CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE HOUSE BILL 2124**

Chapter 282, Laws of 2024

68th Legislature

2024 Regular Session

CHILD CARE AND EARLY LEARNING PROGRAMS—ELIGIBILITY

EFFECTIVE DATE: November 1, 2024

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| Passed by the House March 5, 2024  Yeas 86 Nays 7  LAURIE JINKINS  **Speaker of the House of Representatives**  Passed by the Senate February 28, 2024  Yeas 39 Nays 8  DENNY HECK  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2124** as passed by the House of Representatives and the Senate on the dates hereon set forth.  BERNARD DEAN  Chief Clerk |
| Approved March 26, 2024 9:55 AM | March 27, 2024 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SECOND SUBSTITUTE HOUSE BILL 2124**

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AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

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

**By** House Appropriations (originally sponsored by Representatives Eslick, Senn, Leavitt, Chapman, Reed, Ramel, Callan, Rule, Goodman, Tharinger, Wylie, Timmons, Stonier, Reeves, and Kloba)

AN ACT Relating to supporting and expanding access to child care and early learning programs; amending RCW 43.216.1364, 43.216.775, and 43.216.---; reenacting and amending RCW 43.216.136; creating new sections; and providing an effective date.

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:

(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) The department must consider an applicant or consumer's participation in the birth to three early childhood education and assistance program or the early head start program as an approved activity when determining eligibility for working connections child care benefits.

(7)(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)~~)) (8)(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, "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)~~)) (9) 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 43.216.1364 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 43.216.775 and 2021 c 199 s 106 are each amended to read as follows:

((~~Beginning July 1, 2023, and subject to the availability of amounts appropriated for this specific purpose, rates~~)) (1) Rates paid under RCW ((~~43.216.579, 43.216.585,~~)) 43.216.592((~~, and 43.216.578~~)) must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established ((~~in RCW 43.216.579, 43.216.585,~~)) pursuant to RCW 43.216.592((~~, and 43.216.578. Any~~)).

(2) Subject to the availability of amounts appropriated for this specific purpose, rates paid under RCW 43.216.579, 43.216.585, and 43.216.578 must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established pursuant to RCW 43.216.579, 43.216.585, and 43.216.578.

(3) Inflationary increases under subsection (1) of this section and any funded inflationary increase under subsection (2) of this section must be included in the rate used to determine inflationary increases in subsequent years.

(4) For the purposes of this section, "inflationary adjustment index" means the implicit price deflator averaged for each fiscal year, using the official current base rate, compiled by the bureau of economic analysis, United States department of commerce.

**Sec.**  RCW 43.216.--- and 2024 c ... (HB 2111) s 4 are each amended to read as follows:

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

(2) The department must consider an applicant or consumer's participation in the birth to three early childhood education and assistance program or the early head start program as an approved activity when determining eligibility for working connections child care benefits.

NEW SECTION. **Sec.**  This act takes effect November 1, 2024.

NEW SECTION. **Sec.**  (1) Section 4 of this act is null and void if chapter . . . (House Bill No. 2111), Laws of 2024 is not enacted by November 1, 2024.

(2) Section 1 of this act is null and void if section 4 of this act takes effect.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

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Passed by the House March 5, 2024.

Passed by the Senate February 28, 2024.

Approved by the Governor March 26, 2024.

Filed in Office of Secretary of State March 27, 2024.