

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1491

64th Legislature
2015 3rd Special Session

Passed by the House June 28, 2015
Yeas 65 Nays 32

Speaker of the House of Representatives

Passed by the Senate June 30, 2015
Yeas 38 Nays 7

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1491** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1491

Passed Legislature - 2015 3rd Special Session

State of Washington

64th Legislature

2015 Regular Session

By House Appropriations (originally sponsored by Representatives Kagi, Walsh, Hunter, Johnson, Ormsby, MacEwen, Senn, Magendanz, Farrell, Hayes, Ortiz-Self, Hudgins, Appleton, Fitzgibbon, S. Hunt, Ryu, Jinkins, Bergquist, Goodman, Tharinger, and Riccelli)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to improving quality in the early care and
2 education system; amending RCW 43.215.100, 43.215.135, 43.215.1352,
3 43.215.425, 43.215.415, 43.215.430, 43.215.455, 43.215.456, and
4 43.215.090; reenacting and amending RCW 43.215.200 and 43.215.010;
5 adding new sections to chapter 43.215 RCW; creating new sections;
6 repealing 2013 2nd sp.s. c 16 s 2 (uncodified); providing an
7 effective date; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that
10 quality early care and education builds the foundation for a child's
11 success in school and in life. The legislature acknowledges that a
12 quality framework is necessary for the early care and education
13 system in Washington. The legislature recognizes that empirical
14 evidence supports the conclusion that high quality programs
15 consistently yield more positive outcomes for children, with the
16 strongest positive impacts on the most vulnerable children. The
17 legislature acknowledges that critical developmental windows exist in
18 early childhood, and low quality child care has damaging effects for
19 children. The legislature further understands that the proper dosage,
20 duration of programming, and stability of care are critical to
21 enhancing program quality and improving child outcomes. The

1 legislature acknowledges that the early care and education system
2 should strive to address the needs of Washington's culturally and
3 linguistically diverse populations. The legislature understands that
4 parental choice and provider diversity are guiding principles for
5 early learning programs.

6 (2) The legislature intends to prioritize the integration of
7 child care and preschool in an effort to promote full day
8 programming. The legislature further intends to reward quality and
9 create incentives for providers to participate in a quality rating
10 and improvement system that will also provide valuable information to
11 parents regarding the quality of care available in their communities.

12 **Sec. 2.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to
13 read as follows:

14 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)
15 (~~Subject to the availability of amounts appropriated for this~~
16 ~~specific purpose,~~) The department, in collaboration with tribal
17 governments and community and statewide partners, shall implement a
18 ((voluntary)) quality rating and improvement system, called the early
19 achievers program((, that)). The early achievers program provides a
20 foundation of quality for the early care and education system. The
21 early achievers program is applicable to licensed or certified child
22 care centers and homes and early ((education)) learning programs such
23 as working connections child care and early childhood education and
24 assistance programs.

25 (2) The ~~((purpose))~~ objectives of the early achievers program
26 ~~((is))~~ are to:

27 (a) ~~((To))~~ Improve short-term and long-term educational outcomes
28 for children as measured by assessments including, but not limited
29 to, the Washington kindergarten inventory of developing skills in RCW
30 28A.655.080;

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

33 (c) Support improvement in early learning and child care programs
34 throughout the state((,));

35 (d) Increase the readiness of children for school((, and));

36 (e) Close the ((disparity)) disparities in access to quality
37 care;

38 (f) Provide professional development and coaching opportunities
39 to early child care and education providers; and ((b) to))

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

4 (3)(a) Licensed or certified child care centers and homes serving
5 nonschool age children and receiving state subsidy payments must
6 participate in the early achievers program by the required deadlines
7 established in RCW 43.215.135.

8 (b) Approved early childhood education and assistance program
9 providers receiving state-funded support must participate in the
10 early achievers program by the required deadlines established in RCW
11 43.215.415.

12 (c) Participation in the early achievers program is voluntary
13 for:

14 (i) Licensed or certified child care centers and homes not
15 receiving state subsidy payments; and

16 (ii) Early learning programs not receiving state funds.

17 (d) School age child care providers are exempt from participating
18 in the early achievers program. By July 1, 2017, the department and
19 the office of the superintendent of public instruction shall jointly
20 design a plan to incorporate school age child care providers into the
21 early achievers program or other appropriate quality improvement
22 system. To test implementation of the early achievers system for
23 school age child care providers the department and the office of the
24 superintendent of public instruction shall implement a pilot program.

25 ~~(4) ((By fiscal year 2015, Washington state preschool programs~~
26 ~~receiving state funds must enroll in the early achievers program and~~
27 ~~maintain a minimum score level.~~

28 ~~(5) Before final implementation of the early achievers program,~~
29 ~~the department shall report on program progress, as defined within~~
30 ~~the race to the top federal grant award, and expenditures to the~~
31 ~~appropriate policy and fiscal committees of the legislature.)) There~~
32 ~~are five levels in the early achievers program. Participants are~~
33 ~~expected to actively engage and continually advance within the~~
34 ~~program.~~

35 (5) The department has the authority to determine the rating
36 cycle for the early achievers program. The department shall
37 streamline and eliminate duplication between early achievers
38 standards and state child care rules in order to reduce costs
39 associated with the early achievers rating cycle and child care
40 licensing.

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

3 (b) The department shall provide an early achievers program
4 participant an update on the participant's progress toward completing
5 level 2 activities after the participant has been enrolled in the
6 early achievers program for fifteen months.

7 (c) The first rating is free for early achievers program
8 participants.

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

11 (6)(a) Early achievers program participants may request to be
12 rerated outside the established rating cycle.

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

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

19 (7)(a) The department must create a single source of information
20 for parents and caregivers to access details on a provider's early
21 achievers program rating level, licensing history, and other
22 indicators of quality and safety that will help parents and
23 caregivers make informed choices.

24 (b) The department shall publish to the department's web site, or
25 offer a link on its web site to, the following information:

26 (i) By November 1, 2015, early achievers program rating levels 1
27 through 5 for all child care programs that receive state subsidy,
28 early childhood education and assistance programs, and federal head
29 start programs in Washington; and

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

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

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

38 (e) Early achievers program participants who have published
39 rating levels on the department's web site or on a link on the
40 department's web site may include a brief description of their

1 program, contingent upon the review and approval by the department,
2 as determined by established marketing standards.

3 (8)(a) The department shall create a professional development
4 pathway for early achievers program participants to obtain a high
5 school diploma or equivalency or higher education credential in early
6 childhood education, early childhood studies, child development, or
7 an academic field related to early care and education.

8 (b) The professional development pathway must include
9 opportunities for scholarships and grants to assist early achievers
10 program participants with the costs associated with obtaining an
11 educational degree.

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

14 (9) The early achievers quality improvement awards shall be
15 reserved for participants offering programs to an enrollment
16 population consisting of at least five percent of children receiving
17 a state subsidy.

18 (10) In collaboration with tribal governments, community and
19 statewide partners, and the early achievers review subcommittee
20 created in RCW 43.215.090, the department shall develop a protocol
21 for granting early achievers program participants an extension in
22 meeting rating level requirement timelines outlined for the working
23 connections child care program and the early childhood education and
24 assistance program.

25 (a) The department may grant extensions only under exceptional
26 circumstances, such as when early achievers program participants
27 experience an unexpected life circumstance.

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

31 (c) Extensions may only be granted to early achievers program
32 participants who have demonstrated engagement in the early achievers
33 program.

34 (11)(a) The department shall accept national accreditation that
35 meets the requirements of this subsection (11) as a qualification for
36 the early achievers program ratings.

37 (b) Each national accreditation agency will be allowed to submit
38 its most current standards of accreditation to establish potential
39 credit earned in the early achievers program. The department shall
40 grant credit to accreditation bodies that can demonstrate that their

1 standards meet or exceed the current early achievers program
2 standards.

3 (c) Licensed child care centers and child care home providers
4 must meet national accreditation standards approved by the department
5 for the early achievers program in order to be granted credit for the
6 early achievers program standards. Eligibility for the early
7 achievers program is not subject to bargaining, mediation, or
8 interest arbitration under RCW 41.56.028, consistent with the
9 legislative reservation of rights under RCW 41.56.028(4)(d).

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

13 (13) A child care or early learning program that is operated by a
14 federally recognized tribe and receives state funds shall participate
15 in the early achievers program. The tribe may choose to participate
16 through an interlocal agreement between the tribe and the department.
17 The interlocal agreement must reflect the government-to-government
18 relationship between the state and the tribe, including recognition
19 of tribal sovereignty. The interlocal agreement must provide that:

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

22 (b) Tribal child care facilities and early learning programs are
23 not required to have their early achievers program rating level
24 published to the department's web site or through a link on the
25 department's web site; and

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

31 (14) The department shall consult with the early achievers review
32 subcommittee on all substantial policy changes to the early achievers
33 program.

34 (15) Nothing in this section changes the department's
35 responsibility to collectively bargain over mandatory subjects or
36 limits the legislature's authority to make programmatic modifications
37 to licensed child care and early learning programs under RCW
38 41.56.028(4)(d).

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.215
2 RCW to read as follows:

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

9 (a) Provide minimum health and safety standards for child care
10 and preschool programs;

11 (b) Rely on the standards established in the early achievers
12 program to address quality issues in participating early childhood
13 programs;

14 (c) Take into account the separate needs of family care providers
15 and child care centers; and

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

17 (2) Private schools that operate early learning programs and do
18 not receive state subsidy payments shall be subject only to the
19 minimum health and safety standards in subsection (1)(a) of this
20 section and the requirements necessary to assure a sufficient early
21 childhood education to meet usual requirements needed for transition
22 into elementary school. The state, and any agency thereof, shall not
23 restrict or dictate any specific educational or other programs for
24 early learning programs operated by private schools except for
25 programs that receive state subsidy payments.

26 **Sec. 4.** RCW 43.215.200 and 2011 c 359 s 2 and 2011 c 253 s 3 are
27 each reenacted and amended to read as follows:

28 DIRECTOR'S LICENSING DUTIES. It shall be the director's duty with
29 regard to licensing:

30 (1) In consultation and with the advice and assistance of persons
31 representative of the various type agencies to be licensed, to
32 designate categories of child care facilities for which separate or
33 different requirements shall be developed as may be appropriate
34 whether because of variations in the ages and other characteristics
35 of the children served, variations in the purposes and services
36 offered or size or structure of the agencies to be licensed, or
37 because of any other factor relevant thereto;

38 (2)(a) In consultation with the state fire marshal's office, the
39 director shall use an interagency process to address health and

1 safety requirements for child care programs that serve school age
2 children and are operated in buildings that contain public or private
3 schools that safely serve children during times in which school is in
4 session;

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

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

15 (4) In consultation with law enforcement personnel, the director
16 shall investigate the conviction record or pending charges of each
17 agency and its staff seeking licensure or relicensure, and other
18 persons having unsupervised access to children in care;

19 (5) To satisfy the shared background check requirements provided
20 for in RCW 43.215.215 and 43.20A.710, the department of early
21 learning and the department of social and health services shall share
22 federal fingerprint-based background check results as permitted under
23 the law. The purpose of this provision is to allow both departments
24 to fulfill their joint background check responsibility of checking
25 any individual who may have unsupervised access to vulnerable adults,
26 children, or juveniles. Neither department may share the federal
27 background check results with any other state agency or person;

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

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

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

38 (9) To review requirements adopted under this chapter at least
39 every two years and to adopt appropriate changes after consultation
40 with affected groups for child day care requirements; and

1 (10) To consult with public and private agencies in order to help
2 them improve their methods and facilities for the care and early
3 learning of children.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.215
5 RCW to read as follows:

6 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
7 ACHIEVERS. (1)(a) The department shall, in collaboration with tribal
8 governments and community and statewide partners, implement a
9 protocol to maximize and encourage participation in the early
10 achievers program for culturally diverse and low-income center and
11 family home child care providers. Amounts appropriated for the
12 encouragement of culturally diverse and low-income center and family
13 home child care provider participation shall be appropriated
14 separately from the other funds appropriated for the department, are
15 the only funds that may be used for the protocol, and may not be used
16 for any other purposes. Funds appropriated for the protocol shall be
17 considered an ongoing program for purposes of future departmental
18 budget requests.

19 (b) During the first thirty months of implementation of the early
20 achievers program the department shall prioritize the resources
21 authorized in this section to assist providers rating at a level 2 in
22 the early achievers program to help them reach a level 3 rating
23 wherever access to subsidized care is at risk.

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

26 (a) The creation of a substitute pool;

27 (b) The development of needs-based grants for providers at level
28 2 in the early achievers program to assist with purchasing curriculum
29 development, instructional materials, supplies, and equipment to
30 improve program quality. Priority for the needs-based grants shall be
31 given to culturally diverse and low-income providers;

32 (c) The development of materials and assessments in a timely
33 manner, and to the extent feasible, in the provider and family home
34 languages; and

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

1 **Sec. 6.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to
2 read as follows:

3 WORKING CONNECTIONS CHILD CARE. (1) The department shall
4 establish and implement policies in the working connections child
5 care program to promote stability and quality of care for children
6 from low-income households. These policies shall focus on supporting
7 school readiness for young learners. Policies for the expenditure of
8 funds constituting the working connections child care program must be
9 consistent with the outcome measures defined in RCW 74.08A.410 and
10 the standards established in this section intended to promote
11 ~~((continuity of care for children))~~ stability, quality, and
12 continuity of early care and education programming.

13 (2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public
14 Law 113-186, authorizations for the working connections child care
15 subsidy shall be effective for twelve months ~~((unless a change in~~
16 ~~circumstances necessitates reauthorization sooner than twelve months.~~
17 ~~The twelve-month certification applies only if the enrollments in the~~
18 ~~child care subsidy or working connections child care program are~~
19 ~~capped.~~

20 ~~(3) Subject to the availability of amounts appropriated for this~~
21 ~~specific purpose, beginning September 1, 2013, working connections~~
22 ~~child care providers shall receive a five percent increase in the~~
23 ~~subsidy rate for enrolling in level 2 in the early achievers~~
24 ~~programs. Providers must complete level 2 and advance to level 3~~
25 ~~within thirty months in order to maintain this increase))~~ beginning
26 July 1, 2016, unless an earlier date is provided in the omnibus
27 appropriations act.

28 (3) Existing child care providers serving nonschool age children
29 and receiving state subsidy payments must complete the following
30 requirements to be eligible for a state subsidy under this section:

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

32 (b) Complete level 2 activities in the early achievers program by
33 August 1, 2017; and

34 (c) Rate at a level 3 or higher in the early achievers program by
35 December 31, 2019. If a child care provider rates below a level 3 by
36 December 31, 2019, the provider must complete remedial activities
37 with the department, and rate at a level 3 or higher no later than
38 June 30, 2020.

39 (4) Effective July 1, 2016, a new child care provider serving
40 nonschool age children and receiving state subsidy payments must

1 complete the following activities to be eligible to receive a state
2 subsidy under this section:

3 (a) Enroll in the early achievers program within thirty days of
4 receiving the initial state subsidy payment;

5 (b) Complete level 2 activities in the early achievers program
6 within twelve months of enrollment; and

7 (c) Rate at a level 3 or higher in the early achievers program
8 within thirty months of enrollment. If a child care provider rates
9 below a level 3 within thirty months from enrollment into the early
10 achievers program, the provider must complete remedial activities
11 with the department, and rate at a level 3 or higher within six
12 months of beginning remedial activities.

13 (5) If a child care provider does not rate at a level 3 or higher
14 following the remedial period, the provider is no longer eligible to
15 receive state subsidy under this section.

16 (6) If a child care provider serving nonschool age children and
17 receiving state subsidy payments has successfully completed all level
18 2 activities and is waiting to be rated by the deadline provided in
19 this section, the provider may continue to receive a state subsidy
20 pending the successful completion of the level 3 rating activity.

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

24 (8) The department shall account for a child care copayment
25 collected by the provider from the family for each contracted slot
26 and establish the copayment fee by rule.

27 **Sec. 7.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
28 read as follows:

29 WORKING CONNECTIONS CHILD CARE. Beginning July 1, 2016, or
30 earlier if a different date is provided in the omnibus appropriations
31 act, when an applicant or recipient applies for or receives working
32 connections child care benefits, ((he or she)) the applicant or
33 recipient is required to((+

34 (1)) notify the department of social and health services, within
35 five days, of any change in providers((+and

36 (2) Notify the department of social and health services, within
37 ten days, about any significant change related to the number of child
38 care hours the applicant or recipient needs, cost sharing, or
39 eligibility)).

1 **Sec. 8.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
2 read as follows:

3 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
4 department shall adopt rules under chapter 34.05 RCW for the
5 administration of the early childhood education and assistance
6 program. Approved early childhood education and assistance programs
7 shall conduct needs assessments of their service area(~~(7)~~) and
8 identify any targeted groups of children, to include but not be
9 limited to children of seasonal and migrant farmworkers and native
10 American populations living either on or off reservation(~~(7—and)~~).
11 Approved early childhood education and assistance programs shall
12 provide to the department a service delivery plan, to the extent
13 practicable, that addresses these targeted populations.

14 (2) The department, in developing rules for the early childhood
15 education and assistance program, shall consult with the early
16 learning advisory (~~(committee)~~) council, and shall consider such
17 factors as coordination with existing head start and other early
18 childhood programs, the preparation necessary for instructors,
19 qualifications of instructors, adequate space and equipment, and
20 special transportation needs. The rules shall specifically require
21 the early childhood programs to provide for parental involvement in
22 participation with their child's program, in local program policy
23 decisions, in development and revision of service delivery systems,
24 and in parent education and training.

25 (3) By January 1, 2016, the department shall adopt rules
26 requiring early childhood education and assistance program employees
27 who have access to children to submit to a fingerprint background
28 check. Fingerprint background check procedures for the early
29 childhood education and assistance program shall be the same as the
30 background check procedures in RCW 43.215.215.

31 **Sec. 9.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
32 read as follows:

33 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
34 early childhood education and assistance programs shall receive
35 state-funded support through the department. Public or private
36 (~~(nonsectarian)~~) organizations, including, but not limited to school
37 districts, educational service districts, community and technical
38 colleges, local governments, or nonprofit organizations, are eligible
39 to participate as providers of the state early childhood education

1 and assistance program. ((Funds appropriated for the state program
2 shall be used to continue to operate existing programs or to
3 establish new or expanded early childhood programs, and shall not be
4 used to supplant federally supported head start programs.))

5 (2) Funds obtained by providers through voluntary grants or
6 contributions from individuals, agencies, corporations, or
7 organizations may be used to expand or enhance preschool programs so
8 long as program standards established by the department are
9 maintained(, but shall not be used to supplant federally supported
10 head start programs or state-supported early childhood programs)).

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

17 (4) Existing early childhood education and assistance program
18 providers must complete the following requirements to be eligible to
19 receive state-funded support under the early childhood education and
20 assistance program:

21 (a) Enroll in the early achievers program by October 1, 2015;

22 (b) Rate at a level 4 or 5 in the early achievers program by
23 March 1, 2016. If an early childhood education and assistance program
24 provider rates below a level 4 by March 1, 2016, the provider must
25 complete remedial activities with the department, and rate at a level
26 4 or 5 within six months of beginning remedial activities.

27 (5) Effective October 1, 2015, a new early childhood education
28 and assistance program provider must complete the requirements in
29 this subsection (5) to be eligible to receive state-funded support
30 under the early childhood 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 twelve months of
36 enrollment. If an early childhood education and assistance program
37 provider rates below a level 4 within twelve months of enrollment,
38 the provider must complete remedial activities with the department,
39 and rate at a level 4 or 5 within six months of beginning remedial
40 activities.

1 (ii) Licensed or certified child care centers and homes that
2 administer an early childhood education and assistance program shall
3 rate at a level 4 or 5 in the early achievers program within eighteen
4 months of the start date of the early childhood education and
5 assistance program contract. If an early childhood education and
6 assistance program provider rates below a level 4 within eighteen
7 months, the provider must complete remedial activities with the
8 department, and rate at a level 4 or 5 within six months of beginning
9 remedial activities.

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

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

22 (7) The department shall collect data periodically to determine
23 the demand for full-day programming for early childhood education and
24 assistance program providers. The department shall analyze this
25 demand by geographic region and shall include the findings in the
26 annual report required under section 18 of this act.

27 (8) By December 1, 2015, the department shall develop a pathway
28 for licensed or certified child care centers and homes to administer
29 an early childhood education and assistance program. The pathway
30 shall include an accommodation for these providers to rate at a level
31 4 or 5 in the early achievers program according to the timelines and
32 standards established in subsection (5)(b)(ii) of this section.

33 **Sec. 10.** RCW 43.215.430 and 2013 c 323 s 7 are each amended to
34 read as follows:

35 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. The department
36 shall review applications from public or private (~~nonsectarian~~)
37 organizations for state funding of early childhood education and
38 assistance programs. The department shall consider local community
39 needs, demonstrated capacity, and the need to support a mixed

1 delivery system of early learning that includes alternative models
2 for delivery including licensed centers and licensed family child
3 care providers when reviewing applications.

4 **Sec. 11.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to
5 read as follows:

6 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
7 September 1, 2011, an early learning program to provide voluntary
8 preschool opportunities for children three and four years of age
9 shall be implemented according to the funding and implementation plan
10 in RCW (~~(43.215.142)~~) 43.215.456. The program must (~~(be)~~) offer a
11 comprehensive program (~~(providing)~~) of early childhood education and
12 family support, (~~(options for)~~) including parental involvement(~~(r)~~)
13 and health information, screening, and referral services, (~~(as)~~)
14 based on family need (~~(is determined)~~). Participation in the program
15 is voluntary. On a space available basis, the program may allow
16 enrollment of children who are not otherwise eligible by assessing a
17 fee.

18 (2) The (~~(first phase of the)~~) program shall be implemented by
19 utilizing the program standards and eligibility criteria in the early
20 childhood education and assistance program in RCW 43.215.400 through
21 43.215.450.

22 (3)(a) Beginning in the 2015-16 school year, the program
23 implementation in this section shall prioritize early childhood
24 education and assistance programs located in low-income neighborhoods
25 within high-need geographical areas.

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

29 (i) Programs offering an extended day program for early care and
30 education;

31 (ii) Programs offering services to children diagnosed with a
32 special need; or

33 (iii) Programs offering services to children involved in the
34 child welfare system.

35 (4) The director shall adopt rules for the following program
36 components, as appropriate and necessary during the phased
37 implementation of the program, consistent with early achievers
38 program standards established in RCW 43.215.100:

1 (a) Minimum program standards(~~(, including lead teacher,~~
2 ~~assistant teacher, and staff qualifications)~~);

3 (b) Approval of program providers; and

4 (c) Accountability and adherence to performance standards.

5 (~~(4)~~) (5) The department has administrative responsibility for:

6 (a) Approving and contracting with providers according to rules
7 developed by the director under this section;

8 (b) In partnership with school districts, monitoring program
9 quality and assuring the program is responsive to the needs of
10 eligible children;

11 (c) Assuring that program providers work cooperatively with
12 school districts to coordinate the transition from preschool to
13 kindergarten so that children and their families are well-prepared
14 and supported; and

15 (d) Providing technical assistance to contracted providers.

16 **Sec. 12.** RCW 43.215.456 and 2015 c 128 s 4 are each amended to
17 read as follows:

18 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM—FUNDING AND
19 STATEWIDE IMPLEMENTATION. (1) Funding for the program of early
20 learning established under this chapter must be appropriated to the
21 department. Allocations must be made on the basis of eligible
22 children enrolled with eligible providers.

23 (2) The program shall be implemented in phases, so that full
24 implementation is achieved in the (~~(2018-19)~~) 2020-21 school year.

25 (3) For the initial phase of the early learning program in school
26 years 2011-12 and 2012-13, the legislature shall appropriate funding
27 to the department for implementation of the program in an amount not
28 less than the 2009-2011 enacted budget for the early childhood
29 education and assistance program. The appropriation shall be
30 sufficient to fund an equivalent number of slots as funded in the
31 2009-2011 enacted budget.

32 (4) Beginning in the 2013-14 school year, additional funding for
33 the program must be phased in beginning in school districts providing
34 all-day kindergarten programs under RCW 28A.150.315.

35 (5) Funding shall continue to be phased in (~~(incrementally)~~) each
36 year until full statewide implementation of the early learning
37 program is achieved in the (~~(2018-19)~~) 2020-21 school year, at which
38 time any eligible child shall be entitled to be enrolled in the
39 program.

1 (6) School districts and approved community-based early learning
2 providers may contract with the department to provide services under
3 the program. The department shall collaborate with school districts,
4 community-based providers, and educational service districts to
5 promote an adequate supply of approved providers.

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.215
7 RCW to read as follows:

8 PROGRAM DATA COLLECTION AND EVALUATION. (1) The education data
9 center established in RCW 43.41.400 must collect longitudinal,
10 student-level data on all children attending an early childhood
11 education and assistance program. Upon completion of an electronic
12 time and attendance record system, the education data center must
13 collect longitudinal, student-level data on all children attending a
14 working connections child care program. Data collected should capture
15 at a minimum the following characteristics:

- 16 (a) Daily program attendance;
- 17 (b) Identification of classroom and teacher;
- 18 (c) Early achievers program quality level rating;
- 19 (d) Program hours;
- 20 (e) Program duration;
- 21 (f) Developmental results from the Washington kindergarten
22 inventory of developing skills in RCW 28A.655.080; and
- 23 (g) To the extent data is available, the distinct ethnic
24 categories within racial subgroups of children and providers that
25 align with categories recognized by the education data center.

26 (2) The department shall provide early learning providers
27 student-level data collected pursuant to this section that are
28 specific to the early learning provider's program. Upon completion of
29 an electronic time and attendance record system identified in
30 subsection (1) of this section, the department shall provide child
31 care providers student-level data that are specific to the child care
32 provider's program.

33 (3)(a) The department shall review available research and best
34 practices literature on cultural competency in early learning
35 settings. The department shall review the K-12 components for
36 cultural competency developed by the professional educator standards
37 board and identify components appropriate for early learning
38 professional development.

1 (b) By July 31, 2016, the department shall provide
2 recommendations to the appropriate committees of the legislature and
3 the early learning advisory council on research-based cultural
4 competency standards for early learning professional training.

5 (4)(a) The Washington state institute for public policy shall
6 conduct a longitudinal analysis examining relationships between the
7 early achievers program quality ratings levels and outcomes for
8 children participating in subsidized early care and education
9 programs.

10 (b) The institute shall submit the first report to the
11 appropriate committees of the legislature and the early learning
12 advisory council by December 31, 2019. The institute shall submit
13 subsequent reports annually to the appropriate committees of the
14 legislature and the early learning advisory council by December 31st,
15 with the final report due December 31, 2022. The final report shall
16 include a cost-benefit analysis.

17 (5)(a) By December 1, 2015, the department shall provide
18 recommendations to the appropriate committees of the legislature on
19 child attendance policies pertaining to the working connections child
20 care program and the early childhood education and assistance
21 program. The recommendations shall include the following:

22 (i) Allowable periods of child absences;

23 (ii) Required contact with parents or caregivers to discuss child
24 absences and encourage regular program attendance; and

25 (iii) A de-enrollment procedure when allowable child absences are
26 exceeded.

27 (b) The department shall develop recommendations on child
28 absences and attendance within the department's appropriations.

29 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.215
30 RCW to read as follows:

31 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) The department may
32 employ a combination of vouchers and contracted slots for the
33 subsidized child care programs in RCW 43.215.135. Child care vouchers
34 preserve parental choice. Child care contracted slots promote access
35 to continuous quality care for children, provide parents and
36 caregivers stable child care that supports employment, and allow
37 providers to have predictable funding. Any contracted slots the
38 department may create under this section must meet the requirements
39 in subsections (2) through (6) of this section.

1 (2) Only child care providers who participate in the early
2 achievers program and rate at a level 3, 4, or 5 are eligible to be
3 awarded a contracted slot.

4 (3)(a) The department is required to use data to calculate a set
5 number of targeted contracted slots. In calculating the number, the
6 department must take into account a balance of family home and center
7 child care programs and the overall geographic distribution of child
8 care programs in the state and the distribution of slots between ages
9 zero and five.

10 (b) The targeted contracted slots are reserved for programs
11 meeting both of the following conditions:

12 (i) Programs in low-income neighborhoods; and

13 (ii) Programs that consist of at least fifty percent of children
14 receiving subsidy pursuant to RCW 43.215.135.

15 (c) Until August 1, 2017, the department shall assure an even
16 distribution of contracted slots for children birth to age five.

17 (4) The department shall award the remaining contracted slots via
18 a competitive process and prioritize child care programs with at
19 least one of the following characteristics:

20 (a) Programs located in a high-need geographic area;

21 (b) Programs partnering with elementary schools to offer
22 transitional planning and support to children as they advance to
23 kindergarten;

24 (c) Programs serving children involved in the child welfare
25 system; or

26 (d) Programs serving children diagnosed with a special need.

27 (5) The department shall pay a provider for each contracted slot,
28 unless a contracted slot is not used for thirty days.

29 (6) The department shall include the number of contracted slots
30 that use both early childhood education and assistance program
31 funding and working connections child care program funding in the
32 annual report to the legislature required under section 18 of this
33 act.

34 NEW SECTION. **Sec. 15.** A new section is added to chapter 43.215
35 RCW to read as follows:

36 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
37 quality in the early care and education system in Washington is the
38 quality rating and improvement system entitled the early achievers
39 program. In an effort to build on the existing quality framework,

1 enhance access to quality care for children, and strengthen the
2 entire early care and education systems in the state, it is important
3 to integrate the efforts of state and local governments.

4 (2) Local governments are encouraged to collaborate with the
5 department when establishing early learning programs for residents.

6 (3) Local governments may contribute funds to the department for
7 the following purposes:

8 (a) Initial investments to build capacity and quality in local
9 early care and education programming; and

10 (b) Reductions in copayments charged to parents or caregivers.

11 (4) Funds contributed to the department by local governments must
12 be deposited in the early start account established in section 17 of
13 this act.

14 **Sec. 16.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to
15 read as follows:

16 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
17 council is established to advise the department on statewide early
18 learning issues that would build a comprehensive system of quality
19 early learning programs and services for Washington's children and
20 families by assessing needs and the availability of services,
21 aligning resources, developing plans for data collection and
22 professional development of early childhood educators, and
23 establishing key performance measures.

24 (2) The council shall work in conjunction with the department to
25 develop a statewide early learning plan that guides the department in
26 promoting alignment of private and public sector actions, objectives,
27 and resources, and ensuring school readiness.

28 (3) The council shall include diverse, statewide representation
29 from public, nonprofit, and for-profit entities. Its membership shall
30 reflect regional, racial, and cultural diversity to adequately
31 represent the needs of all children and families in the state.

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

1 (5) The council shall consist of not more than twenty-three
2 members, as follows:

3 (a) The governor shall appoint at least one representative from
4 each of the following: The department, the office of financial
5 management, the department of social and health services, the
6 department of health, the student achievement council, and the state
7 board for community and technical colleges;

8 (b) One representative from the office of the superintendent of
9 public instruction, to be appointed by the superintendent of public
10 instruction;

11 (c) The governor shall appoint seven leaders in early childhood
12 education, with at least one representative with experience or
13 expertise in one or more of the areas such as the following: The K-12
14 system, family day care providers, and child care centers with four
15 of the seven governor's appointees made as follows:

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

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

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

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

24 (d) Two members of the house of representatives, one from each
25 caucus, and two members of the senate, one from each caucus, to be
26 appointed by the speaker of the house of representatives and the
27 president of the senate, respectively;

28 (e) Two parents, one of whom serves on the department's parent
29 advisory group, to be appointed by the governor;

30 (f) One representative of the private-public partnership created
31 in RCW 43.215.070, to be appointed by the partnership board;

32 (g) One representative designated by sovereign tribal
33 governments; and

34 (h) One representative from the Washington federation of
35 independent schools.

36 (6) The council shall be cochaired by one representative of a
37 state agency and one nongovernmental member, to be elected by the
38 council for two-year terms.

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

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

8 (9)(a) The council shall convene an early achievers review
9 subcommittee to provide feedback and guidance on strategies to
10 improve the quality of instruction and environment for early learning
11 and provide input and recommendations on the implementation and
12 refinement of the early achievers program. The review conducted by
13 the subcommittee shall be a part of the annual progress report
14 required in section 18 of this act. At a minimum the review shall
15 address the following:

16 (i) Adequacy of data collection procedures;

17 (ii) Coaching and technical assistance standards;

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

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

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

26 (vi) Analysis of early achievers program data trends.

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

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

39 (10) The department shall provide staff support to the council.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.215
2 RCW to read as follows:

3 EARLY START ACCOUNT. The early start account is created in the
4 state treasury. Revenues in the account shall consist of
5 appropriations by the legislature and all other sources deposited
6 into the account. Moneys in the account may only be used after
7 appropriation. Expenditures from the account may be used only to
8 improve the quality of early care and education programming. The
9 department oversees the account.

10 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.215
11 RCW to read as follows:

12 ANNUAL PROGRESS REPORT. (1) Beginning December 15, 2015, and each
13 December 15th thereafter, the department, in collaboration with the
14 statewide child care resource and referral organization, and the
15 early achievers review subcommittee of the early learning advisory
16 council, shall submit, in compliance with RCW 43.01.036, a progress
17 report to the governor and the legislature regarding providers'
18 progress in the early achievers program. Each progress report must
19 include the following elements:

20 (a) The number, and relative percentage, of family child care and
21 center providers who have enrolled in the early achievers program and
22 who have:

23 (i) Completed the level 2 activities;

24 (ii) Completed rating readiness consultation and are waiting to
25 be rated;

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

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

33 (v) Not achieved the required rating level initially and engaged
34 in remedial activities before successfully achieving the required
35 rating level;

36 (vi) Not achieved the required rating level after completing
37 remedial activities; or

38 (vii) Received an extension from the department based on
39 exceptional circumstances pursuant to RCW 43.215.100;

- 1 (b) A review of the services available to providers and children
2 from diverse cultural backgrounds;
- 3 (c) An examination of the effectiveness of efforts to increase
4 successful participation by providers serving children and families
5 from diverse cultural and linguistic backgrounds and providers who
6 serve children from low-income households;
- 7 (d) A description of the primary obstacles and challenges faced
8 by providers who have not achieved the required rating level to
9 remain eligible to receive:
- 10 (i) A subsidy under the working connections child care program;
11 or
- 12 (ii) State-funded support under the early childhood education and
13 assistance program;
- 14 (e) A summary of the types of exceptional circumstances for which
15 the department has granted an extension pursuant to RCW 43.215.100;
- 16 (f) The average amount of time required for providers to achieve
17 local level milestones within each level of the early achievers
18 program;
- 19 (g) To the extent data is available, an analysis of the
20 distribution of early achievers program-rated facilities in relation
21 to child and provider demographics, including but not limited to race
22 and ethnicity, home language, and geographical location;
- 23 (h) Recommendations for improving access for children from
24 diverse cultural backgrounds to providers rated at a level 3 or
25 higher in the early achievers program;
- 26 (i) Recommendations for improving the early achievers program
27 standards;
- 28 (j) An analysis of any impact from quality strengthening efforts
29 on the availability and quality of infant and toddler care;
- 30 (k) The number of contracted slots that use both early childhood
31 education and assistance program funding and working connections
32 child care program funding; and
- 33 (l) A description of the early childhood education and assistance
34 program implementation to include the following:
- 35 (i) Progress on early childhood education and assistance program
36 implementation as required pursuant to RCW 43.215.415, 43.215.425,
37 and 43.215.455;
- 38 (ii) An examination of the regional distribution of new preschool
39 programming by zip code;

1 (iii) An analysis of the impact of preschool expansion on low-
2 income neighborhoods and communities;

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

5 (v) An analysis of any impact of extended day early care and
6 education opportunities directives;

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

9 (vii) An analysis of the demand for full-day programming for
10 early childhood education and assistance program providers required
11 under RCW 43.215.415; and

12 (viii) To the extent data is available, an analysis of the
13 cultural diversity of early childhood education and assistance
14 program providers and participants.

15 (2) The first annual report due under subsection (1) of this
16 section also shall include a description of the early achievers
17 program extension protocol required under RCW 43.215.100.

18 (3) The elements required to be reported under subsection (1)(a)
19 of this section must be reported at the county level, and for those
20 counties with a population of five hundred thousand and higher, the
21 data must be reported at the zip code level.

22 (4) If, based on information in an annual report submitted in
23 2018 or later under this section, fifteen percent or more of the
24 licensed or contracted providers who are participating in the early
25 achievers program in a county or in a single zip code have not
26 achieved the rating levels under RCW 43.215.135 and 43.215.415, the
27 department must:

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

30 (b) Develop a plan to mitigate the effect on the children and
31 families served by these providers. The plan must be submitted to the
32 legislature as part of the annual progress report along with any
33 recommendations for legislative action to address the needs of the
34 providers and the children and families they serve.

35 **Sec. 19.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1
36 are each reenacted and amended to read as follows:

37 DEFINITIONS. The definitions in this section apply throughout
38 this chapter unless the context clearly requires otherwise.

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

5 (a) "Child day care center" means an agency that regularly
6 provides early childhood education and early learning services for a
7 group of children for periods of less than twenty-four hours;

8 (b) "Early learning" includes but is not limited to programs and
9 services for child care; state, federal, private, and nonprofit
10 preschool; child care subsidies; child care resource and referral;
11 parental education and support; and training and professional
12 development for early learning professionals;

13 (c) "Family day care provider" means a child care provider who
14 regularly provides early childhood education and early learning
15 services for not more than twelve children in the provider's home in
16 the family living quarters;

17 (d) "Nongovernmental private-public partnership" means an entity
18 registered as a nonprofit corporation in Washington state with a
19 primary focus on early learning, school readiness, and parental
20 support, and an ability to raise a minimum of five million dollars in
21 contributions;

22 (e) "Service provider" means the entity that operates a community
23 facility.

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

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

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

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

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

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

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

37 (c) Persons who care for a neighbor's or friend's child or
38 children, with or without compensation, where the person providing
39 care for periods of less than twenty-four hours does not conduct such
40 activity on an ongoing, regularly scheduled basis for the purpose of

1 engaging in business, which includes, but is not limited to,
2 advertising such care;

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

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

8 (f) Schools, including boarding schools, that are engaged
9 primarily in education, operate on a definite school year schedule,
10 follow a stated academic curriculum, accept only school((-))age
11 children, and do not accept custody of children;

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

14 (h) Facilities providing child care for periods of less than
15 twenty-four hours when a parent or legal guardian of the child
16 remains on the premises of the facility for the purpose of
17 participating in:

18 (i) Activities other than employment; or

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

23 (i) Any entity that provides recreational or educational
24 programming for school((-))age((&)) children only and the entity
25 meets all of the following requirements:

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

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

31 (iii) The entity is a local affiliate of a national nonprofit;
32 and

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

35 (j) A program operated by any unit of local, state, or federal
36 government or an agency, located within the boundaries of a federally
37 recognized Indian reservation, licensed by the Indian tribe;

38 (k) A program located on a federal military reservation, except
39 where the military authorities request that such agency be subject to
40 the licensing requirements of this chapter;

1 (1) A program that offers early learning and support services,
2 such as parent education, and does not provide child care services on
3 a regular basis.

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

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

9 (5) "Department" means the department of early learning.

10 (6) "Director" means the director of the department.

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

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

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

23 (10) "Early start" means an integrated high quality continuum of
24 early learning programs for children birth-to-five years of age.
25 Components of early start include, but are not limited to, the
26 following:

27 (a) Home visiting and parent education and support programs;

28 (b) The early achievers program described in RCW 43.215.100;

29 (c) Integrated full-day and part-day high quality early learning
30 programs; and

31 (d) High quality preschool for children whose family income is at
32 or below one hundred ten percent of the federal poverty level.

33 ((+9)) (11) "Education data center" means the education data
34 center established in RCW 43.41.400, commonly referred to as the
35 education research and data center.

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

39 ((+10)) (13) "Enforcement action" means denial, suspension,
40 revocation, modification, or nonrenewal of a license pursuant to RCW

1 43.215.300(1) or assessment of civil monetary penalties pursuant to
2 RCW 43.215.300(3).

3 ~~((11))~~ (14) "Extended day program" means an early childhood
4 education and assistance program that offers early learning education
5 for at least ten hours per day, a minimum of two thousand hours per
6 year, at least four days per week, and operates year round.

7 (15) "Full day program" means an early childhood education and
8 assistance program that offers early learning education for a minimum
9 of one thousand hours per year.

10 (16) "Low-income child care provider" means a person who
11 administers a child care program that consists of at least eighty
12 percent of children receiving working connections child care subsidy.

13 (17) "Low-income neighborhood" means a district or community
14 where more than twenty percent of households are below the federal
15 poverty level.

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

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

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

25 (c) An adverse agency action, including termination, revocation,
26 or denial of a license or certification, or if pending adverse agency
27 action, the voluntary surrender of a license, certification, or
28 contract in lieu of the adverse action;

29 (d) A revocation, denial, or restriction placed on any
30 professional license; or

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

32 ~~((12))~~ (19) "Nonconviction information" means arrest, founded
33 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
34 or other negative action adverse to the applicant.

35 ~~((13))~~ (20) "Nonschool age child" means a child who is age six
36 years or younger and who is not enrolled in a public or private
37 school.

38 (21) "Part day program" means an early childhood education and
39 assistance program that offers early learning education for at least

1 two and one-half hours per class session, at least three hundred
2 twenty hours per year, for a minimum of thirty weeks per year.

3 (22) "Private school" means a private school approved by the
4 state under chapter 28A.195 RCW.

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

8 ~~((14))~~ (24) "Requirement" means any rule, regulation, or
9 standard of care to be maintained by an agency.

10 ~~((15))~~ (25) "School age child" means a child who is between the
11 ages of five years and twelve years and is attending a public or
12 private school or is receiving home-based instruction under chapter
13 28A.200 RCW.

14 (26) "Washington state preschool program" means an education
15 program for children three-to-five years of age who have not yet
16 entered kindergarten, such as the early childhood education and
17 assistance program.

18 NEW SECTION. Sec. 20. A new section is added to chapter 43.215
19 RCW to read as follows:

20 JOINT SELECT COMMITTEE ON THE EARLY ACHIEVERS PROGRAM. (1)(a) A
21 joint select committee on the early achievers program is established
22 with members as provided in this subsection.

23 (i) Chair and ranking minority member of the house of
24 representatives appropriations committee, or his or her designee who
25 must be a member of the house of representatives appropriations
26 committee;

27 (ii) Chair and ranking minority member of the senate ways and
28 means committee, or his or her designee who must be a member of the
29 senate ways and means committee;

30 (iii) Chair and ranking minority member of the house of
31 representatives early learning and human services committee, or his
32 or her designee who must be a member of the house of representatives
33 early learning and human services committee; and

34 (iv) Chair and ranking minority member of the senate early
35 learning and K-12 education committee, or his or her designee who
36 must be a member of the senate early learning and K-12 education
37 committee.

38 (b) The committee shall choose its chair or cochairs from among
39 its legislative membership. The chair of the house of representatives

1 early learning and human services committee, or his or her designee,
2 and the chair of the senate early learning and K-12 education
3 committee, or his or her designee, shall convene the initial meeting
4 of the committee.

5 (2) Between July 1, 2018, and December 1, 2018, the early
6 achievers joint select committee shall review the demand and
7 availability of licensed or certified child care family homes and
8 centers, approved early childhood education and assistance programs,
9 head start programs, and family, friend, and neighbor caregivers by
10 geographic region, including rural and low-income neighborhoods. This
11 review shall specifically look at the following:

12 (a) The geographic distribution of these child care programs by
13 type of program, programs that accept state subsidy, enrollment in
14 the early achievers program, and early achievers rating levels; and

15 (b) The demand and availability of these child care programs for
16 major ethnic populations.

17 (3) By December 1, 2018, the early achievers joint select
18 committee shall make recommendations to the legislature on the
19 following:

20 (a) The sufficiency of funding provided for the early achievers
21 program;

22 (b) The need for targeted funding for specific geographic regions
23 or major ethnic populations; and

24 (c) Whether to modify the deadlines established in RCW 43.215.135
25 for purposes of the early achievers program mandate established in
26 RCW 43.215.100.

27 (4) Staff support for the committee must be provided by the
28 senate committee services and the house of representatives office of
29 program research.

30 (5) Legislative members of the committee must be reimbursed for
31 travel expenses in accordance with RCW 44.04.120.

32 (6) The expenses of the committee must be paid jointly by the
33 senate and the house of representatives. Committee expenditures are
34 subject to approval by the senate facilities and operations committee
35 and the house of representatives executive rules committee, or their
36 successor committees.

37 (7) The committee shall report its findings and recommendations
38 to the appropriate committees of the legislature by December 1, 2018.

39 (8) This section expires December 1, 2019.

1 NEW SECTION. **Sec. 21.** REPEALER. 2013 2nd sp.s. c 16 s 2
2 (uncodified) is repealed.

3 NEW SECTION. **Sec. 22.** A new section is added to chapter 43.215
4 RCW to read as follows:

5 SHORT TITLE. Chapter . . ., Laws of 2015 3rd sp. sess. (this act)
6 may be known and cited as the early start act.

7 NEW SECTION. **Sec. 23.** EFFECTIVE DATE. Section 4 of this act
8 takes effect July 1, 2016.

9 NEW SECTION. **Sec. 24.** NULL AND VOID. If specific funding for
10 the purposes of this act, referencing this act by bill or chapter
11 number, is not provided by June 30, 2015, in the omnibus
12 appropriations act, this act is null and void.

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