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**SENATE BILL 5416**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Gildon, Chapman, and Dozier

Read first time 01/22/25. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to increasing affordable child care options by  
2 reducing barriers for providers; amending RCW 43.216.660, 43.216.065,  
3 43.216.250, 43.216.255, 43.216.085, 43.216.087, 43.216.089,  
4 43.216.090, 43.216.110, 43.216.135, 43.216.515, 43.216.555,  
5 43.216.578, 43.216.578, 43.216.742, 43.31.575, 26.44.272, 36.70A.450,  
6 and 43.216.015; reenacting and amending RCW 43.216.010; repealing RCW  
7 43.216.395; providing an effective date; and providing an expiration  
8 date.

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

10 **Sec. 1.** RCW 43.216.660 and 2021 c 304 s 22 are each amended to  
11 read as follows:

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

13 (1) Recognize the family as the most important social and  
14 economic unit of society and support the central role parents play in  
15 child rearing. All parents are encouraged to care for and nurture  
16 their children through the traditional methods of parental care at  
17 home. The availability of quality, affordable child care is a concern  
18 for working parents, the costs of care are often beyond the resources  
19 of working parents, and child care facilities are not located  
20 conveniently to workplaces and neighborhoods. Parents are encouraged

1 to participate fully in the effort to improve the quality of child  
2 care services((-));

3 (2) Promote a variety of culturally and developmentally  
4 appropriate child care settings and services of the highest possible  
5 quality in accordance with the basic principle of continuity of care.  
6 These settings shall include, but not be limited to, family day care  
7 homes, outdoor nature-based child care, centers, and schools((-);

8 (3) Promote the growth, development and safety of children by  
9 working with community groups including providers and parents to  
10 establish standards for quality service, training of child care  
11 providers, fair and equitable monitoring, and salary levels  
12 commensurate with provider responsibilities and support  
13 services((-);

14 (4) Promote equal access to quality, affordable, socio-  
15 economically integrated child care for all children and  
16 families((-);

17 (5) Facilitate broad community and private sector involvement in  
18 the provision of quality child care services to foster economic  
19 development and assist industry through the department; and

20 (6) Ensure consistent, equitable, fair, and collaborative  
21 licensing enforcements to protect the health and safety of children  
22 while promoting discussion and cooperation between licensors and  
23 child care providers.

24 **Sec. 2.** RCW 43.216.065 and 2018 c 58 s 13 are each amended to  
25 read as follows:

26 (1) In addition to other duties under this chapter, the secretary  
27 shall actively participate in a nongovernmental private-public  
28 partnership focused on supporting government's investments in early  
29 learning and ensuring that every child in the state is prepared to  
30 succeed in school and in life. Except for licensing as required by  
31 Washington state law and to the extent permitted by federal law, the  
32 secretary shall grant waivers from the rules of state agencies for  
33 the operation of early learning programs requested by the  
34 nongovernmental private-public partnership to allow for flexibility  
35 to pursue market-based approaches to achieving the best outcomes for  
36 children and families.

37 (2) In addition to other powers granted to the secretary, the  
38 secretary may:

1 (a) Enter into contracts on behalf of the department to carry out  
2 the purposes of this chapter;

3 (b) Accept gifts, grants, or other funds for the purposes of this  
4 chapter; and

5 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary  
6 to implement this chapter, including rules governing child (~~day~~)  
7 care and early learning programs under this chapter. Rules governing  
8 child care licensing must be limited to protecting the health and  
9 safety of children and must be in accordance with RCW 43.216.250.

10 This section does not expand the rule-making authority of the  
11 secretary beyond that necessary to implement and administer programs  
12 and services existing July 1, 2006, as transferred to the department  
13 of early learning under section 501, chapter 265, Laws of 2006. The  
14 rule-making authority does not include any authority to set mandatory  
15 curriculum or establish what must be taught in child (~~day~~) care  
16 centers or by family (~~day-care~~) home providers.

17 **Sec. 3.** RCW 43.216.250 and 2021 c 304 s 9 are each amended to  
18 read as follows:

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

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

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

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

1 (3) In consultation and with the advice and assistance of parents  
2 or guardians, and persons representative of the various type agencies  
3 to be licensed, to adopt and publish minimum requirements for  
4 licensing applicable to each of the various categories of agencies to  
5 be licensed under this chapter;

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

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

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

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

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

30 (9) To require health and safety training and make any early  
31 childhood education certificates optional;

32 (10) To review requirements adopted under this chapter at least  
33 every two years and to adopt appropriate changes after consultation  
34 with affected groups for child care requirements; and

35 ~~((10))~~ (11) To consult with public and private agencies in  
36 order to help them improve their methods and facilities for the care  
37 and early learning of children.

38 **Sec. 4.** RCW 43.216.255 and 2021 c 304 s 10 are each amended to  
39 read as follows:

1 (1) No later than November 1, ((2016)) 2026, the department shall  
2 implement a single set of licensing standards for child care and the  
3 early childhood education and assistance program. The department  
4 shall produce the single set of licensing standards within the  
5 department's available appropriations. The new licensing standards  
6 must:

7 (a) Provide minimum licensing requirements for child care and  
8 preschool programs;

9 ~~((Rely on the standards established in the early achievers  
10 program to address quality issues in participating early childhood  
11 programs))~~ Limit licensing requirements for child care to protecting  
12 the health and safety of children in accordance with subsection (2)  
13 of this section;

14 (c) Take into account the separate needs of family ((eare)) home  
15 providers, outdoor nature-based child care providers, and child care  
16 centers; and

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

18 (2) The department must analyze the licensing standards with  
19 requirements related to: Indoor and outdoor square footage; physical  
20 space, furnishings, equipment, and room arrangement; staff-to-child  
21 ratios; and group sizes. The department must lessen these  
22 requirements to the minimum needed to protect the health and safety  
23 of children.

24 (3) Private schools that operate early learning programs and do  
25 not receive state subsidy payments shall be subject to ((the minimum  
26 health and safety standards as defined in RCW 43.216.395(2)(b),  
27 and the health and safety requirements under chapter 28A.195 RCW((  
28 requirements necessary to assure a sufficient early childhood  
29 education to meet usual requirements needed for transition into  
30 elementary school. The state, and any agency thereof, shall not  
31 restrict or dictate any specific educational or other programs for  
32 early learning programs operated by private schools except for  
33 programs that receive state subsidy payments.

34 **Sec. 5.** RCW 43.216.085 and 2021 c 304 s 6 are each amended to  
35 read as follows:

36 (1) The department, in collaboration with tribal governments and  
37 community and statewide partners, shall implement a quality rating  
38 and improvement system, called the early achievers program. The early  
39 achievers program provides a foundation of quality for the early care

1 and education system. The early achievers program is (~~applicable~~  
2 ~~to~~) voluntary for licensed or certified child care centers, family  
3 home child care, outdoor nature-based child care, and early learning  
4 programs such as working connections child care and early childhood  
5 education and assistance programs.

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

7 (a) Improve short-term and long-term educational outcomes for  
8 children as measured by assessments including, but not limited to,  
9 the Washington kindergarten inventory of developing skills in RCW  
10 28A.655.080;

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

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

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

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

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

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

22 ~~(3) ((a) Licensed or certified child care centers, family home~~  
23 ~~child care, and outdoor nature-based child care, serving nonschool-~~  
24 ~~age children and receiving state subsidy payments, must participate~~  
25 ~~in the early achievers program by the required deadlines established~~  
26 ~~in RCW 43.216.135.~~

27 ~~(b) Approved early childhood education and assistance program~~  
28 ~~providers receiving state-funded support must participate in the~~  
29 ~~early achievers program by the required deadlines established in RCW~~  
30 ~~43.216.515.~~

31 ~~(c)) Participation in the early achievers program is voluntary~~  
32 ~~((for:~~

33 ~~(i) Licensed or certified child care centers, family home child~~  
34 ~~care, and outdoor nature-based child care, not receiving state~~  
35 ~~subsidy payments; and~~

36 ~~(ii) Early learning programs not receiving state funds.~~

37 ~~(d) School-age child care providers are exempt from participating~~  
38 ~~in the early achievers program. By July 1, 2017, the department and~~  
39 ~~the office of the superintendent of public instruction shall jointly~~  
40 ~~design a plan to incorporate school-age child care providers into the~~

1 ~~early achievers program or other appropriate quality improvement~~  
2 ~~system. To test implementation of the early achievers system for~~  
3 ~~school-age child care providers the department and the office of the~~  
4 ~~superintendent of public instruction shall implement a pilot~~  
5 ~~program).~~

6 (4) (a) There are five primary levels in the early achievers  
7 program.

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

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

13 (5) The department has the authority to determine the rating  
14 cycle for the early achievers program. The department shall  
15 streamline and eliminate duplication between early achievers  
16 standards and state child care rules in order to reduce costs  
17 associated with the early achievers rating cycle and child care  
18 licensing.

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

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

25 (c) The first rating is free for early achievers program  
26 participants.

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

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

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

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

38 (7) (a) The department must create a single source of information  
39 for parents and caregivers to access details on a provider's early  
40 achievers program rating level, licensing history, and other

1 indicators of quality and safety that will help parents and  
2 caregivers make informed choices. The licensing history that the  
3 department must provide for parents and caregivers pursuant to this  
4 subsection shall only include license suspension, surrender,  
5 revocation, denial, stayed suspension, or reinstatement. No unfounded  
6 child abuse or neglect reports may be provided to parents and  
7 caregivers pursuant to this subsection.

8 (b) The department shall publish to the department's website, or  
9 offer a link on its website to, the following information:

10 (i) Early achievers program rating levels 1 through 5 for all  
11 participating child care programs (~~that receive state subsidy~~),  
12 early childhood education and assistance programs, and federal head  
13 start programs in Washington; and

14 (ii) New early achievers program ratings within (~~thirty~~) 30  
15 days after a program (~~becomes licensed or certified, or~~) receives a  
16 rating.

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

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

23 ~~(e))~~ Early achievers program participants who have published  
24 rating levels on the department's website or on a link on the  
25 department's website may include a brief description of their  
26 program, contingent upon the review and approval by the department,  
27 as determined by established marketing standards.

28 (8)(a) The department shall create a professional development  
29 pathway for early achievers program participants to obtain a high  
30 school diploma or equivalency or higher education credential in early  
31 childhood education, early childhood studies, child development, or  
32 an academic field related to early care and education.

33 (b) The professional development pathway must include  
34 opportunities for scholarships and grants to assist early achievers  
35 program participants with the costs associated with obtaining an  
36 educational degree.

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

39 (9) The early achievers quality improvement awards shall be  
40 reserved for participants offering programs to an enrollment



1 population consisting of at least five percent of children receiving  
2 a state subsidy.

3 ~~(10) ((In collaboration with tribal governments, community and  
4 statewide partners, and the early achievers review subcommittee  
5 created in RCW 43.216.075, the department shall develop a protocol  
6 for granting early achievers program participants an extension in  
7 meeting rating level requirement timelines outlined for the working  
8 connections child care program and the early childhood education and  
9 assistance program.~~

10 ~~(a) The department may grant extensions only under exceptional  
11 circumstances, such as when early achievers program participants  
12 experience an unexpected life circumstance.~~

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

16 ~~(c) Extensions may only be granted to early achievers program  
17 participants who have demonstrated engagement in the early achievers  
18 program.~~

19 ~~(11))~~ (a) The department shall accept national accreditation that  
20 meets the requirements of this subsection ~~((11))~~ (10) as a  
21 qualification for the early achievers program ratings.

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

34 (c) Licensed child care centers, child care home providers, and  
35 outdoor nature-based child care must meet national accreditation  
36 standards approved by the department for the early achievers program  
37 in order to be granted credit for the early achievers program  
38 standards. Eligibility for the early achievers program is not subject  
39 to bargaining, mediation, or interest arbitration under RCW

1 41.56.028, consistent with the legislative reservation of rights  
2 under RCW 41.56.028(4)(d).

3 ~~((12))~~ (11) The department shall explore the use of alternative  
4 quality assessment tools that meet the culturally specific needs of  
5 the federally recognized tribes in the state of Washington.

6 ~~((13))~~ (12) A child care or early learning program that is  
7 operated by a federally recognized tribe and receives state funds  
8 ~~((shall))~~ may participate in the early achievers program. The tribe  
9 may choose to participate through an interlocal agreement between the  
10 tribe and the department. The interlocal agreement must reflect the  
11 government-to-government relationship between the state and the  
12 tribe, including recognition of tribal sovereignty. The interlocal  
13 agreement must provide that:

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

16 (b) Tribal child care facilities and early learning programs are  
17 not required to have their early achievers program rating level  
18 published to the department's website or through a link on the  
19 department's website; and

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

25 ~~((14))~~ (13) The department shall consult with the early  
26 achievers review subcommittee on all substantial policy changes to  
27 the early achievers program.

28 ~~((15))~~ (14) Nothing in this section changes the department's  
29 responsibility to collectively bargain over mandatory subjects or  
30 limits the legislature's authority to make programmatic modifications  
31 to licensed child care and early learning programs under RCW  
32 41.56.028(4)(d).

33 **Sec. 6.** RCW 43.216.087 and 2021 c 304 s 7 are each amended to  
34 read as follows:

35 (1)(a) The department shall, in collaboration with tribal  
36 governments and community and statewide partners, implement a  
37 protocol to maximize and encourage participation in the early  
38 achievers program for culturally diverse and low-income center,  
39 family home, and outdoor nature-based child care providers. Amounts

1 appropriated for the encouragement of culturally diverse and low-  
2 income center, family home, and outdoor nature-based child care  
3 provider participation shall be appropriated separately from the  
4 other funds appropriated for the department, are the only funds that  
5 may be used for the protocol, and may not be used for any other  
6 purposes. Funds appropriated for the protocol shall be considered an  
7 ongoing program for purposes of future departmental budget requests.

8 (b) The department shall prioritize the resources authorized in  
9 this section to assist providers in the early achievers program to  
10 help them reach a rating of level 3 or higher (~~wherever access to~~  
11 ~~subsidized care is at risk~~)).

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

14 (a) The creation of a substitute pool;

15 (b) The development of needs-based grants for providers in the  
16 early achievers program who demonstrate a need for assistance to  
17 improve program quality. Needs-based grants may be used for  
18 environmental improvements of early learning facilities; purchasing  
19 curriculum development, instructional materials, supplies, and  
20 equipment; and focused infant-toddler improvements. Priority for the  
21 needs-based grants shall be given to culturally diverse and low-  
22 income providers;

23 (c) The development of materials and assessments in a timely  
24 manner, and to the extent feasible, in the provider and family home  
25 languages; and

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

29 **Sec. 7.** RCW 43.216.089 and 2021 c 304 s 8 are each amended to  
30 read as follows:

31 (1) (~~By December 15, 2020, the department, in consultation with~~  
32 ~~the statewide child care resource and referral network, and the early~~  
33 ~~achievers review subcommittee of the early learning advisory council,~~  
34 ~~shall submit, in compliance with RCW 43.01.036, a final report to the~~  
35 ~~governor and the legislature regarding providers' progress in the~~  
36 ~~early achievers program. The report must include the following~~  
37 ~~elements:~~

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

4       ~~(i) Completed the level 2 activities;~~

5       ~~(ii) Completed rating readiness consultation and are waiting to~~  
6 ~~be rated;~~

7       ~~(iii) Achieved the required rating level to remain eligible for~~  
8 ~~state-funded support under the early childhood education and~~  
9 ~~assistance program or a subsidy under the working connections child~~  
10 ~~care subsidy program;~~

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

14       ~~(v) Not achieved the required rating level initially and engaged~~  
15 ~~in remedial activities before successfully achieving the required~~  
16 ~~rating level;~~

17       ~~(vi) Not achieved the required rating level after completing~~  
18 ~~remedial activities; or~~

19       ~~(vii) Received an extension from the department based on~~  
20 ~~exceptional circumstances pursuant to RCW 43.216.085;~~

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

23       ~~(c) An examination of the effectiveness of efforts to increase~~  
24 ~~successful participation by providers serving children and families~~  
25 ~~from diverse racial, ethnic, and cultural backgrounds and providers~~  
26 ~~who serve children from low-income households;~~

27       ~~(d) A description of the primary obstacles and challenges faced~~  
28 ~~by providers who have not achieved the required rating level to~~  
29 ~~remain eligible to receive:~~

30       ~~(i) A subsidy under the working connections child care program;~~  
31 ~~or~~

32       ~~(ii) State-funded support under the early childhood education and~~  
33 ~~assistance program;~~

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

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

39       ~~(g) To the extent data is available, an analysis of the~~  
40 ~~distribution of early achievers program-rated facilities in relation~~

1 ~~to child and provider demographics, including but not limited to race~~  
2 ~~and ethnicity, home language, and geographical location;~~

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

6 ~~(i) Recommendations for improving the early achievers program~~  
7 ~~standards;~~

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

10 ~~(k) The number of contracted slots that use both early childhood~~  
11 ~~education and assistance program funding and working connections~~  
12 ~~child care program funding;~~

13 ~~(l) An analysis of the impact of increased regulations on the~~  
14 ~~cost of child care; and~~

15 ~~(m) A description of the early childhood education and assistance~~  
16 ~~program implementation to include the following:~~

17 ~~(i) Progress on early childhood education and assistance program~~  
18 ~~implementation as required pursuant to RCW 43.216.515, 43.216.525,~~  
19 ~~and 43.216.555;~~

20 ~~(ii) An examination of the regional distribution of new preschool~~  
21 ~~programming by school district;~~

22 ~~(iii) An analysis of the impact of preschool expansion on low-~~  
23 ~~income neighborhoods and communities;~~

24 ~~(iv) Recommendations to address any identified barriers to access~~  
25 ~~to quality preschool for children living in low-income neighborhoods;~~

26 ~~(v) An analysis of any impact of extended day early care and~~  
27 ~~education opportunities directives;~~

28 ~~(vi) An examination of any identified barriers for providers to~~  
29 ~~offer extended day early care and education opportunities;~~

30 ~~(vii) An analysis of the demand for full-day programming for~~  
31 ~~early childhood education and assistance program providers required~~  
32 ~~under RCW 43.216.515; and~~

33 ~~(viii) To the extent data is available, an analysis of the~~  
34 ~~racial, ethnic, and cultural diversity of early childhood education~~  
35 ~~and assistance program providers and participants.~~

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

1 ~~(3) If, based on information in an annual report submitted in~~  
2 ~~2018 or later under this section, fifteen percent or more of the~~  
3 ~~licensed or contracted providers who are participating in the early~~  
4 ~~achievers program in a county or in a single zip code have not~~  
5 ~~achieved the rating levels under RCW 43.216.135 and 43.216.515, the~~  
6 ~~department must:~~

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

9 ~~(b) Develop a plan to mitigate the effect on the children and~~  
10 ~~families served by these providers. The plan must be submitted to the~~  
11 ~~legislature as part of the final report described in subsection (1)~~  
12 ~~of this section along with any recommendations for legislative action~~  
13 ~~to address the needs of the providers and the children and families~~  
14 ~~they serve.~~

15 ~~(4))~~ (a) Beginning December 1, 2020, the department, in  
16 collaboration with the statewide child care resource and referral  
17 network, shall make available on its public website, in a consumer-  
18 friendly format, the following elements:

19 (i) The number, and relative percentage, of family child care and  
20 center child care providers who have enrolled in the early achievers  
21 program and who have ~~(÷~~

22 ~~(A) Submitted)~~ submitted their request for on-site evaluation  
23 and are waiting to be rated ~~(÷~~ and

24 ~~(B) Achieved the required rating level to remain eligible for~~  
25 ~~state-funded support under the early childhood education and~~  
26 ~~assistance program or a subsidy under the working connections child~~  
27 ~~care subsidy program));~~

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

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

34 (b) The elements required to be made available under (a)(i) of  
35 this subsection ~~((4))~~ (1) must be made available at the county  
36 level, and for those counties with a population of ~~((five hundred~~  
37 ~~thousand))~~ 500,000 and higher, the data must be reported at the zip  
38 code level.

39 (c) To the extent data are available, the elements required to be  
40 reported under (a)(ii) and (iii) of this subsection ~~((4))~~ (1) must

1 be updated at a minimum of a quarterly basis on the department's  
2 public website.

3 (d) If in any individual state fiscal year, based on information  
4 reported in (a)(ii) and (iii) of this subsection (~~((4))~~) (1),  
5 (~~(fifteen)~~) 15 percent or more of the licensed or contracted  
6 providers who are participating in the early achievers program in a  
7 county or in a single zip code have not achieved the rating levels  
8 (~~(required)~~) under RCW 43.216.135 (~~(and 43.216.515)~~), the department  
9 must:

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

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

18 (~~((5))~~) (2) Beginning September 15, 2021, and each odd-numbered  
19 year thereafter, the department shall submit a report to the governor  
20 and the legislature outlining the availability and quality of  
21 services available to early learning providers and children from  
22 diverse racial, ethnic, and cultural backgrounds and from low-income  
23 neighborhoods and communities. The report must include the following  
24 elements:

25 (a) To the extent data is available, an analysis of the racial,  
26 ethnic, and linguistic diversity of early childhood education and  
27 assistance program providers and participants, and the providers and  
28 participants of working connections child care;

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

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

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

39 (e) Recommendations for improving and maintaining access for  
40 children from diverse racial, ethnic, and cultural backgrounds to

1 providers rated at a level 3 or higher in the early achievers  
2 program;

3 (f) Recommendations to address any identified barriers to access  
4 to high quality preschool for children living in low-income  
5 neighborhoods;

6 (g) An examination of expulsion rates of children from diverse  
7 racial, ethnic, and diverse cultural backgrounds and from low-income  
8 neighborhoods and communities; and

9 (h) An analysis of how early learning providers and families from  
10 diverse racial, ethnic, and cultural backgrounds and from low-income  
11 neighborhoods and communities have influenced or participated in the  
12 department's early learning plans and implementation strategies.

13 ~~((+6))~~ (3) Beginning September 15, 2022, and each even-numbered  
14 year thereafter, the department shall submit a report to the governor  
15 and the legislature on the availability of supports to providers and  
16 their effectiveness at improving quality. The report must include the  
17 following elements:

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

20 (b) An analysis of the effectiveness of quality improvement tools  
21 and incentives on the retention and quality improvement of early  
22 learning professionals;

23 (c) An analysis of the supply of high quality subsidized early  
24 learning. This analysis must include:

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

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

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

35 (A) Not achieved the ~~((required))~~ desired rating level initially  
36 but qualified for and are working through intensive targeted support  
37 in preparation for a partial rerate outside the standard rating  
38 cycle;



1 (B) Not achieved the (~~required~~) desired rating level initially  
2 and engaged in remedial activities before successfully achieving the  
3 (~~required~~) desired rating level; or

4 (C) Not achieved the (~~required~~) desired rating level after  
5 completing remedial activities(~~;~~ ~~or~~

6 ~~(D) Received an extension from the department based on~~  
7 ~~exceptional circumstances pursuant to RCW 43.216.085)); and~~

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

10 (d) The average amount of time required for providers to achieve  
11 local level milestones within each level of the early achievers  
12 program;

13 (e) (~~A summary of the types of exceptional circumstances for~~  
14 ~~which the department has granted an extension to early achievers~~  
15 ~~rating milestones pursuant to RCW 43.216.085;~~

16 ~~(f))~~) An analysis of the availability and quality of infant and  
17 toddler care; and

18 (~~(g))~~) (f) An examination of any identified barriers that  
19 discourage providers from offering extended day early care and  
20 education opportunities.

21 (~~(7))~~) (4) The information to be disclosed or shared under this  
22 section must not include sensitive personal information of in-home  
23 caregivers for vulnerable populations as defined in RCW 42.56.640,  
24 and must not include any other information protected from disclosure  
25 under state or federal law.

26 **Sec. 8.** RCW 43.216.090 and 2021 c 199 s 309 are each amended to  
27 read as follows:

28 (1) The department shall administer or contract for infant and  
29 early childhood mental health consultation services to child care  
30 providers and early learning providers participating in the early  
31 achievers program.

32 (2) Beginning July 1, 2021, the department of children, youth,  
33 and families must have or contract for one infant and early childhood  
34 mental health consultation coordinator and must enter into a  
35 contractual agreement with an organization providing coaching  
36 services to early achievers program participants to hire at least 12  
37 qualified infant and early childhood mental health consultants. The  
38 department shall determine, in collaboration with the statewide child  
39 care resource and referral network, where the additional consultants

1 should be sited based on factors such as the total provider numbers  
2 overlaid with indicators of highest need. The infant and early  
3 childhood mental health consultants must support early achievers  
4 program coaches and all certified and licensed child care providers,  
5 regardless of early achievers participation or rating level, by  
6 providing resources, information, and guidance regarding challenging  
7 behavior and expulsions (~~and~~). Mental health consultants may travel  
8 to assist providers in serving families and children with severe  
9 behavioral needs.

10 (3) The department shall provide, or contract with an entity to  
11 provide, reflective supervision and professional development for  
12 infant and early childhood mental health consultants to meet national  
13 competency standards.

14 (4) As capacity allows, the department may provide access to  
15 infant and early childhood mental health consultation services to  
16 caregivers and licensed or certified, military, and tribal early  
17 learning providers, license-exempt family, friend, and neighbor care  
18 providers, and families with children expelled or at risk of  
19 expulsion from child care.

20 **Sec. 9.** RCW 43.216.110 and 2012 c 149 s 2 are each amended to  
21 read as follows:

22 (~~By December 31, 2012, the~~) The department shall adopt core  
23 competencies for early care and education professionals and (~~child~~  
24 ~~and youth development professionals and develop an implementation~~  
25 ~~plan. The department shall~~) incorporate the core competencies into  
26 (~~all appropriate professional development opportunities including,~~  
27 ~~but not limited to,~~) the quality rating and improvement system(~~(7~~  
28 ~~the early childhood education and assistance program, child care~~  
29 ~~licensing, and the early support for infants and toddlers program)~~).  
30 The purpose of the core competencies is to serve as a foundation for  
31 what early care and education professionals (~~and child and youth~~  
32 ~~development professionals~~) who are voluntary participants in the  
33 quality rating and improvement system need to know and do to provide  
34 quality care for children. The core competencies must be reviewed and  
35 updated every five years. The department may not apply the core  
36 competencies to licensing standards.

37 **Sec. 10.** RCW 43.216.135 and 2023 c 222 s 5 are each amended to  
38 read as follows:

1           (1)    (~~Existing child care providers serving nonschool-age~~  
2 ~~children and receiving state subsidy payments must complete the~~  
3 ~~following requirements to be eligible for a state subsidy under this~~  
4 ~~section:~~

5           ~~(a) Enroll in the early achievers program by August 1, 2016;~~

6           ~~(b) Complete level 2 activities in the early achievers program by~~  
7 ~~August 1, 2017; and~~

8           ~~(c) Rate or request to be rated at a level 3 or higher in the~~  
9 ~~early achievers program by December 31, 2019. If a child care~~  
10 ~~provider does not rate at or request to be rated at a level 3 by~~  
11 ~~December 31, 2019, the provider must complete remedial activities~~  
12 ~~with the department, and must rate at or request to be rated at a~~  
13 ~~level 3 or higher no later than December 30, 2020.~~

14          ~~(2) A new child care provider serving nonschool-age children and~~  
15 ~~receiving state subsidy payments must complete the following~~  
16 ~~activities to be eligible to receive a state subsidy under this~~  
17 ~~section:~~

18          ~~(a) Enroll in the early achievers program within 30 days of~~  
19 ~~receiving the initial state subsidy payment;~~

20          ~~(b) Complete level 2 activities in the early achievers program~~  
21 ~~within 12 months of enrollment; and~~

22          ~~(c) Rate or request to be rated at a level 3 or higher in the~~  
23 ~~early achievers program within 30 months of enrollment. If a child~~  
24 ~~care provider does not rate or request to be rated at a level 3~~  
25 ~~within thirty months from enrollment into the early achievers~~  
26 ~~program, the provider must complete remedial activities with the~~  
27 ~~department, and rate or request to be rated at a level 3 or higher~~  
28 ~~within 12 months of beginning remedial activities.~~

29          ~~(3) If a child care provider does not rate or request to be rated~~  
30 ~~at a level 3 or higher following the remedial period, the provider is~~  
31 ~~no longer eligible to receive state subsidy under this section. If a~~  
32 ~~child care provider does not rate at a level 3 or higher when the~~  
33 ~~rating is released following the remedial period, the provider is no~~  
34 ~~longer eligible to receive state subsidy under this section.~~

35          ~~(4) If a child care provider serving nonschool-age children and~~  
36 ~~receiving state subsidy payments has successfully completed all level~~  
37 ~~2 activities and is waiting to be rated by the deadline provided in~~  
38 ~~this section, the provider may continue to receive a state subsidy~~  
39 ~~pending the successful completion of the level 3 rating activity.~~

1       ~~(5))~~) The department shall implement tiered reimbursement for  
2 early achievers program participants in the working connections child  
3 care program rating at level 3, 4, or 5.

4       ~~((6))~~ (2) The department shall account for a child care  
5 copayment collected by the provider from the family for each  
6 contracted slot.

7       **Sec. 11.** RCW 43.216.515 and 2021 c 304 s 19 are each amended to  
8 read as follows:

9       (1) Approved early childhood education and assistance programs  
10 shall receive state-funded support through the department. Public or  
11 private organizations including, but not limited to, school  
12 districts, educational service districts, community and technical  
13 colleges, local governments, or nonprofit organizations, are eligible  
14 to participate as providers of the state early childhood education  
15 and assistance program.

16       (2) Funds obtained by providers through voluntary grants or  
17 contributions from individuals, agencies, corporations, or  
18 organizations may be used to expand or enhance preschool programs so  
19 long as program standards established by the department are  
20 maintained.

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

27       ~~(4) ((A new early childhood education and assistance program  
28 provider must complete the requirements in this subsection to be  
29 eligible to receive state-funded support under the early childhood  
30 education and assistance program:~~

31       ~~(a) Enroll in the early achievers program within thirty days of  
32 the start date of the early childhood education and assistance  
33 program contract;~~

34       ~~(b) (i) Except as provided in (b) (ii) of this subsection, rate at  
35 a level 4 or 5 in the early achievers program within twenty-four  
36 months of enrollment. If an early childhood education and assistance  
37 program provider rates below a level 4 within twenty-four months of  
38 enrollment, the provider must complete remedial activities with the~~

1 department, and must rate at or request to be rated at a level 4 or 5  
2 within twelve months of beginning remedial activities.

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

13 ~~(5) (a) If an early childhood education and assistance program  
14 provider has successfully completed all of the required early  
15 achievers program activities and is waiting to be rated by the  
16 deadline provided in this section, the provider may continue to  
17 participate in the early achievers program as an approved early  
18 childhood education and assistance program provider and receive state  
19 subsidy pending the successful completion of a level 4 or 5 rating.~~

20 ~~(b) To avoid disruption, the department may allow for early  
21 childhood education and assistance program providers who have rated  
22 below a level 4 after completion of the twelve-month remedial period  
23 to continue to provide services until the current school year is  
24 finished.~~

25 ~~(c) (i) If the early childhood education and assistance program  
26 provider described under subsection (4) (b) (i) or (ii) of this section  
27 does not rate or request to be rated at a level 4 or 5 following the  
28 remedial period, the provider is not eligible to receive state-funded  
29 support under the early childhood education and assistance program  
30 under this section.~~

31 ~~(ii) If the early childhood education and assistance program  
32 provider described under subsection (4) (b) (i) or (ii) of this section  
33 does not rate at a level 4 or 5 when the rating is released following  
34 the remedial period, the provider is not eligible to receive state-  
35 funded support under the early childhood education and assistance  
36 program under this section.~~

37 (6) (a) An early childhood education and assistance program  
38 provider may choose to participate and be rated in the early  
39 achievers program.

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

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

18       ~~((7))~~ **(5)** The department shall collect data periodically to  
19 determine the demand for full-day programming for early childhood  
20 education and assistance program providers. The department shall  
21 analyze this demand by geographic region and shall include the  
22 findings in the annual report required under RCW 43.216.089.

23       ~~((8))~~ **(6)** The department shall develop multiple pathways for  
24 licensed or certified child care centers and homes to administer an  
25 early childhood education and assistance program. The pathways shall  
26 include an accommodation for these providers to rate at a level 4 or  
27 5 in the early achievers program (~~according to the timelines and~~  
28 ~~standards established in subsection (4)(b)(ii) of this section)). The~~  
29 department must consider using the intermediate level that is between  
30 level 3 and level 4 as described in RCW 43.216.085, incentives, and  
31 front-end funding in order to encourage providers to participate in  
32 the pathway.

33       **Sec. 12.** RCW 43.216.555 and 2019 c 408 s 9 are each amended to  
34 read as follows:

35       (1) An early learning program to provide voluntary preschool  
36 opportunities for children ages three to five years old who are not  
37 age-eligible for kindergarten shall be implemented according to the  
38 funding and implementation plan in RCW 43.216.556. The program must  
39 offer a comprehensive program of early childhood education and family

1 support, including parental involvement and health information,  
2 screening, and referral services, based on family need. Participation  
3 in the program is voluntary. On a space available basis, the program  
4 may allow enrollment of children who are not otherwise eligible by  
5 assessing a fee.

6 (2) The program shall be implemented by utilizing the program  
7 standards and eligibility criteria in the early childhood education  
8 and assistance program in RCW 43.216.500 through 43.216.550.

9 (3) (a) The program implementation in this section shall  
10 prioritize early childhood education and assistance programs located  
11 in low-income neighborhoods within high-need geographical areas.

12 (b) Following the priority in (a) of this subsection, preference  
13 shall be given to programs meeting at least one of the following  
14 characteristics:

15 (i) Programs offering an extended day program for early care and  
16 education;

17 (ii) Programs offering services to children diagnosed with a  
18 special need; or

19 (iii) Programs offering services to children involved in the  
20 child welfare system.

21 (4) The secretary shall adopt rules for the following program  
22 components, as appropriate and necessary during the phased  
23 implementation of the program(~~(, consistent with early achievers~~  
24 ~~program standards established in RCW 43.216.085))):~~

25 (a) Minimum program standards;

26 (b) Approval of program providers; and

27 (c) Accountability and adherence to performance standards.

28 (5) The department has administrative responsibility for:

29 (a) Approving and contracting with providers according to rules  
30 developed by the secretary under this section;

31 (b) In partnership with school districts, monitoring program  
32 quality and assuring the program is responsive to the needs of  
33 eligible children;

34 (c) Assuring that program providers work cooperatively with  
35 school districts to coordinate the transition from preschool to  
36 kindergarten so that children and their families are well-prepared  
37 and supported; and

38 (d) Providing technical assistance to contracted providers.

1       **Sec. 13.** RCW 43.216.578 and 2024 c 225 s 5 are each amended to  
2 read as follows:

3       (1) Within resources available under the federal preschool  
4 development grant birth to five grant award received in December  
5 2018, the department shall develop a plan for phased implementation  
6 of a birth to three early childhood education and assistance program  
7 pilot project for eligible children under (~~(thirty-six)~~) 36 months  
8 old. Funds to implement the pilot project may include a combination  
9 of federal, state, or private sources.

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

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

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

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

33       (5) Until November 1, 2024, to be eligible for the birth to three  
34 early childhood education and assistance program, a child's family  
35 income must be at or below (~~(one hundred thirty)~~) 130 percent of the  
36 federal poverty level and the child must be under (~~(thirty-six)~~) 36  
37 months old. Beginning November 1, 2024, to be eligible for the birth  
38 to three early childhood education and assistance program, a child  
39 must be under 36 months old and either:



1 (a) From a family with a household income at or below 130 percent  
2 of the federal poverty level; or

3 (b) A member of an assistance unit that is eligible for or is  
4 receiving basic food benefits under the federal supplemental  
5 nutrition assistance program or the state food assistance program.

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

13 **Sec. 14.** RCW 43.216.578 and 2024 c 225 s 6 are each amended to  
14 read as follows:

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

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

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

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

34 (4) To be eligible for the birth to three early childhood  
35 education and assistance program, a child must be under 36 months old  
36 and either:

37 (a) From a family with a household income at or below 50 percent  
38 of the state median income; or

1 (b) A member of an assistance unit that is eligible for or is  
2 receiving basic food benefits under the federal supplemental  
3 nutrition assistance program or the state food assistance program.

4 **Sec. 15.** RCW 43.216.742 and 2021 c 304 s 28 are each amended to  
5 read as follows:

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

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

12 (3) ~~((The department shall apply))~~ Outdoor nature-based child  
13 care programs may choose to participate in the early achievers  
14 program ((to the outdoor nature-based child care program)) to assess  
15 quality in the outdoor learning environment ~~((s and may waive or adapt~~  
16 ~~early achievers requirements when necessary to allow for the~~  
17 ~~operation of outdoor classrooms))~~.

18 (4) A child care or early learning program operated by a  
19 federally recognized tribe may participate in the outdoor nature-  
20 based child care program through an interlocal agreement between the  
21 tribe and the department. The interlocal agreement must reflect the  
22 government-to-government relationship between the state and the  
23 tribe, including recognition of tribal sovereignty.

24 (5) Subject to the availability of funds, the department may  
25 convene an advisory group of outdoor, nature-based early learning  
26 practitioners to inform and support implementation of the outdoor  
27 nature-based child care program.

28 **Sec. 16.** RCW 43.31.575 and 2024 c 230 s 3 are each amended to  
29 read as follows:

30 (1) Organizations eligible to receive funding from the early  
31 learning facilities grant and loan program include:

32 (a) Early childhood education and assistance program providers;

33 (b) Working connections child care providers who are eligible to  
34 receive state subsidies;

35 (c) Licensed early learning centers not currently participating  
36 in the early childhood education and assistance program, but  
37 intending to do so;

38 (d) Developers of housing and community facilities;

- 1 (e) Community and technical colleges;
- 2 (f) Educational service districts;
- 3 (g) Local governments;
- 4 (h) Federally recognized tribes in the state; and
- 5 (i) Religiously affiliated entities.

6 (2) To be eligible to receive funding from the early learning  
7 facilities grant and loan program for activities described in RCW  
8 43.31.577 (1) (b), (c), and (d) and (2), eligible organizations and  
9 school districts must(~~(~~

10 ~~(a) Commit to being an active participant in good standing with~~  
11 ~~the early achievers program as defined by chapter 43.216 RCW; and~~

12 ~~(b) — Demonstrate))~~ demonstrate that projects receiving  
13 construction, purchase, or renovation grants or loans must also:

14 ~~((i))~~ (a) Demonstrate that the project site is under the  
15 applicant's control for a minimum of ~~((ten))~~ 10 years, either through  
16 ownership or a long-term lease; and

17 ~~((ii))~~ (b) Commit to using the facility funded by the grant or  
18 loan for the purposes of providing preschool or child care for a  
19 minimum of ~~((ten))~~ 10 years.

20 ~~(3) ((To be eligible to receive funding from the early learning~~  
21 ~~facilities grant and loan program for activities described in RCW~~  
22 ~~43.31.577 (1) (b), (c), and (d) and (2), religiously affiliated~~  
23 ~~entities must use the facility to provide child care and education~~  
24 ~~services consistent with subsection (4) (a) of this section.~~

25 ~~(4) (a) Upon receiving a grant or loan, the recipient must~~  
26 ~~continue to be an active participant and in good standing with the~~  
27 ~~early achievers program.~~

28 ~~(b) If the recipient does not meet the conditions specified in~~  
29 ~~(a) of this subsection, the grants shall be repaid to the early~~  
30 ~~learning facilities revolving account or the early learning~~  
31 ~~facilities development account, as directed by the department. So))~~

32 (a) As long as an eligible organization continues to provide an early  
33 learning program in the facility~~((r))~~ and the facility is used as  
34 authorized~~((r and the eligible organization continues to be an active~~  
35 ~~participant and in good standing with the early achievers program))~~,  
36 the grant repayment is waived.

37 ~~((e))~~ (b) The department, in consultation with the department  
38 of children, youth, and families, may adopt rules to implement this  
39 section.

1       **Sec. 17.** RCW 26.44.272 and 2014 c 160 s 1 are each amended to  
2 read as follows:

3       (1) The family assessment response worker must assess for child  
4 safety and child well-being when collaborating with a family to  
5 determine the need for child care, preschool, or home visiting  
6 services (~~and, as appropriate, the family assessment response worker~~  
7 ~~must refer children to preschool programs that are enrolled in the~~  
8 ~~early achievers program and rate at a level 3, 4, or 5 unless:~~

9       ~~(a) The family lives in an area with no local preschool programs~~  
10 ~~that rate at a level 3, 4, or 5 in the early achievers program;~~

11       ~~(b) The local preschool programs that rate at a level 3, 4, or 5~~  
12 ~~in the early achievers program are not able to meet the needs of the~~  
13 ~~child; or~~

14       ~~(c) The child is attending a preschool program prior to~~  
15 ~~participating in family assessment response and the parent or~~  
16 ~~caregiver does not want the child to change preschool programs.~~

17       ~~(2) The family assessment response worker may make child care~~  
18 ~~referrals for nonschool-aged children to licensed child care programs~~  
19 ~~that rate at a level 3, 4, or 5 in the early achievers program~~  
20 ~~described in RCW 43.215.100 unless:~~

21       ~~(a) The family lives in an area with no local programs that rate~~  
22 ~~at level 3, 4, or 5 in the early achievers program;~~

23       ~~(b) The local child care programs that rate at a level 3, 4, or 5~~  
24 ~~in the early achievers program are not able to meet the needs of the~~  
25 ~~child; or~~

26       ~~(c) The child is attending a child care program prior to~~  
27 ~~participating in family assessment response and the parent or~~  
28 ~~caregiver does not want the child to change child care programs.~~

29       ~~(3))~~.

30       (2) The family assessment response worker shall, when  
31 appropriate, provide referrals to ~~((high quality))~~ certified and  
32 licensed child care and early learning programs.

33       ~~((4) The family assessment response worker shall, when~~  
34 ~~appropriate, provide referrals to state and federally subsidized~~  
35 ~~programs such as, but not limited to, licensed child care programs~~  
36 ~~that receive state subsidy pursuant to RCW 43.215.135; early~~  
37 ~~childhood education and assistance programs; head start programs; and~~  
38 ~~early head start programs.~~

39       ~~(5))~~ (3) Prior to closing the family assessment response case,  
40 the family assessment response worker must, when appropriate, discuss

1 child care and early learning services with the child's parent or  
2 caregiver.

3 (4) If the family plans to use child care or early learning  
4 services, the family assessment response worker must work with the  
5 family to facilitate enrollment.

6 **Sec. 18.** RCW 36.70A.450 and 2018 c 58 s 22 are each amended to  
7 read as follows:

8 (1) Except as provided in subsections (2) and (3) of this  
9 section, no county or city may enact, enforce, or maintain an  
10 ordinance, development regulation, zoning regulation, or official  
11 control, policy, or administrative practice that prohibits the use of  
12 a residential dwelling, located in an area zoned for residential or  
13 commercial use or schools, as a family day((-))care provider's home  
14 facility.

15 (2) A county or city may require that the facility: (a) Comply  
16 with all building, fire, safety, health code, and business licensing  
17 requirements; (b) conform to lot size, building size, setbacks, and  
18 lot coverage standards applicable to the zoning district except if  
19 the structure is a legal nonconforming structure; (c) is certified by  
20 the department of children, youth, and families licenser as providing  
21 a safe passenger loading area; (d) include signage, if any, that  
22 conforms to applicable regulations; and (e) limit hours of operations  
23 to facilitate neighborhood compatibility, while also providing  
24 appropriate opportunity for persons who use family day((-))care and  
25 who work a nonstandard work shift.

26 (3) A county or city may also require that the family  
27 day((-))care provider, before state licensing, require proof of  
28 written notification by the provider that the immediately adjoining  
29 property owners have been informed of the intent to locate and  
30 maintain such a facility. If a dispute arises between neighbors and  
31 the family day((-))care provider over licensing requirements, the  
32 licenser may provide a forum to resolve the dispute.

33 (4) Nothing in this section shall be construed to prohibit a  
34 county or city from imposing zoning conditions on the establishment  
35 and maintenance of a family day((-))care provider's home in an area  
36 zoned for residential or commercial use or schools, so long as such  
37 conditions are no more restrictive than conditions imposed on other  
38 residential dwellings in the same zone and the establishment of such

1 facilities is not precluded. As used in this section, "family  
2 day((-))care provider" is as defined in RCW 43.216.010.

3 NEW SECTION. **Sec. 19.** RCW 43.216.395 (Child care inspection  
4 reports—Internal review process—Definitions—Final review) and 2021  
5 c 304 s 18 & 2017 3rd sp.s. c 6 s 114 are each repealed.

6 **Sec. 20.** RCW 43.216.010 and 2021 c 304 s 2 and 2021 c 199 s 501  
7 are each reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

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

14 (a) "Child day care center" and "child care center" mean an  
15 agency that regularly provides early childhood education and early  
16 learning services for a group of children for periods of less than 24  
17 hours;

18 (b) "Early learning" includes but is not limited to programs and  
19 services for child care; state, federal, private, and nonprofit  
20 preschool; child care subsidies; child care resource and referral;  
21 parental education and support; and training and professional  
22 development for early learning professionals;

23 (c) "Family day care provider" and "family home provider" mean a  
24 child care provider who regularly provides early childhood education  
25 and early learning services for not more than 12 children at any  
26 given time in the provider's home in the family living quarters  
27 except as provided in RCW 43.216.692;

28 (d) "Nongovernmental private-public partnership" means an entity  
29 registered as a nonprofit corporation in Washington state with a  
30 primary focus on early learning, school readiness, and parental  
31 support, and an ability to raise a minimum of \$5,000,000 in  
32 contributions;

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

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

36 (ii) Provides early learning services to the enrolled children in  
37 an outdoor natural space approved by the department for not less than

1 four hours per day or fifty percent of the daily program hours,  
2 whichever is less; and

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

4 (f) "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. For purposes of this chapter, "seasonal camp"  
35 means a program that:

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

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

1 (iii) Is owned by any person, organization, association, or  
2 corporation, or is operated by a federal, state, county, or municipal  
3 government;

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

7 (i) Activities other than employment; or

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

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

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

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

20 (iii) The entity is a local affiliate of a national nonprofit;  
21 and

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

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

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

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

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

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

36 (4) "Certificate of parental improvement" means a certificate  
37 issued under RCW 74.13.720 to an individual who has a founded finding  
38 of physical abuse or negligent treatment or maltreatment, or a court  
39 finding that the individual's child was dependent as a result of a



1 finding that the individual abused or neglected their child pursuant  
2 to RCW 13.34.030(6)(b).

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

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

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

11 (8) "Early childhood education and assistance program contractor"  
12 means an organization that provides early childhood education and  
13 assistance program services under a signed contract with the  
14 department.

15 (9) "Early childhood education and assistance program provider"  
16 means an organization that provides site level, direct, and high  
17 quality early childhood education and assistance program services  
18 under the direction of an early childhood education and assistance  
19 program contractor.

20 (10) "Education data center" means the education data center  
21 established in RCW 43.41.400, commonly referred to as the education  
22 research and data center.

23 (11) "Employer" means a person or business that engages the  
24 services of one or more people, especially for wages or salary to  
25 work in an agency.

26 (12) "Enforcement action" means denial, suspension, revocation,  
27 modification, or nonrenewal of a license pursuant to RCW  
28 43.216.325(1) or assessment of civil monetary penalties pursuant to  
29 RCW 43.216.325(3).

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

34 (14) "Family resource and referral linkage system" means a system  
35 that connects families to resources, services, and programs for which  
36 families are eligible and uses a database that is developed and  
37 maintained in partnership with communities, health care providers,  
38 and early learning providers.

39 (15) "Family resource center" means a unified single point of  
40 entry where families, individuals, children, and youth in communities

1 can obtain information, an assessment of needs, referral to, or  
2 direct delivery of family services in a manner that is welcoming and  
3 strength-based.

4 (a) A family resource center is designed to meet the needs,  
5 cultures, and interests of the communities that the family resource  
6 center serves.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (28) "Secretary" means the secretary of the department.

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

35 **Sec. 21.** RCW 43.216.015 and 2021 c 304 s 4 are each amended to  
36 read as follows:

37 (1)(a) The department of children, youth, and families is created  
38 as an executive branch agency. The department is vested with all  
39 powers and duties transferred to it under chapter 6, Laws of 2017 3rd

1 sp. sess. and such other powers and duties as may be authorized by  
2 law. The vision for the department is that Washington state's  
3 children and youth grow up safe and healthy—thriving physically,  
4 emotionally, and academically, nurtured by family and community.

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

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

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

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

1 on department outcome measures, actions taken, progress toward these  
2 goals, and plans for the future year.

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

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

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

14 (ii) Preventing child abuse and neglect;

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

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

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

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

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

8 (viii) Eliminating racial and ethnic disproportionality and  
9 disparities in system involvement and across child and youth outcomes  
10 in collaboration with other state agencies.

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

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

15 (b) Identify necessary improvements and updates to statutes  
16 relevant to their responsibilities and proposing legislative changes  
17 to the governor no less than biennially;

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

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

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

36 (5) The department is accountable to the public. To ensure  
37 transparency, beginning December 30, 2018, agency performance data  
38 for the services provided by the department, including outcome data  
39 for contracted services, must be available to the public, consistent  
40 with confidentiality laws, federal protections, and individual rights

1 to privacy. Publicly available data must include budget and funding  
2 decisions, performance-based contracting data, including data for  
3 contracted services, and performance data on metrics identified in  
4 this section. The board must work with the secretary and director to  
5 develop the most effective and cost-efficient ways to make department  
6 data available to the public, including making this data readily  
7 available on the department's website.

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

10 (7) The department must execute all new and renewed contracts for  
11 services in accordance with this section and consistent with RCW  
12 74.13B.020. When contracted services are managed through a network  
13 administrator or other third party, the department must execute data-  
14 sharing agreements with the entities managing the contracts to track  
15 provider performance measures. Contracts with network administrators  
16 or other third parties must provide the contract administrator the  
17 ability to shift resources from one provider to another, to evaluate  
18 individual provider performance, to add or delete services in  
19 consultation with the department, and to reinvest savings from  
20 increased efficiencies into new or improved services in their  
21 catchment area. Whenever possible, contractor performance data must  
22 be made available to the public, consistent with confidentiality laws  
23 and individual rights to privacy.

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

32 (b) The office of the family and children's ombuds shall  
33 establish the board. The board is authorized for the purpose of  
34 monitoring and ensuring that the department achieves the stated  
35 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with  
36 administrative acts, relevant statutes, rules, and policies  
37 pertaining to early learning, juvenile rehabilitation, juvenile  
38 justice, and children and family services.

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

1 (i) Two senators and two representatives from the legislature  
2 with one member from each major caucus;  
3 (ii) One nonvoting representative from the governor's office;  
4 (iii) One subject matter expert in early learning;  
5 (iv) One subject matter expert in child welfare;  
6 (v) One subject matter expert in juvenile rehabilitation and  
7 justice;  
8 (vi) One subject matter expert in eliminating disparities in  
9 child outcomes by family income and race and ethnicity;  
10 (vii) One tribal representative from west of the crest of the  
11 Cascade mountains;  
12 (viii) One tribal representative from east of the crest of the  
13 Cascade mountains;  
14 (ix) One current or former foster parent representative;  
15 (x) One representative of an organization that advocates for the  
16 best interest of the child;  
17 (xi) One parent stakeholder group representative;  
18 (xii) One law enforcement representative;  
19 (xiii) One child welfare caseworker representative;  
20 (xiv) One early childhood learning program implementation  
21 practitioner;  
22 (xv) One current or former foster youth under age twenty-five;  
23 (xvi) One individual under age twenty-five with current or  
24 previous experience with the juvenile justice system;  
25 (xvii) One physician with experience working with children or  
26 youth; and  
27 (xviii) One judicial representative presiding over child welfare  
28 court proceedings or other children's matters.  
29 (b) The senate members of the board shall be appointed by the  
30 leaders of the two major caucuses of the senate. The house of  
31 representatives members of the board shall be appointed by the  
32 leaders of the two major caucuses of the house of representatives.  
33 Members shall be appointed before the close of each regular session  
34 of the legislature during an odd-numbered year.  
35 (c) The remaining board members shall be nominated by the  
36 governor, subject to the approval of the appointed legislators by  
37 majority vote, and serve four-year terms. When nominating and  
38 approving members after July 28, 2019, the governor and appointed  
39 legislators must ensure that at least five of the board members  
40 reside east of the crest of the Cascade mountains.



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

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

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

8 (c) To select its officers and adoption of rules for orderly  
9 procedure;

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

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

16 (f) To determine whether the department is achieving the  
17 performance measures;

18 ~~((If final review is requested by a licensee, to review  
19 whether department licensors appropriately and consistently applied  
20 agency rules in inspection reports that do not involve a violation of  
21 health and safety standards as defined in RCW 43.216.395 in cases  
22 that have already been reviewed by the internal review process  
23 described in RCW 43.216.395 with the authority to overturn, change,  
24 or uphold such decisions;~~

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

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

34 (11) The board has general oversight over the performance and  
35 policies of the department and shall provide advice and input to the  
36 department and the governor.

37 (12) The board must no less than twice per year convene  
38 stakeholder meetings to allow feedback to the board regarding  
39 contracting with the department, departmental use of local, state,

1 private, and federal funds, and other matters as relating to carrying  
2 out the duties of the department.

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

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

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

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

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

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

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

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

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

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

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

6 NEW SECTION. **Sec. 22.** Section 13 of this act expires July 1,  
7 2026.

8 NEW SECTION. **Sec. 23.** Section 14 of this act takes effect July  
9 1, 2026.

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