" means families with incomes at or
22 below 50 percent of the state median income adjusted for family size.

23 **Sec. 205.** RCW 43.216.512 and 2019 c 409 s 2 are each amended to
24 read as follows:

25 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EXPANDED
26 ENROLLMENT. (1) The department shall adopt rules that allow the
27 enrollment of children in the early childhood education and
28 assistance program, as space is available, if the number of such
29 children equals not more than (~~twenty-five~~) 25 percent of total
30 statewide enrollment, when the child is not eligible under RCW
31 43.216.505 and whose family income level is (~~+~~

32 ~~(a) Above one hundred ten percent but less than or equal to one~~
33 ~~hundred thirty percent of the federal poverty level; or~~

34 ~~(b) Above one hundred thirty percent but less than or equal to~~
35 ~~two hundred percent of the federal poverty level if))~~ above 36
36 percent of the state median income but at or below 50 percent of the
37 state median income adjusted for family size and the child meets at
38 least one of the risk factor criterion described in subsection (2) of
39 this section.

1 (2) Children enrolled in the early childhood education and
2 assistance program pursuant to (~~subsection (1)(b) of~~) this section
3 must be prioritized for available funded slots according to a
4 prioritization system adopted in rule by the department that
5 considers risk factors that have a disproportionate effect on
6 kindergarten readiness and school performance, including:

7 (a) Family income as a percent of the (~~federal poverty level~~)
8 state median income;

9 (b) (~~Homelessness~~;

10 ~~(c)~~) Child welfare system involvement;

11 (~~(d) Developmental delay or disability that does not meet the~~
12 ~~eligibility criteria for special education described in RCW~~
13 ~~28A.155.020~~) (c) Eligible for services under part C of the federal
14 individuals with disabilities education act but not eligible for
15 services under part B of the federal individuals with disabilities
16 education act;

17 (~~(e)~~) (d) Domestic violence;

18 (~~(f)~~) (e) English as a second language;

19 (~~(g)~~) (f) Expulsion from an early learning setting;

20 (~~(h)~~) (g) A parent who is incarcerated;

21 (~~(i)~~) (h) A parent with a (~~substance use disorder or mental~~)
22 behavioral health treatment need; and

23 (~~(j)~~) (i) Other risk factors determined by the department to be
24 linked by research to school performance.

25 (3) (~~The department shall adopt rules that allow a child to~~
26 ~~enroll in the early childhood education and assistance program, as~~
27 ~~space is available, when the child is not eligible under RCW~~
28 ~~43.216.505 and the child turns three years old at any time during the~~
29 ~~school year when the child:~~

30 ~~(a) Has a family income at or below two hundred percent of the~~
31 ~~federal poverty level or meets at least one risk factor criterion~~
32 ~~adopted by the department in rule; and~~

33 ~~(b) Has received services from or participated in:~~

34 ~~(i) The early support for infants and toddlers program;~~

35 ~~(ii) The early head start or a successor federal program~~
36 ~~providing comprehensive services for children from birth through two~~
37 ~~years of age; or~~

38 ~~(iii) The birth to three early childhood education and assistance~~
39 ~~program, if such a program is established.~~

1 ~~(4))~~) Children enrolled in the early childhood education and
2 assistance program under this section are not considered eligible
3 children as defined in RCW 43.216.505 and are not considered to be
4 part of the state-funded entitlement required in RCW 43.216.556.

5 (4) This section expires August 1, 2030.

6 NEW SECTION. Sec. 206. EARLY CHILDHOOD EDUCATION AND ASSISTANCE
7 PROGRAM EARLY ENTRY. (1) The department shall adopt rules that allow
8 a child to enroll in the early childhood education and assistance
9 program, as space is available and subject to the availability of
10 amounts appropriated for this specific purpose, when the child is not
11 eligible under RCW 43.216.505 and the child turns three years old at
12 any time during the school year when the child:

13 (a) Has a family income at or below 50 percent of the state
14 median income or meets at least one risk factor criterion adopted by
15 the department in rule; and

16 (b) Has received services from or participated in:

17 (i) The early head start or a successor federal program providing
18 comprehensive services for children from birth through two years of
19 age;

20 (ii) The early support for infants and toddlers program or
21 received class C developmental services;

22 (iii) The birth to three early childhood education and assistance
23 program; or

24 (iv) The early childhood intervention and prevention services
25 program.

26 (2) Children enrolled in the early childhood education and
27 assistance program under this section are not eligible children as
28 defined in RCW 43.216.505 and are not part of the state-funded
29 entitlement required in RCW 43.216.556.

30 NEW SECTION. Sec. 207. INDIAN CHILD DEFINITION. (1) The
31 department must consult, and obtain the advice and consent of, the
32 governing bodies of the state's federally recognized tribes in
33 developing an agreed-upon definition of the term "Indian" for the
34 purposes of RCW 43.216.505 and, by July 1, 2024, must adopt the
35 definition in rule.

36 (2) This section expires December 1, 2030.

1 ~~(2) This section expires January 30, 2025)) to recommend subsidy~~
2 ~~rates at levels that are sufficient to compensate licensed or~~
3 ~~certified child care providers for the full costs of providing high~~
4 ~~quality child care. The department shall consider:~~

5 ~~(i) Adjusting rates to reflect cost of living such as area median~~
6 ~~income, cost of living by zip code, and grouping by categories such~~
7 ~~as rural, suburban, or urban; and~~

8 ~~(ii) Incorporating the rate model for nonstandard child care~~
9 ~~hours developed under section 306 of this act.~~

10 ~~(b) The department shall build upon the work of the child care~~
11 ~~collaborative task force to evaluate options to support access to~~
12 ~~affordable health care insurance coverage for licensed or certified~~
13 ~~child care providers.~~

14 ~~(4) This section does not interfere with, impede, or in any way~~
15 ~~diminish the right of family child care providers to bargain~~
16 ~~collectively with the state through the exclusive bargaining~~
17 ~~representatives as provided for under RCW 41.56.028.~~

18 NEW SECTION. Sec. 302. EARLY CHILDHOOD EDUCATION AND ASSISTANCE
19 PROGRAM RATES. (1) For the 2021-22 school year, rates for the early
20 childhood education and assistance program must be set at a level at
21 least 10 percent higher than the rates established in section 225,
22 chapter 415, Laws of 2019.

23 (2) It is the intent of the legislature that rate increases shall
24 be informed by the department's 2020 early childhood education and
25 assistance program rate study.

26 (3) This section expires June 30, 2027.

27 NEW SECTION. Sec. 303. COMPLEX NEEDS FUNDS. (1) Subject to the
28 availability of amounts appropriated for this specific purpose, the
29 department shall administer two complex needs funds to promote
30 inclusive, least restrictive environments and to support contractors
31 and providers serving children who have developmental delays,
32 disabilities, behavioral needs, or other unique needs. The department
33 shall work collaboratively with the office of the superintendent of
34 public instruction and providers to best serve children. One fund
35 must support early childhood education and assistance program
36 contractors and providers and birth to three early childhood
37 education and assistance program contractors and providers, and one

1 fund must support licensed or certified child care providers and
2 license-exempt child care programs.

3 (2) Support may include staffing, programming, therapeutic
4 services, and equipment or technology support. Additional support may
5 include activities to assist families with children expelled or at
6 risk of expulsion from child care, and to help families transition in
7 and out of child care.

8 NEW SECTION. **Sec. 304.** TRAUMA-INFORMED CARE SUPPORTS. (1)
9 Beginning July 1, 2022, the department shall provide supports to aid
10 eligible providers in providing trauma-informed care. Trauma-informed
11 care supports may be used by eligible providers for the following
12 purposes:

13 (a) Additional compensation for individual staff who have an
14 infant and early childhood mental health or other child development
15 specialty credential;

16 (b) Trauma-informed professional development and training;

17 (c) The purchase of screening tools and assessment materials;

18 (d) Supportive services for children with complex needs that are
19 offered as fee-for-service within local communities; or

20 (e) Other related expenses.

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

22 (3) For the purposes of this section, "eligible provider" means:

23 (a) An employee or owner of a licensed or certified child care center
24 or outdoor nature-based care accepting state subsidy; (b) an employee

25 or owner of a licensed family home provider accepting state subsidy;

26 (c) a contractor or provider of the early childhood education and
27 assistance program or birth to three early childhood education and

28 assistance program; (d) a license-exempt child care program; or (e)

29 an early achievers coach.

30 NEW SECTION. **Sec. 305.** DUAL LANGUAGE RATE ENHANCEMENT. (1)

31 Beginning July 1, 2022, the department shall establish a dual
32 language designation and provide subsidy rate enhancements or site-

33 specific grants for licensed or certified child care providers who
34 are accepting state subsidy; early childhood education and assistance

35 program contractors; or birth to three early childhood education and
36 assistance program contractors. It is the intent of the legislature

37 to allow uses of rate enhancements or site-specific grants to include
38 increased wages for individual staff who provide bilingual

1 instruction, professional development training, the purchase of dual
2 language and culturally appropriate curricula and accompanying
3 training programs, instructional materials, or other related
4 expenses.

5 (2) The department must consult with a culturally and
6 linguistically diverse stakeholder advisory group to develop criteria
7 for the dual language designation.

8 (3) The department must adopt rules to implement this section.

9 NEW SECTION. **Sec. 306.** NONSTANDARD HOURS RATE MODEL. (1) In
10 order to expand the supply of critically needed after-hours care to
11 meet the needs of parents and caregivers and a round-the-clock
12 economy, the department of children, youth, and families, in
13 consultation with diverse stakeholders, must develop a rate model for
14 nonstandard child care hours and submit the model to the governor and
15 the appropriate committees of the legislature by January 1, 2022.

16 (2) This section expires June 30, 2022.

17 NEW SECTION. **Sec. 307.** EARLY CHILDHOOD EQUITY GRANTS. (1)
18 Subject to the availability of amounts appropriated for this specific
19 purpose, the department shall distribute early childhood equity
20 grants to eligible applicants. Eligible applicants include play and
21 learn groups, licensed or certified child care centers and family
22 home providers, license-exempt child care programs, and early
23 childhood education and assistance program contractors. The equity
24 grants are intended to serve as a step toward expanding access to
25 early learning statewide and transforming Washington's early learning
26 system to make it more inclusive and equitable. The department shall
27 administer the early childhood equity grants to support inclusive and
28 culturally and linguistically specific early learning and early
29 childhood and parent support programs across the state.

30 (2) The department must conduct an equitable process to
31 prioritize grant applications for early childhood equity grant
32 assistance. An eligible applicant may receive an early childhood
33 equity grant once every two years. When conducting the equitable
34 grant process, the department must:

35 (a) Solicit project applications from a racially and
36 geographically diverse pool of eligible applicants statewide;

1 (b) Provide application materials in the five most commonly
2 spoken languages in the state and broadly communicate using a variety
3 of strategies to reach diverse communities;

4 (c) Require applicants to demonstrate their proposed uses of
5 early childhood equity grant funds to incorporate either inclusive
6 practices or culturally and linguistically supportive and relevant
7 practices, or both, into early learning program design, delivery,
8 education, training, and evaluation; and

9 (d) Provide technical assistance to any applicant who needs it.

10 NEW SECTION. **Sec. 308.** A new section is added to chapter 43.330
11 RCW to read as follows:

12 EMPLOYER-SUPPORTED CHILD CARE. (1) Subject to the availability of
13 amounts appropriated for this specific purpose, the department, in
14 collaboration with the department of children, youth, and families,
15 shall provide or contract to provide remote or in-person technical
16 assistance to employers interested in supporting their employees'
17 access to high quality child care.

18 (2) Technical assistance may include guidance related to:

19 (a) Operating a licensed child care center at or near the
20 workplace for the benefit of employees;

21 (b) Financing and construction of a licensed child care center at
22 or near the workplace for the benefit of employees;

23 (c) Providing financial assistance to employees for licensed or
24 certified child care providers and license-exempt child care program
25 expenses;

26 (d) Encouraging access and support for low-wage employees;

27 (e) Sponsoring dependent care flexible spending accounts for
28 employees; and

29 (f) Developing a "bring your infant to work" program and other
30 family-friendly work policies for employees.

31 **Sec. 309.** RCW 43.216.090 and 2019 c 360 s 7 are each amended to
32 read as follows:

33 INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION. ((The))
34 (1) The department shall administer or contract for infant and early
35 childhood mental health consultation services to child care providers
36 and early learning providers participating in the early achievers
37 program.

1 (2) Beginning July 1, 2021, the department of children, youth,
2 and families must have or contract for one infant and early childhood
3 mental health consultation coordinator and must enter into a
4 contractual agreement with an organization providing coaching
5 services to early achievers program participants to hire ((one)) at
6 least 12 qualified infant and early childhood mental health
7 consultants ((for each of the six department-designated regions)).
8 The department shall determine, in collaboration with the statewide
9 child care resource and referral network, where the additional
10 consultants should be sited based on factors such as the total
11 provider numbers overlaid with indicators of highest need. The infant
12 and early childhood mental health consultants must support early
13 achievers program coaches and child care providers by providing
14 resources, information, and guidance regarding challenging behavior
15 and expulsions and may travel to assist providers in serving families
16 and children with severe behavioral needs. ((In coordination with the
17 contractor, the department of children, youth, and families must
18 report on the services provided and the outcomes of the consultant
19 activities to the governor and the appropriate policy and fiscal
20 committees of the legislature by June 30, 2021.))

21 (3) The department shall provide, or contract with an entity to
22 provide, reflective supervision and professional development for
23 infant and early childhood mental health consultants to meet national
24 competency standards.

25 (4) As capacity allows, the department may provide access to
26 infant and early childhood mental health consultation services to
27 caregivers and licensed or certified, military, and tribal early
28 learning providers, license-exempt family, friend, and neighbor care
29 providers, and families with children expelled or at risk of
30 expulsion from child care.

31 NEW SECTION. Sec. 310. PLAY AND LEARN GROUPS. Subject to the
32 availability of amounts appropriated for this specific purpose, the
33 department, in consultation with community-based programs, shall
34 provide or contract to provide, or both, resources and supports for
35 inclusive and culturally and linguistically relevant play and learn
36 groups. Play and learn groups offer parents and other caregivers
37 culturally responsive opportunities to support their children's early
38 learning, build relationships that reduce isolation and encourage
39 socialization, and promote kindergarten readiness.

1 NEW SECTION. **Sec. 311.** PROFESSIONAL DEVELOPMENT. (1) Subject to
2 the availability of amounts appropriated for this specific purpose,
3 the department shall provide professional development supports to aid
4 eligible providers in reaching the professional education and
5 training standards adopted by the department. Professional
6 development supports may include:

7 (a) Department-required trainings for child care providers
8 conducted by department-approved trainers;

9 (b) Trainings for license-exempt family, friend, and neighbor
10 child care providers conducted by department-approved trainers;

11 (c) Early achievers scholarships;

12 (d) Community-based training pathways and systems developed under
13 RCW 43.216.755;

14 (e) Supporting a nonprofit organization that provides
15 relationship-based professional development support to family,
16 friend, and neighbor caregivers, child care centers, and licensed
17 family home providers, and their work to help providers start their
18 businesses; and

19 (f) Other professional development activities such as updating
20 training content, data collection and reporting, trainer recruitment,
21 retention, program monitoring, and trainings delivered by department-
22 approved trainers on topics such as small business management,
23 antibias and antiracist training, providing care for children with
24 developmental disabilities, social-emotional learning, implementing
25 inclusionary practices in early learning environments, infant and
26 toddler care, dual language program development, and providing
27 trauma-informed care.

28 (2) For the purposes of this section, "eligible provider" means:

29 (a) An owner of a licensed or certified child care center, licensed
30 or certified outdoor nature-based care, or licensed family home
31 provider accepting state subsidy; (b) an employee of a licensed or
32 certified child care center, licensed or certified outdoor nature-
33 based care, or a licensed family home provider; (c) a contractor or
34 provider of the early childhood education and assistance program or
35 birth to three early childhood education and assistance program; or
36 (d) an early achievers coach.

37 NEW SECTION. **Sec. 312.** NEGOTIATED RULE MAKING WITH CHILD CARE
38 CENTERS. When the secretary elects to engage in negotiated rule
39 making pursuant to RCW 34.05.310(2)(a), the department must include

1 the largest organization representing child care center owners and
2 directors; the largest organization representing supervisors,
3 teachers, and aides; and other affected interests before adopting
4 requirements that affect child care center licensees.

5 NEW SECTION. **Sec. 313.** CAPACITY FLEXIBILITY FOR FAMILY HOME
6 PROVIDERS. The department may waive the limit, as established in RCW
7 43.216.010(1)(c), that restricts family home providers from serving
8 not more than 12 children. The department must establish conditions
9 for such waivers by rule and must assess, at a minimum, the
10 provider's available square footage and staffing capabilities prior
11 to issuing any waiver of the limit of 12 children.

12 NEW SECTION. **Sec. 314.** SUPPORT FOR CHILD CARE DESERTS. (1)
13 Subject to the availability of amounts appropriated for this specific
14 purpose, the department shall establish a grant program to expand
15 child care in child care deserts. Grants must be used for one-time
16 costs associated with the opening of a child care site, including
17 program costs, for providers who are newly licensed or are in the
18 process of becoming licensed.

19 (2) The department must use the child care industry insights
20 dashboard from the child care industry assessment as a tool to
21 identify areas in which additional investments are needed in order to
22 expand existing child care capacity to meet family demand and reduce
23 child care deserts.

24 (3) This section expires June 30, 2026.

25 **PART IV**

26 **STRENGTHENING PRENATAL TO THREE SUPPORTS**

27 NEW SECTION. **Sec. 401.** PRENATAL TO THREE INTENT. (1) The
28 legislature finds that parental relationships and healthy
29 interactions in the first few years of life help shape the
30 development of babies' and toddlers' brains and bodies. Eighty
31 percent of the brain is developed by the age of three and parents are
32 a child's first teachers.

33 (2) The legislature finds that the federal family first
34 prevention services act (P.L. 115-123) offers the state the
35 opportunity to leverage federal funding for certain programs,
36 including in-home parent skill-based programs, substance use disorder

1 support, and mental health interventions. Culturally relevant,
2 evidence-based programs that may qualify for these federal funds are
3 limited. Therefore, state support may be necessary to serve
4 traditionally underrepresented communities and increase positive
5 engagement from parents and caregivers of children from before birth
6 to age three.

7 (3) The legislature finds that small teacher-child ratios for
8 infant and toddler care, as well as the existence of child care
9 deserts with low levels of access to care for the birth to three age
10 group, contribute to higher expenses for providers and families with
11 babies and young children.

12 (4) Therefore, the legislature intends to expand parent and
13 family education and support, incentivize the provision of infant and
14 toddler care, and make early therapeutic and preventative services
15 more readily available to families and young children.

16 NEW SECTION. **Sec. 402.** EDUCATION AND SUPPORT FOR PARENTS AND
17 FAMILY, FRIEND, AND NEIGHBOR CAREGIVERS. (1) Subject to the
18 availability of amounts appropriated for this specific purpose, the
19 department shall administer a prenatal to three family engagement
20 strategy to support expectant parents, babies and toddlers from birth
21 to three years of age, and their caregivers.

22 (2) Components of the prenatal to three family engagement
23 strategy must include supports and services to improve maternal and
24 infant health outcomes, reduce and mitigate trauma, promote
25 attachment and other social-emotional assets, strengthen parenting
26 skills, and provide early supports to help maximize healthy and
27 robust childhood development and reduce isolation. Services and
28 supports may include:

29 (a) In-home parent skill-based programs and training established
30 in RCW 43.216.130;

31 (b) Facilitated play and learn groups;

32 (c) Parent peer-support groups, including groups designed for
33 families with children with complex needs; families whose primary
34 home language is not English; incarcerated parents; families coping
35 with substance use disorder or mental health support needs; black,
36 indigenous, and families of color; or other specific needs; and

37 (d) Other prenatal to age three programs and services.

38 (3) Continuity of services for babies and toddlers are important
39 for early childhood brain development. Therefore, the services and

1 supports described in this section may be made available to
2 biological parents, foster parents, kinship care providers, and other
3 family, friend, and neighbor caregivers.

4 **Sec. 403.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to
5 read as follows:

6 BIRTH TO THREE EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

7 ~~(1) ((Within resources available under the federal preschool~~
8 ~~development grant birth to five grant award received in December~~
9 ~~2018,)) Subject to the availability of amounts appropriated for this~~
10 ~~specific purpose, the department shall ((develop a plan for phased~~
11 ~~implementation of)) administer a birth to three early childhood~~
12 ~~education and assistance program ((pilot project)) for eligible~~
13 ~~children under thirty-six months old. Funds to implement the ((pilot~~
14 ~~project)) program may include a combination of federal, state, or~~
15 ~~private sources.~~

16 (2) The department may adopt rules to implement the ~~((pilot~~
17 ~~project)) program and may waive or adapt early childhood education~~
18 ~~and assistance program requirements when necessary to allow for the~~
19 ~~operation of the birth to three early childhood education and~~
20 ~~assistance program. The department shall consider early head start~~
21 ~~rules and regulations when developing the provider and family~~
22 ~~eligibility requirements and program requirements. ((Any deviations~~
23 ~~from early head start standards, rules, or regulations must be~~
24 ~~identified and explained by the department in its annual report under~~
25 ~~subsection (6) of this section.))~~

26 (3) (a) ~~((Upon securing adequate funds to begin implementation,~~
27 ~~the pilot project)) The birth to three early childhood education and~~
28 ~~assistance program((s)) must be delivered through child care centers~~
29 ~~and family home providers who meet minimum licensing standards and~~
30 ~~are enrolled in the early achievers program.~~

31 (b) The department must determine minimum early achievers ratings
32 scores for ~~((programs)) participating ((in the pilot project))~~
33 ~~contractors.~~

34 (4) ~~((When selecting pilot project locations for service~~
35 ~~delivery, the department may allow each pilot project location to~~
36 ~~have up to three classrooms per location. When selecting and~~
37 ~~approving pilot project locations, the department shall attempt to~~
38 ~~select a combination of rural, urban, and suburban locations. The~~
39 ~~department shall prioritize locations with programs currently~~

1 ~~operating early head start, head start, or the early childhood~~
2 ~~education and assistance program.~~

3 ~~(5)) To be eligible for the birth to three early childhood~~
4 ~~education and assistance program, a child's family income must be at~~
5 ~~or below ((one hundred thirty)) 50 percent of the ((federal poverty~~
6 ~~level)) state median income and the child must be under thirty-six~~
7 ~~months old.~~

8 ~~((6) Beginning November 1, 2020, and each November 1st~~
9 ~~thereafter during pilot project activity, the department shall submit~~
10 ~~an annual report to the governor and legislature that includes a~~
11 ~~status update that describes the planning work completed, the status~~
12 ~~of funds secured, and any implementation activities of the pilot~~
13 ~~project. Implementation activity reports must include a description~~
14 ~~of the participating programs and number of children and families~~
15 ~~served.))~~

16 NEW SECTION. **Sec. 404.** INFANT CARE INCENTIVES. (1) The
17 legislature finds that our state suffers from an extreme shortage of
18 infant child care, impacting the ability of parents to participate in
19 the workforce. Further, parents returning to work after using paid
20 family leave to care for a new child struggle to find readily
21 available, high quality care during a time of critical growth and
22 brain development for young children. Therefore, the legislature
23 intends to incentivize the provision of high quality infant care.

24 (2) Beginning July 1, 2022, the department shall provide an
25 infant rate enhancement for licensed or certified child care
26 providers and birth to three early childhood education and assistance
27 program contractors who are:

28 (a) Accepting state subsidy;

29 (b) In good standing with the early achievers quality rating and
30 improvement system; and

31 (c) Caring for a child between the ages of birth and 11 months.

32 (3) The department must adopt rules to implement this section.

33 NEW SECTION. **Sec. 405.** EARLY THERAPEUTIC AND PREVENTATIVE
34 SERVICES. (1) Subject to the availability of amounts appropriated for
35 this specific purpose, the department shall administer early
36 therapeutic and preventative services and programs, such as the early
37 childhood intervention and prevention services program, and other
38 related services for children who are:

1 (a) Between the ages of birth and five years; and

2 (b) Referred by a child welfare worker, a department of social
3 and health services social worker, a primary care physician, a
4 behavioral health provider, or a public health nurse due to: (i) Risk
5 of child abuse or neglect; (ii) exposure to complex trauma; or (iii)
6 significant developmental delays.

7 (2) Subject to the availability of amounts appropriated for this
8 specific purpose, the department shall make all reasonable efforts to
9 deliver early therapeutic and preventative services and programs
10 statewide. These services and programs must focus first on children
11 and families furthest from opportunity as defined by income and be
12 delivered by programs that emphasize greater racial equity.

13 **PART V**

14 **CONFORMING AMENDMENTS**

15 **Sec. 501.** RCW 43.216.010 and 2021 c 39 s 4 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

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

23 (a) "Child day care center" and "child care center" mean(~~s~~) an
24 agency that regularly provides early childhood education and early
25 learning services for a group of children for periods of less than 24
26 hours;

27 (b) "Early learning" includes but is not limited to programs and
28 services for child care; state, federal, private, and nonprofit
29 preschool; child care subsidies; child care resource and referral;
30 parental education and support; and training and professional
31 development for early learning professionals;

32 (c) "Family day care provider" and "family home provider"
33 mean(~~s~~) a child care provider who regularly provides early
34 childhood education and early learning services for not more than 12
35 children at any given time in the provider's home in the family
36 living quarters except as provided in section 313 of this act;

37 (d) "Nongovernmental private-public partnership" means an entity
38 registered as a nonprofit corporation in Washington state with a

1 primary focus on early learning, school readiness, and parental
2 support, and an ability to raise a minimum of \$5,000,000 in
3 contributions;

4 (e) "Service provider" means the entity that operates a community
5 facility.

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

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

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

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

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

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

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

19 (c) Persons who care for a neighbor's or friend's child or
20 children, with or without compensation, where the person providing
21 care for periods of less than 24 hours does not conduct such activity
22 on an ongoing, regularly scheduled basis for the purpose of engaging
23 in business, which includes, but is not limited to, advertising such
24 care;

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

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

30 (f) Schools, including boarding schools, that are engaged
31 primarily in education, operate on a definite school year schedule,
32 follow a stated academic curriculum, and accept only school age
33 children;

34 (g) Seasonal camps of three months' or less duration engaged
35 primarily in recreational or educational activities;

36 (h) Facilities providing child care for periods of less than 24
37 hours when a parent or legal guardian of the child remains on the
38 premises of the facility for the purpose of participating in:

39 (i) Activities other than employment; or

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

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

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

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

13 (iii) The entity is a local affiliate of a national nonprofit;
14 and

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

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

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

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

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

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

29 (4) "Certificate of parental improvement" means a certificate
30 issued under RCW 74.13.720 to an individual who has a founded finding
31 of physical abuse or negligent treatment or maltreatment, or a court
32 finding that the individual's child was dependent as a result of a
33 finding that the individual abused or neglected their child pursuant
34 to RCW 13.34.030(6)(b).

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

38 (6) "Department" means the department of children, youth, and
39 families.

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

4 (8) "Early childhood education and assistance program contractor"
5 means an organization that provides early childhood education and
6 assistance program services under a signed contract with the
7 department.

8 (9) "Early childhood education and assistance program provider"
9 means an organization that provides site level, direct, and high
10 quality early childhood education and assistance program services
11 under the direction of an early childhood education and assistance
12 program contractor.

13 ~~(10) ("Early start" means an integrated high quality continuum~~
14 ~~of early learning programs for children birth to five years of age.~~
15 ~~Components of early start include, but are not limited to, the~~
16 ~~following:~~

- 17 ~~(a) Home visiting and parent education and support programs;~~
- 18 ~~(b) The early achievers program described in RCW 43.216.085;~~
- 19 ~~(c) Integrated full-day and part-day high quality early learning~~
20 ~~programs; and~~
- 21 ~~(d) High quality preschool for children whose family income is at~~
22 ~~or below 110 percent of the federal poverty level.~~

23 ~~(11))~~ (11) "Education data center" means the education data center
24 established in RCW 43.41.400, commonly referred to as the education
25 research and data center.

26 ~~((12))~~ (12) "Employer" means a person or business that engages
27 the services of one or more people, especially for wages or salary to
28 work in an agency.

29 ~~((13))~~ (13) "Enforcement action" means denial, suspension,
30 revocation, modification, or nonrenewal of a license pursuant to RCW
31 43.216.325(1) or assessment of civil monetary penalties pursuant to
32 RCW 43.216.325(3).

33 ~~((14))~~ (14) "Extended day program" means an early childhood
34 education and assistance program that offers early learning education
35 for at least 10 hours per day, a minimum of 2,000 hours per year, at
36 least four days per week, and operates year-round.

37 (15) "Family resource and referral linkage system" means a system
38 that connects families to resources, services, and programs for which
39 families are eligible and uses a database that is developed and

1 maintained in partnership with communities, health care providers,
2 and early learning providers.

3 (15) "Family resource center" means a unified single point of
4 entry where families, individuals, children, and youth in communities
5 can obtain information, an assessment of needs, referral to, or
6 direct delivery of family services in a manner that is welcoming and
7 strength-based.

8 (a) A family resource center is designed to meet the needs,
9 cultures, and interests of the communities that the family resource
10 center serves.

11 (b) Family services may be delivered directly to a family at the
12 family resource center by family resource center staff or by
13 providers who contract with or have provider agreements with the
14 family resource center. Any family resource center that provides
15 family services shall comply with applicable state and federal laws
16 and regulations regarding the delivery of such family services,
17 unless required waivers or exemptions have been granted by the
18 appropriate governing body.

19 (c) Each family resource center shall have one or more family
20 advocates who screen and assess a family's needs and strengths. If
21 requested by the family, the family advocate shall assist the family
22 with setting its own goals and, together with the family, develop a
23 written plan to pursue the family's goals in working towards a
24 greater level of self-reliance or in attaining self-sufficiency.

25 (16) "Full day program" means an early childhood education and
26 assistance program that offers early learning education for a minimum
27 of 1,000 hours per year.

28 (17) "Low-income child care provider" means a person who
29 administers a child care program that consists of at least 80 percent
30 of children receiving working connections child care subsidy.

31 (18) "Low-income neighborhood" means a district or community
32 where more than 20 percent of households are below the federal
33 poverty level.

34 (19) "Negative action" means a court order, court judgment, or an
35 adverse action taken by an agency, in any state, federal, tribal, or
36 foreign jurisdiction, which results in a finding against the
37 applicant reasonably related to the individual's character,
38 suitability, and competence to care for or have unsupervised access
39 to children in child care. This may include, but 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 (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 (21) "Nonschool age child" means a child who is age six years or
14 younger and who is not enrolled in a public or private school.

15 (22) "Part day program" means an early childhood education and
16 assistance program that offers early learning education for at least
17 two and one-half hours per class session, at least 320 hours per
18 year, for a minimum of 30 weeks per year.

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

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

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

26 (26) "School age child" means a child who is five years of age
27 through 12 years of age and is attending a public or private school
28 or is receiving home-based instruction under chapter 28A.200 RCW.

29 (27) "Secretary" means the secretary of the department.

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

34 **Sec. 502.** RCW 28B.50.248 and 2020 c 355 s 4 and 2020 c 279 s 3
35 are each reenacted and amended to read as follows:

36 Nothing in RCW 43.216.135(~~(7)~~) or 43.216.136(~~(7 or 43.216.1365)~~)
37 requires a community or technical college to expand any of its
38 existing child care facilities. Any additional child care services
39 provided by a community or technical college as a result of RCW

1 43.216.135(~~(7)~~) or 43.216.136(~~(7) or 43.216.1365~~) must be provided
2 within existing resources and existing facilities.

3 **Sec. 503.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5,
4 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to
5 read as follows:

6 (1) All earnings of investments of surplus balances in the state
7 treasury shall be deposited to the treasury income account, which
8 account is hereby established in the state treasury.

9 (2) The treasury income account shall be utilized to pay or
10 receive funds associated with federal programs as required by the
11 federal cash management improvement act of 1990. The treasury income
12 account is subject in all respects to chapter 43.88 RCW, but no
13 appropriation is required for refunds or allocations of interest
14 earnings required by the cash management improvement act. Refunds of
15 interest to the federal treasury required under the cash management
16 improvement act fall under RCW 43.88.180 and shall not require
17 appropriation. The office of financial management shall determine the
18 amounts due to or from the federal government pursuant to the cash
19 management improvement act. The office of financial management may
20 direct transfers of funds between accounts as deemed necessary to
21 implement the provisions of the cash management improvement act, and
22 this subsection. Refunds or allocations shall occur prior to the
23 distributions of earnings set forth in subsection (4) of this
24 section.

25 (3) Except for the provisions of RCW 43.84.160, the treasury
26 income account may be utilized for the payment of purchased banking
27 services on behalf of treasury funds including, but not limited to,
28 depository, safekeeping, and disbursement functions for the state
29 treasury and affected state agencies. The treasury income account is
30 subject in all respects to chapter 43.88 RCW, but no appropriation is
31 required for payments to financial institutions. Payments shall occur
32 prior to distribution of earnings set forth in subsection (4) of this
33 section.

34 (4) Monthly, the state treasurer shall distribute the earnings
35 credited to the treasury income account. The state treasurer shall
36 credit the general fund with all the earnings credited to the
37 treasury income account except:

38 (a) The following accounts and funds shall receive their
39 proportionate share of earnings based upon each account's and fund's

1 average daily balance for the period: The abandoned recreational
2 vehicle disposal account, the aeronautics account, the Alaskan Way
3 viaduct replacement project account, the ambulance transport fund,
4 the brownfield redevelopment trust fund account, the budget
5 stabilization account, the capital vessel replacement account, the
6 capitol building construction account, the Central Washington
7 University capital projects account, the charitable, educational,
8 penal and reformatory institutions account, the Chehalis basin
9 account, the Chehalis basin taxable account, the cleanup settlement
10 account, the Columbia river basin water supply development account,
11 the Columbia river basin taxable bond water supply development
12 account, the Columbia river basin water supply revenue recovery
13 account, the common school construction fund, the community forest
14 trust account, the connecting Washington account, the county arterial
15 preservation account, the county criminal justice assistance account,
16 the deferred compensation administrative account, the deferred
17 compensation principal account, the department of licensing services
18 account, the department of retirement systems expense account, the
19 developmental disabilities community (~~trust~~) services account, the
20 diesel idle reduction account, the drinking water assistance account,
21 the administrative subaccount of the drinking water assistance
22 account, the early learning facilities development account, the early
23 learning facilities revolving account, the Eastern Washington
24 University capital projects account, the education construction fund,
25 the education legacy trust account, the election account, the
26 electric vehicle account, the energy freedom account, the energy
27 recovery act account, the essential rail assistance account, The
28 Evergreen State College capital projects account, the fair start for
29 kids account, the ferry bond retirement fund, the freight mobility
30 investment account, the freight mobility multimodal account, the
31 grade crossing protective fund, the public health services account,
32 the state higher education construction account, the higher education
33 construction account, the higher education retirement plan
34 supplemental benefit fund, the highway bond retirement fund, the
35 highway infrastructure account, the highway safety fund, the hospital
36 safety net assessment fund, the Interstate 405 and state route number
37 167 express toll lanes account, the judges' retirement account, the
38 judicial retirement administrative account, the judicial retirement
39 principal account, the local leasehold excise tax account, the local
40 real estate excise tax account, the local sales and use tax account,

1 the marine resources stewardship trust account, the medical aid
2 account, the money-purchase retirement savings administrative
3 account, the money-purchase retirement savings principal account, the
4 motor vehicle fund, the motorcycle safety education account, the
5 multimodal transportation account, the multiuse roadway safety
6 account, the municipal criminal justice assistance account, the
7 oyster reserve land account, the pension funding stabilization
8 account, the perpetual surveillance and maintenance account, the
9 pilotage account, the pollution liability insurance agency
10 underground storage tank revolving account, the public employees'
11 retirement system plan 1 account, the public employees' retirement
12 system combined plan 2 and plan 3 account, the public facilities
13 construction loan revolving account, the public health supplemental
14 account, the public works assistance account, the Puget Sound capital
15 construction account, the Puget Sound ferry operations account, the
16 Puget Sound Gateway facility account, the Puget Sound taxpayer
17 accountability account, the real estate appraiser commission account,
18 the recreational vehicle account, the regional mobility grant program
19 account, the resource management cost account, the rural arterial
20 trust account, the rural mobility grant program account, the rural
21 Washington loan fund, the sexual assault prevention and response
22 account, the site closure account, the skilled nursing facility
23 safety net trust fund, the small city pavement and sidewalk account,
24 the special category C account, the special wildlife account, the
25 state investment board expense account, the state investment board
26 commingled trust fund accounts, the state patrol highway account, the
27 state reclamation revolving account, the state route number 520 civil
28 penalties account, the state route number 520 corridor account, the
29 state wildlife account, the statewide broadband account, the
30 statewide tourism marketing account, the supplemental pension
31 account, the Tacoma Narrows toll bridge account, the teachers'
32 retirement system plan 1 account, the teachers' retirement system
33 combined plan 2 and plan 3 account, the tobacco prevention and
34 control account, the tobacco settlement account, the toll facility
35 bond retirement account, the transportation 2003 account (nickel
36 account), the transportation equipment fund, the transportation
37 future funding program account, the transportation improvement
38 account, the transportation improvement board bond retirement
39 account, the transportation infrastructure account, the
40 transportation partnership account, the traumatic brain injury

1 account, the University of Washington bond retirement fund, the
2 University of Washington building account, the voluntary cleanup
3 account, the volunteer firefighters' and reserve officers' relief and
4 pension principal fund, the volunteer firefighters' and reserve
5 officers' administrative fund, the vulnerable roadway user education
6 account, the Washington judicial retirement system account, the
7 Washington law enforcement officers' and firefighters' system plan 1
8 retirement account, the Washington law enforcement officers' and
9 firefighters' system plan 2 retirement account, the Washington public
10 safety employees' plan 2 retirement account, the Washington school
11 employees' retirement system combined plan 2 and 3 account, the
12 Washington state patrol retirement account, the Washington State
13 University building account, the Washington State University bond
14 retirement fund, the water pollution control revolving administration
15 account, the water pollution control revolving fund, the Western
16 Washington University capital projects account, the Yakima integrated
17 plan implementation account, the Yakima integrated plan
18 implementation revenue recovery account, and the Yakima integrated
19 plan implementation taxable bond account. Earnings derived from
20 investing balances of the agricultural permanent fund, the normal
21 school permanent fund, the permanent common school fund, the
22 scientific permanent fund, and the state university permanent fund
23 shall be allocated to their respective beneficiary accounts.

24 (b) Any state agency that has independent authority over accounts
25 or funds not statutorily required to be held in the state treasury
26 that deposits funds into a fund or account in the state treasury
27 pursuant to an agreement with the office of the state treasurer shall
28 receive its proportionate share of earnings based upon each account's
29 or fund's average daily balance for the period.

30 (5) In conformance with Article II, section 37 of the state
31 Constitution, no treasury accounts or funds shall be allocated
32 earnings without the specific affirmative directive of this section.

33 **Sec. 504.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5,
34 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted
35 and amended to read as follows:

36 (1) All earnings of investments of surplus balances in the state
37 treasury shall be deposited to the treasury income account, which
38 account is hereby established in the state treasury.

1 (2) The treasury income account shall be utilized to pay or
2 receive funds associated with federal programs as required by the
3 federal cash management improvement act of 1990. The treasury income
4 account is subject in all respects to chapter 43.88 RCW, but no
5 appropriation is required for refunds or allocations of interest
6 earnings required by the cash management improvement act. Refunds of
7 interest to the federal treasury required under the cash management
8 improvement act fall under RCW 43.88.180 and shall not require
9 appropriation. The office of financial management shall determine the
10 amounts due to or from the federal government pursuant to the cash
11 management improvement act. The office of financial management may
12 direct transfers of funds between accounts as deemed necessary to
13 implement the provisions of the cash management improvement act, and
14 this subsection. Refunds or allocations shall occur prior to the
15 distributions of earnings set forth in subsection (4) of this
16 section.

17 (3) Except for the provisions of RCW 43.84.160, the treasury
18 income account may be utilized for the payment of purchased banking
19 services on behalf of treasury funds including, but not limited to,
20 depository, safekeeping, and disbursement functions for the state
21 treasury and affected state agencies. The treasury income account is
22 subject in all respects to chapter 43.88 RCW, but no appropriation is
23 required for payments to financial institutions. Payments shall occur
24 prior to distribution of earnings set forth in subsection (4) of this
25 section.

26 (4) Monthly, the state treasurer shall distribute the earnings
27 credited to the treasury income account. The state treasurer shall
28 credit the general fund with all the earnings credited to the
29 treasury income account except:

30 (a) The following accounts and funds shall receive their
31 proportionate share of earnings based upon each account's and fund's
32 average daily balance for the period: The abandoned recreational
33 vehicle disposal account, the aeronautics account, the Alaskan Way
34 viaduct replacement project account, the ambulance transport fund,
35 the brownfield redevelopment trust fund account, the budget
36 stabilization account, the capital vessel replacement account, the
37 capitol building construction account, the Central Washington
38 University capital projects account, the charitable, educational,
39 penal and reformatory institutions account, the Chehalis basin
40 account, the Chehalis basin taxable account, the cleanup settlement

1 account, the Columbia river basin water supply development account,
2 the Columbia river basin taxable bond water supply development
3 account, the Columbia river basin water supply revenue recovery
4 account, the common school construction fund, the community forest
5 trust account, the connecting Washington account, the county arterial
6 preservation account, the county criminal justice assistance account,
7 the deferred compensation administrative account, the deferred
8 compensation principal account, the department of licensing services
9 account, the department of retirement systems expense account, the
10 developmental disabilities community (~~trust~~) services account, the
11 diesel idle reduction account, the drinking water assistance account,
12 the administrative subaccount of the drinking water assistance
13 account, the early learning facilities development account, the early
14 learning facilities revolving account, the Eastern Washington
15 University capital projects account, the education construction fund,
16 the education legacy trust account, the election account, the
17 electric vehicle account, the energy freedom account, the energy
18 recovery act account, the essential rail assistance account, The
19 Evergreen State College capital projects account, the fair start for
20 kids account, the ferry bond retirement fund, the fish, wildlife, and
21 conservation account, the freight mobility investment account, the
22 freight mobility multimodal account, the grade crossing protective
23 fund, the public health services account, the state higher education
24 construction account, the higher education construction account, the
25 higher education retirement plan supplemental benefit fund, the
26 highway bond retirement fund, the highway infrastructure account, the
27 highway safety fund, the hospital safety net assessment fund, the
28 Interstate 405 and state route number 167 express toll lanes account,
29 the judges' retirement account, the judicial retirement
30 administrative account, the judicial retirement principal account,
31 the limited fish and wildlife account, the local leasehold excise tax
32 account, the local real estate excise tax account, the local sales
33 and use tax account, the marine resources stewardship trust account,
34 the medical aid account, the money-purchase retirement savings
35 administrative account, the money-purchase retirement savings
36 principal account, the motor vehicle fund, the motorcycle safety
37 education account, the multimodal transportation account, the
38 multiuse roadway safety account, the municipal criminal justice
39 assistance account, the oyster reserve land account, the pension
40 funding stabilization account, the perpetual surveillance and

1 maintenance account, the pilotage account, the pollution liability
2 insurance agency underground storage tank revolving account, the
3 public employees' retirement system plan 1 account, the public
4 employees' retirement system combined plan 2 and plan 3 account, the
5 public facilities construction loan revolving account, the public
6 health supplemental account, the public works assistance account, the
7 Puget Sound capital construction account, the Puget Sound ferry
8 operations account, the Puget Sound Gateway facility account, the
9 Puget Sound taxpayer accountability account, the real estate
10 appraiser commission account, the recreational vehicle account, the
11 regional mobility grant program account, the resource management cost
12 account, the rural arterial trust account, the rural mobility grant
13 program account, the rural Washington loan fund, the sexual assault
14 prevention and response account, the site closure account, the
15 skilled nursing facility safety net trust fund, the small city
16 pavement and sidewalk account, the special category C account, the
17 special wildlife account, the state investment board expense account,
18 the state investment board commingled trust fund accounts, the state
19 patrol highway account, the state reclamation revolving account, the
20 state route number 520 civil penalties account, the state route
21 number 520 corridor account, the statewide broadband account, the
22 statewide tourism marketing account, the supplemental pension
23 account, the Tacoma Narrows toll bridge account, the teachers'
24 retirement system plan 1 account, the teachers' retirement system
25 combined plan 2 and plan 3 account, the tobacco prevention and
26 control account, the tobacco settlement account, the toll facility
27 bond retirement account, the transportation 2003 account (nickel
28 account), the transportation equipment fund, the transportation
29 future funding program account, the transportation improvement
30 account, the transportation improvement board bond retirement
31 account, the transportation infrastructure account, the
32 transportation partnership account, the traumatic brain injury
33 account, the University of Washington bond retirement fund, the
34 University of Washington building account, the voluntary cleanup
35 account, the volunteer firefighters' and reserve officers' relief and
36 pension principal fund, the volunteer firefighters' and reserve
37 officers' administrative fund, the vulnerable roadway user education
38 account, the Washington judicial retirement system account, the
39 Washington law enforcement officers' and firefighters' system plan 1
40 retirement account, the Washington law enforcement officers' and

1 firefighters' system plan 2 retirement account, the Washington public
2 safety employees' plan 2 retirement account, the Washington school
3 employees' retirement system combined plan 2 and 3 account, the
4 Washington state patrol retirement account, the Washington State
5 University building account, the Washington State University bond
6 retirement fund, the water pollution control revolving administration
7 account, the water pollution control revolving fund, the Western
8 Washington University capital projects account, the Yakima integrated
9 plan implementation account, the Yakima integrated plan
10 implementation revenue recovery account, and the Yakima integrated
11 plan implementation taxable bond account. Earnings derived from
12 investing balances of the agricultural permanent fund, the normal
13 school permanent fund, the permanent common school fund, the
14 scientific permanent fund, and the state university permanent fund
15 shall be allocated to their respective beneficiary accounts.

16 (b) Any state agency that has independent authority over accounts
17 or funds not statutorily required to be held in the state treasury
18 that deposits funds into a fund or account in the state treasury
19 pursuant to an agreement with the office of the state treasurer shall
20 receive its proportionate share of earnings based upon each account's
21 or fund's average daily balance for the period.

22 (5) In conformance with Article II, section 37 of the state
23 Constitution, no treasury accounts or funds shall be allocated
24 earnings without the specific affirmative directive of this section.

25 **Sec. 505.** RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020
26 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read
27 as follows:

28 (1) All earnings of investments of surplus balances in the state
29 treasury shall be deposited to the treasury income account, which
30 account is hereby established in the state treasury.

31 (2) The treasury income account shall be utilized to pay or
32 receive funds associated with federal programs as required by the
33 federal cash management improvement act of 1990. The treasury income
34 account is subject in all respects to chapter 43.88 RCW, but no
35 appropriation is required for refunds or allocations of interest
36 earnings required by the cash management improvement act. Refunds of
37 interest to the federal treasury required under the cash management
38 improvement act fall under RCW 43.88.180 and shall not require
39 appropriation. The office of financial management shall determine the

1 amounts due to or from the federal government pursuant to the cash
2 management improvement act. The office of financial management may
3 direct transfers of funds between accounts as deemed necessary to
4 implement the provisions of the cash management improvement act, and
5 this subsection. Refunds or allocations shall occur prior to the
6 distributions of earnings set forth in subsection (4) of this
7 section.

8 (3) Except for the provisions of RCW 43.84.160, the treasury
9 income account may be utilized for the payment of purchased banking
10 services on behalf of treasury funds including, but not limited to,
11 depository, safekeeping, and disbursement functions for the state
12 treasury and affected state agencies. The treasury income account is
13 subject in all respects to chapter 43.88 RCW, but no appropriation is
14 required for payments to financial institutions. Payments shall occur
15 prior to distribution of earnings set forth in subsection (4) of this
16 section.

17 (4) Monthly, the state treasurer shall distribute the earnings
18 credited to the treasury income account. The state treasurer shall
19 credit the general fund with all the earnings credited to the
20 treasury income account except:

21 (a) The following accounts and funds shall receive their
22 proportionate share of earnings based upon each account's and fund's
23 average daily balance for the period: The abandoned recreational
24 vehicle disposal account, the aeronautics account, the Alaskan Way
25 viaduct replacement project account, the brownfield redevelopment
26 trust fund account, the budget stabilization account, the capital
27 vessel replacement account, the capitol building construction
28 account, the Central Washington University capital projects account,
29 the charitable, educational, penal and reformatory institutions
30 account, the Chehalis basin account, the Chehalis basin taxable
31 account, the cleanup settlement account, the Columbia river basin
32 water supply development account, the Columbia river basin taxable
33 bond water supply development account, the Columbia river basin water
34 supply revenue recovery account, the common school construction fund,
35 the community forest trust account, the connecting Washington
36 account, the county arterial preservation account, the county
37 criminal justice assistance account, the deferred compensation
38 administrative account, the deferred compensation principal account,
39 the department of licensing services account, the department of
40 retirement systems expense account, the developmental disabilities

1 community (~~trust~~) services account, the diesel idle reduction
2 account, the drinking water assistance account, the administrative
3 subaccount of the drinking water assistance account, the early
4 learning facilities development account, the early learning
5 facilities revolving account, the Eastern Washington University
6 capital projects account, the education construction fund, the
7 education legacy trust account, the election account, the electric
8 vehicle account, the energy freedom account, the energy recovery act
9 account, the essential rail assistance account, The Evergreen State
10 College capital projects account, the fair start for kids account,
11 the ferry bond retirement fund, the fish, wildlife, and conservation
12 account, the freight mobility investment account, the freight
13 mobility multimodal account, the grade crossing protective fund, the
14 public health services account, the state higher education
15 construction account, the higher education construction account, the
16 higher education retirement plan supplemental benefit fund, the
17 highway bond retirement fund, the highway infrastructure account, the
18 highway safety fund, the hospital safety net assessment fund, the
19 Interstate 405 and state route number 167 express toll lanes account,
20 the judges' retirement account, the judicial retirement
21 administrative account, the judicial retirement principal account,
22 the limited fish and wildlife account, the local leasehold excise tax
23 account, the local real estate excise tax account, the local sales
24 and use tax account, the marine resources stewardship trust account,
25 the medical aid account, the money-purchase retirement savings
26 administrative account, the money-purchase retirement savings
27 principal account, the motor vehicle fund, the motorcycle safety
28 education account, the multimodal transportation account, the
29 multiuse roadway safety account, the municipal criminal justice
30 assistance account, the oyster reserve land account, the pension
31 funding stabilization account, the perpetual surveillance and
32 maintenance account, the pilotage account, the pollution liability
33 insurance agency underground storage tank revolving account, the
34 public employees' retirement system plan 1 account, the public
35 employees' retirement system combined plan 2 and plan 3 account, the
36 public facilities construction loan revolving account, the public
37 health supplemental account, the public works assistance account, the
38 Puget Sound capital construction account, the Puget Sound ferry
39 operations account, the Puget Sound Gateway facility account, the
40 Puget Sound taxpayer accountability account, the real estate

1 appraiser commission account, the recreational vehicle account, the
2 regional mobility grant program account, the resource management cost
3 account, the rural arterial trust account, the rural mobility grant
4 program account, the rural Washington loan fund, the sexual assault
5 prevention and response account, the site closure account, the
6 skilled nursing facility safety net trust fund, the small city
7 pavement and sidewalk account, the special category C account, the
8 special wildlife account, the state investment board expense account,
9 the state investment board commingled trust fund accounts, the state
10 patrol highway account, the state reclamation revolving account, the
11 state route number 520 civil penalties account, the state route
12 number 520 corridor account, the statewide broadband account, the
13 statewide tourism marketing account, the supplemental pension
14 account, the Tacoma Narrows toll bridge account, the teachers'
15 retirement system plan 1 account, the teachers' retirement system
16 combined plan 2 and plan 3 account, the tobacco prevention and
17 control account, the tobacco settlement account, the toll facility
18 bond retirement account, the transportation 2003 account (nickel
19 account), the transportation equipment fund, the transportation
20 future funding program account, the transportation improvement
21 account, the transportation improvement board bond retirement
22 account, the transportation infrastructure account, the
23 transportation partnership account, the traumatic brain injury
24 account, the University of Washington bond retirement fund, the
25 University of Washington building account, the voluntary cleanup
26 account, the volunteer firefighters' and reserve officers' relief and
27 pension principal fund, the volunteer firefighters' and reserve
28 officers' administrative fund, the vulnerable roadway user education
29 account, the Washington judicial retirement system account, the
30 Washington law enforcement officers' and firefighters' system plan 1
31 retirement account, the Washington law enforcement officers' and
32 firefighters' system plan 2 retirement account, the Washington public
33 safety employees' plan 2 retirement account, the Washington school
34 employees' retirement system combined plan 2 and 3 account, the
35 Washington state patrol retirement account, the Washington State
36 University building account, the Washington State University bond
37 retirement fund, the water pollution control revolving administration
38 account, the water pollution control revolving fund, the Western
39 Washington University capital projects account, the Yakima integrated
40 plan implementation account, the Yakima integrated plan

1 implementation revenue recovery account, and the Yakima integrated
2 plan implementation taxable bond account. Earnings derived from
3 investing balances of the agricultural permanent fund, the normal
4 school permanent fund, the permanent common school fund, the
5 scientific permanent fund, and the state university permanent fund
6 shall be allocated to their respective beneficiary accounts.

7 (b) Any state agency that has independent authority over accounts
8 or funds not statutorily required to be held in the state treasury
9 that deposits funds into a fund or account in the state treasury
10 pursuant to an agreement with the office of the state treasurer shall
11 receive its proportionate share of earnings based upon each account's
12 or fund's average daily balance for the period.

13 (5) In conformance with Article II, section 37 of the state
14 Constitution, no treasury accounts or funds shall be allocated
15 earnings without the specific affirmative directive of this section.

16 **Sec. 506.** RCW 43.216.710 and 2017 3rd sp.s. c 6 s 213 are each
17 amended to read as follows:

18 The department shall:

19 (1) Work in conjunction with the statewide child care resource
20 and referral network as well as local governments, nonprofit
21 organizations, businesses, and community child care advocates to
22 create local child care resource and referral organizations. These
23 organizations may carry out needs assessments, resource development,
24 provider training, technical assistance, and parent information and
25 training;

26 (2) Actively seek public and private money for distribution as
27 grants to the statewide child care resource and referral network and
28 to existing or potential local child care resource and referral
29 organizations;

30 (3) Adopt rules regarding the application for and distribution of
31 grants to local child care resource and referral organizations. The
32 rules shall, at a minimum, require an applicant to submit a plan for
33 achieving the following objectives:

34 (a) Provide parents with information about child care resources,
35 including location of services and subsidies;

36 (b) Carry out child care provider recruitment and training
37 programs, including training under RCW 74.25.040;

38 (c) Offer support services, such as parent and provider seminars,
39 toy-lending libraries, and substitute banks;

1 (d) Provide information for businesses regarding child care
2 supply and demand;

3 (e) Advocate for increased public and private sector resources
4 devoted to child care;

5 (f) Provide technical assistance to employers regarding employee
6 child care services; and

7 (g) Serve recipients of temporary assistance for needy families
8 and working parents with household incomes at or below (~~household~~
9 ~~incomes of two hundred~~) 100 percent of the (~~federal poverty line~~)
10 state median income;

11 (4) Provide staff support and technical assistance to the
12 statewide child care resource and referral network and local child
13 care resource and referral organizations;

14 (5) Maintain a statewide child care licensing data bank and work
15 with department licensors to provide information to local child care
16 resource and referral organizations about licensed or certified child
17 care providers in the state;

18 (6) Through the statewide child care resource and referral
19 network and local resource and referral organizations, compile data
20 about local child care needs and availability for future planning and
21 development;

22 (7) Coordinate with the statewide child care resource and
23 referral network and local child care resource and referral
24 organizations for the provision of training and technical assistance
25 to child care providers;

26 (8) Collect and assemble information regarding the availability
27 of insurance and of federal and other child care funding to assist
28 state and local agencies, businesses, and other child care providers
29 in offering child care services;

30 (9) Subject to the availability of amounts appropriated for this
31 specific purpose, increase the base rate for all child care providers
32 by ten percent;

33 (10) Subject to the availability of amounts appropriated for this
34 specific purpose, provide tiered subsidy rate enhancements to child
35 care providers if the provider meets the following requirements:

36 (a) The provider enrolls in quality rating and improvement system
37 levels 2, 3, 4, or 5;

38 (b) The provider is actively participating in the early achievers
39 program;

1 (c) The provider continues to advance towards level 5 of the
2 early achievers program; and

3 (d) The provider must complete level 2 within thirty months or
4 the reimbursement rate returns the level 1 rate; and

5 (11) Require exempt providers to participate in continuing
6 education, if adequate funding is available.

7 **Sec. 507.** RCW 43.216.514 and 2020 c 343 s 3 are each amended to
8 read as follows:

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

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

15 (2) As space is available, children may be included in the early
16 childhood education and assistance program pursuant to RCW
17 43.216.512. (~~Priority within this group must be given first to~~
18 ~~children with incomes up to one hundred thirty percent of the federal~~
19 ~~poverty level.))~~

20 **PART VI**
21 **MISCELLANEOUS**

22 NEW SECTION. **Sec. 601.** Nothing in this act changes the
23 department's responsibility to collectively bargain over mandatory
24 subjects consistent with RCW 41.56.028(3) or limits the legislature's
25 authority to make programmatic modifications to licensed child care
26 and early learning programs consistent with legislative reservation
27 of rights under RCW 41.56.028(4) (d).

28 NEW SECTION. **Sec. 602.** RCW 43.216.1365 (Working connections
29 child care program—Eligibility) and 2020 c 355 s 3 are each repealed.

30 NEW SECTION. **Sec. 603.** If any part of this act is found to be
31 in conflict with federal requirements that are a prescribed condition
32 to the allocation of federal funds to the state, the conflicting part
33 of this act is inoperative solely to the extent of the conflict and
34 with respect to the agencies directly affected, and this finding does
35 not affect the operation of the remainder of this act in its

1 application to the agencies concerned. Rules adopted under this act
2 must meet federal requirements that are a necessary condition to the
3 receipt of federal funds by the state.

4 NEW SECTION. **Sec. 604.** Sections 204 through 206 and 403 of this
5 act take effect July 1, 2026.

6 NEW SECTION. **Sec. 605.** Sections 101, 102, 106, 201, 206, 207,
7 302 through 307, 310 through 314, 402, 404, 405, and 601 of this act
8 are each added to chapter 43.216 RCW.

9 NEW SECTION. **Sec. 606.** Section 503 of this act expires July 1,
10 2021.

11 NEW SECTION. **Sec. 607.** Sections 201, 202, 301, 309, and 504 of
12 this act are necessary for the immediate preservation of the public
13 peace, health, or safety, or support of the state government and its
14 existing public institutions, and take effect July 1, 2021.

15 NEW SECTION. **Sec. 608.** Section 504 of this act expires July 1,
16 2024.

17 NEW SECTION. **Sec. 609.** Section 505 of this act takes effect
18 July 1, 2024.

19 NEW SECTION. **Sec. 610.** Sections 105 and 503 of this act are
20 necessary for the immediate preservation of the public peace, health,
21 or safety, or support of the state government and its existing public
22 institutions, and take effect immediately.

Passed by the Senate April 22, 2021.
Passed by the House April 22, 2021.
Approved by the Governor May 7, 2021.
Filed in Office of Secretary of State May 7, 2021.

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