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**SENATE BILL 5870**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators C. Wilson, Billig, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovick, Nguyen, Nobles, Torres, Trudeau, Valdez, and Wellman

AN ACT Relating to expanding and streamlining eligibility for early learning programs including the working connections child care program, the early childhood education and assistance program, and the birth to three early childhood education and assistance program; amending RCW 43.216.1364, 43.216.505, 43.216.578, 43.216.578, and 43.216.1368; reenacting and amending RCW 43.216.505; adding a new section to chapter 43.216 RCW; creating a new section; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the early childhood education and assistance, birth to three early childhood education and assistance, head start, and early head start programs provide quality early learning and child care services to families across Washington state. The legislature intends to increase access to early education programs for certain families by expanding eligibility and streamlining eligibility for early learning programs.

(2) The legislature recognizes that in recent years, early childhood education and assistance, birth to three early childhood education and assistance, head start, and early head start program providers have faced challenges in hiring and retaining staff. Similar to the benefit conferred to other early education staff pursuant to RCW 43.216.1364, the legislature intends to provide program staff with access to working connections child care eligibility to strengthen workforce resiliency and benefits.

(3) The legislature further recognizes that these programs provide care for children and also services for the family unit, which require participation and efforts on the part of the family. The legislature finds that current approved activity requirements can hinder program efficacy and child continuity of care. The legislature intends to recognize program participation as an approved activity so families can achieve stability and long-term economic success and well-being.

(4) The legislature further recognizes that navigating public benefits systems for early education and child care programs can be difficult for families. The legislature resolves to reduce administrative barriers to eligibility by providing categorical access for families that have already met income eligibility tests for certain other public benefit programs.

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

(1) The department shall establish and implement policies in the working connections child care program to allow categorical eligibility for families with children who are participating in the:

(a) Early childhood education and assistance program;

(b) Birth to three early childhood education and assistance program;

(c) Head start or a successor federal program providing comprehensive services for children from three to five years of age; and

(d) Early head start or successor federal program providing comprehensive services for children from birth through two years of age.

(2) Families who are eligible for working connections child care under this section have no copayment to the extent allowable under federal law; otherwise, a maximum of $15.

**Sec.**  RCW 43.216.1364 and 2023 c 222 s 2 are each amended to read as follows:

(1) Beginning October 1, 2023, a family is eligible for working connections child care when the household's annual income is at or below 85 percent of the state median income adjusted for family size and:

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

(b) The applicant or consumer is employed ((~~in a licensed child care center or family home provider~~)), as verified in the agency's electronic workforce registry, in a:

(i) Licensed or certified child care center or family home provider;

(ii) Early childhood education and assistance program or birth to three early childhood education and assistance program; or

(iii) Head start or early head start program or a successor federal program; and

(c) The household meets all other program eligibility requirements.

(2) The department must waive the copayment to the extent allowable under federal law; otherwise, a maximum of $15 for any applicant or consumer that meets the requirements under this section.

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

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

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

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

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

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

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

(b) Has a person in their household receiving or eligible for basic food benefits, including the federal supplemental nutrition assistance program or the Washington state food assistance program as authorized under RCW 74.08A.120;

(c) Is eligible for special education due to disability under RCW 28A.155.020; or

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

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

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

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

(c) Further their education and training;

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

(e) Increase their self-reliance.

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

**Sec.**  RCW 43.216.505 and 2021 c 199 s 204 are each reenacted and amended to read as follows:

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

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

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

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

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

(a) Has a family with financial need;

(b) Has a person in their household receiving or eligible for basic food benefits, including the federal supplemental nutrition assistance program or the Washington state food assistance program as authorized under RCW 74.08A.120;

(c) Is experiencing homelessness;

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

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

((~~(e)~~)) (f) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to RCW 43.216.5052 and is at or below 100 percent of the state median income adjusted for family size; or

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

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

(6) "Family support services" means providing opportunities for parents to:

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

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

(c) Further their education and training;

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

(e) Increase their self-reliance; and

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

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

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

(1) ((~~Within resources available under the federal preschool development grant birth to five grant award received in December 2018~~)) Subject to the availability of amounts appropriated for this specific purpose, the department shall develop a plan for phased implementation of a birth to three early childhood education and assistance program pilot project for eligible children under ((~~thirty-six~~)) 36 months old. Funds to implement the pilot project may include a combination of federal, state, or private sources.

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

(3)(a) Upon securing adequate funds to begin implementation, the pilot project programs must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

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

(4) When selecting pilot project locations for service delivery, the department may allow each pilot project location to have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.

(5) To be eligible for the birth to three early childhood education and assistance program, ((~~a child's family income must be at or below one hundred thirty percent of the federal poverty level and the child must be under thirty-six months old~~)) which is subject to the availability of amounts appropriated for this specific purpose, a child must be under 36 months old and:

(a) Have a family with financial need, which means families with incomes up to 50 percent of the state median income adjusted for family size;

(b) Have a person in their household receiving or eligible for basic food benefits, including the federal supplemental nutrition assistance program or the Washington state food assistance program as authorized under RCW 74.08A.120;

(c) Is experiencing homelessness;

(d) Is participating in the early support for infants and toddlers program or is receiving class C developmental services;

(e) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to RCW 43.216.5052 and is at or below 100 percent of the state median income adjusted for family size; or

(f) Meets criteria under rules adopted by the department if the number of such children equals not more than 10 percent of the total enrollment in the early childhood program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

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

**Sec.**  RCW 43.216.578 and 2021 c 199 s 403 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a birth to three early childhood education and assistance program for eligible children under ((~~thirty-six~~)) 36 months old. Funds to implement the program may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the program and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements.

(3)(a) The birth to three early childhood education and assistance program must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for participating contractors.

(4) To be eligible for the birth to three early childhood education and assistance program, ((~~a child's family income must be at or below 50 percent of the state median income and the child must be under thirty-six months old~~)) which is subject to the availability of amounts appropriated for this specific purpose, a child must be under 36 months old and:

(a) Have a family with financial need, which means families with incomes up to 50 percent of the state median income adjusted for family size;

(b) Have a person in their household receiving or eligible for basic food benefits, including the federal supplemental nutrition assistance program or the Washington state food assistance program as authorized under RCW 74.08A.120;

(c) Is experiencing homelessness;

(d) Is participating in the early support for infants and toddlers program or is receiving class C developmental services;

(e) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to RCW 43.216.5052 and is at or below 100 percent of the state median income adjusted for family size; or

(f) Meets criteria under rules adopted by the department if the number of such children equals not more than 10 percent of the total enrollment in the early childhood program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

**Sec.**  RCW 43.216.1368 and 2023 c 222 s 4 are each amended to read as follows:

(1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

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

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

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

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

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

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

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

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

(5)(a) Beginning October 1, 2021, through June 30, 2023, the department must calculate a 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 | $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 |

(b) Beginning July 1, 2023, the department must calculate a 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 |

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

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

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

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

(7) When an applicant or consumer has a person in their household receiving basic food benefits, including the federal supplemental nutrition assistance program or the Washington state food assistance program as authorized under RCW 74.08A.120, the department must determine that the household income eligibility requirements in this section are met.

(8) This section does not apply to households eligible for the working connections child care program under RCW 43.216.145 and 43.216.1364.

NEW SECTION. **Sec.**  Sections 4 and 6 of this act expire July 1, 2026.

NEW SECTION. **Sec.**  Sections 5 and 7 of this act take effect July 1, 2026.

**--- END ---**