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**SENATE BILL 5941**

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

**By** Senators C. Wilson, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, and Wellman

AN ACT Relating to clarifying requirements for subsidized child care; amending RCW 43.216.1368, 43.216.1364, and 43.216.145; reenacting and amending RCW 43.216.136; adding new sections to chapter 43.216 RCW; recodifying RCW 43.216.136, 43.216.1364, 43.216.1368, 43.216.139, 43.216.141, 43.216.143, 43.216.145, 43.216.730, and 43.216.749; and repealing RCW 43.216.725 and 43.216.137.

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

**Sec.**  RCW 43.216.136 and 2023 c 294 s 1 and 2023 c 222 s 3 are each reenacted and amended to read as follows:

GENERAL POLICIES.

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for 12 months ((~~beginning July 1, 2016~~)).

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

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

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

~~(i) In the last six months have:~~

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

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

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

~~(D) A parent or guardian participating in a specialty court or therapeutic court or who is a listed victim in a case in a specialty court or therapeutic court;~~

~~(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020 or as part of the specialty court or therapeutic court's proceedings; and~~

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

~~(b) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services or keep participating in a specialty court or therapeutic court identified in this subsection to maintain 12-month authorization.~~

~~(4)(a) Beginning July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:~~

~~(i) A vocational education program that leads to a degree or certificate in a specific occupation; or~~

~~(ii) An associate degree program.~~

~~(b) An applicant or consumer is a full-time student for the purposes of this subsection if the applicant or consumer meets the college's definition of a full-time student.~~

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

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

~~(5) The department may not consider the immigration status of an applicant or consumer's child when determining eligibility for working connections child care benefits.~~

~~(6)(a) An applicant or consumer is eligible to receive working connections child care benefits for the care of one or more eligible children for the first 12 months of the applicant's or consumer's enrollment in a state registered apprenticeship program under chapter 49.04 RCW when:~~

~~(i) The applicant or consumer's household annual income adjusted for family size does not exceed 75 percent of the state median income at the time of application, or, beginning July 1, 2027, does not exceed 85 percent of the state median income if funds are appropriated for the purpose of RCW 43.216.1368(4);~~

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

~~(iii) The household meets all other program eligibility requirements.~~

~~(b) The department must adopt a copayment model for benefits granted under this subsection, which must align with any copayment identified or adopted for households with the same income level under RCW 43.216.1368.~~

~~(7)~~))(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a 12-month grace period.

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

((~~(8)~~)) (4) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status.

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

GENERAL ELIGIBILITY REQUIREMENTS.

(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~~)) 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 established in this chapter or in rule by the department as authorized by RCW 43.216.055 or 43.216.065 or any other authority granted by this chapter.

(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 established in this chapter or in rule by the department as authorized by RCW 43.216.055 or 43.216.065 or any other authority granted by this chapter.

(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 established in this chapter or in rule by the department as authorized by RCW 43.216.055 or 43.216.065 or any other authority granted by this chapter.

(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) This section does not apply to households eligible for the working connections child care program under RCW 43.216.145 and 43.216.1364~~)) (6) The department may not consider the citizenship status of an applicant or consumer's child when determining eligibility for working connections child care benefits.

(7) The income eligibility requirements in subsections (2) through (4) of this section do not apply to households eligible for the working connections child care program under sections 5 and 6 of this act, RCW 43.216.145 (as recodified by this act), and 43.216.1364 (as recodified by this act).

NEW SECTION. **Sec.**  COPAYMENTS. (1) Effective until July 1, 2025, 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 |

(2) Beginning July 1, 2025, 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 |
| Above 60 percent and at or below 75 percent of the state median income | $215 |

(3) 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.

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

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

(6) This section does not apply to households eligible for the working connections child care program under section 5 of this act, RCW 43.216.145 (as recodified by this act), and 43.216.1364 (as recodified by this act).

NEW SECTION. **Sec.**  EXCEPTIONS TO APPROVED ACTIVITY REQUIREMENTS. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:

(i) A vocational education program that leads to a degree or certificate in a specific occupation; or

(ii) An associate degree program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if the applicant or consumer meets the college's definition of a full-time student.

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

NEW SECTION. **Sec.**  CATEGORICAL ELIGIBILITY—CHILD PROTECTIVE, CHILD WELFARE, OR FAMILY ASSESSMENT RESPONSE SERVICES AND PARTICIPATION IN SPECIALTY COURTS. (1) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(a) In the last six months have:

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

(ii) Received child welfare services as defined and used by chapter 74.13 RCW;

(iii) Received services through a family assessment response as defined and used by chapter 26.44 RCW; or

(iv) A parent or guardian participating in a specialty court or therapeutic court or who is a listed victim in a case in a specialty court or therapeutic court;

(b) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020 or as part of the specialty court or therapeutic court's proceedings; and

(c) Are residing with a biological parent or guardian.

(2) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services or keep participating in a specialty court or therapeutic court identified in this subsection to maintain 12-month authorization as defined in RCW 43.216.136 (as recodified by this act) and have no copayment.

NEW SECTION. **Sec.**  EXPANDED ELIGIBILITY—REGISTERED APPRENTICESHIPS. (1) An applicant or consumer is eligible to receive working connections child care benefits for the care of one or more eligible children for the first 12 months of the applicant's or consumer's enrollment in a state registered apprenticeship program under chapter 49.04 RCW when:

(a) The applicant or consumer's household annual income adjusted for family size does not exceed 75 percent of the state median income at the time of application, or, beginning July 1, 2027, does not exceed 85 percent of the state median income if funds are appropriated for the purpose of RCW 43.216.1368(4) (as recodified by this act);

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

(c) The household meets all other program eligibility requirements established in this chapter or in rule by the department in accordance with RCW 43.216.055, 43.216.065, and 43.216.136 (as recodified by this act).

(2) The department must adopt a copayment model for benefits granted under this subsection, which must align with any copayment identified or adopted for households with the same income level under section 3 of this act.

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

EXPANDED ELIGIBILITY—CHILD CARE EMPLOYEES.

(1) ((~~Beginning October 1, 2023, a~~)) 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; and

(c) The household meets all other program eligibility requirements established in this chapter or in rule by the department as authorized by RCW 43.216.055 or 43.216.065 or any other authority granted by this chapter.

(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 43.216.145 and 2020 c 339 s 1 are each amended to read as follows:

EXPANDED ELIGIBILITY—HIGH SCHOOL STUDENTS OR STUDENTS WORKING TOWARD A HIGH SCHOOL EQUIVALENCY CERTIFICATE.

(1) A parent who is attending high school is eligible to receive working connections child care.

(2) A parent age ((~~twenty-one~~)) 21 years or younger who is working toward completing a high school equivalency certificate is eligible to receive working connections child care.

(3) When determining consumer eligibility and copayment under this section, the department:

(a) Must, within existing resources, authorize full-day subsidized child care during the school year in cases where:

(i) The parent is participating in ((~~one hundred ten~~)) 110 hours of approved activities per month;

(ii) The household income of the parent does not exceed ((~~eighty-five~~)) 85 percent of the state median income at the time of application; and

(iii) The parent meets all other program eligibility requirements established in this chapter or in rule by the department as authorized by RCW 43.216.055 or 43.216.065 or any other authority granted by this chapter;

(b) May not consider the availability of the other biological parent when authorizing care; and

(c) May not require a copayment.

NEW SECTION. **Sec.**  Sections 3 through 6 of this act are each added to chapter 43.216 RCW and codified under the subchapter heading of "subsidized child care."

NEW SECTION. **Sec.**  RCW 43.216.136, 43.216.1364, 43.216.1368, 43.216.139, 43.216.141, 43.216.143, 43.216.145, 43.216.730, and 43.216.749 are each recodified as sections in chapter 43.216 RCW to be added under the subchapter heading of "subsidized child care."

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1) RCW 43.216.725 (Subsidized child care report and assessment) and 2011 1st sp.s. c 42 s 12; and

(2) RCW 43.216.137 (Working connections child care program—Unemployment compensation) and 2011 c 4 s 17.

**--- END ---**