

**E2SHB 1152** - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED 04/14/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that parents are  
4 their children's first and most important teachers, caregivers, and  
5 decision makers. The legislature also recognizes that many parents are  
6 employed or in school and must seek services in their communities to  
7 assist with the care and support of their children. Welfare reform  
8 requires parents with low incomes to enter the work force while their  
9 children are young, increasing parents' need for the support of such  
10 resources. In seeking out resources in their communities to provide  
11 care and support for their children, parents throughout the state need  
12 and deserve to have the best possible information to help inform their  
13 choices about the care and education of their children.

14 The legislature also finds that research on brain development in  
15 young children establishes that early experiences are important to  
16 children's emotional, social, physical, and cognitive development.  
17 Research also shows a clear and compelling connection between the  
18 quality of children's early childhood care and education experiences  
19 and later success in school and in life.

20 The legislature intends to build on the efforts of communities  
21 across the state to improve the quality of early learning environments  
22 available to children and their families, as well as the information  
23 available to families relating to those early learning environments.  
24 The legislature recognizes that efforts to improve early learning must  
25 build upon existing partnerships between the public and private  
26 sectors. The experiences and resources of both public and private  
27 entities are essential to making meaningful and lasting improvements in  
28 the quality of early learning environments across the state. Statewide  
29 leadership is needed to guide and support the efforts of the private

1 and public sectors working together to make systemwide improvements in  
2 the quality, affordability, and accessibility of early learning  
3 opportunities.

4 The legislature intends to establish an effective oversight body,  
5 composed of representation from the public and private sectors, to  
6 provide leadership and vision to strengthen the quality of early  
7 learning services and programs for all children and families in the  
8 state and to ensure that children enter school ready to succeed.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply  
10 throughout sections 1 through 6 of this act unless the context clearly  
11 requires otherwise.

12 (1) "Early learning programs and services" include the following:  
13 Child care; state, private, and nonprofit preschool programs; child  
14 care subsidy programs; and training and professional development  
15 programs for early learning professionals.

16 (2) "Council" means the Washington early learning council.

17 NEW SECTION. **Sec. 3.** (1) The Washington early learning council is  
18 established in the governor's office. The purpose of the council is to  
19 provide vision, leadership, and direction to the improvement,  
20 realignment, and expansion of early learning programs and services for  
21 children birth to five years of age in order to better meet the early  
22 learning needs of children and their families. The goal of the council  
23 is to build upon existing efforts and recommend new initiatives, as  
24 necessary, to create an adequately financed, high-quality, accessible,  
25 and comprehensive early learning system that benefits all young  
26 children whose parents choose it.

27 (2) The council shall develop an early learning plan to improve the  
28 organization of early learning programs and services at the state  
29 level, and to improve the accessibility and quality of early learning  
30 programs and services throughout the state.

31 (a) By November 15, 2005, the council shall make recommendations to  
32 the governor and the appropriate committees of the legislature  
33 concerning statewide organization of early learning.

34 (b) The council shall also make recommendations to the governor and  
35 the appropriate committees of the legislature concerning the following:

1 (i) Identification of current populations being served and  
2 potential populations to be served by early learning programs and  
3 services;

4 (ii) The state's role in supporting quality early learning programs  
5 and services;

6 (iii) Appropriate levels and sources of stable and sustainable  
7 funding to meet statewide and local need for early learning programs  
8 and services, including public-private partnerships;

9 (iv) Changes in existing early learning programs and services,  
10 including the administration of those programs and services, to improve  
11 their efficiency, effectiveness, and quality;

12 (v) Changes in existing early learning programs and services to  
13 ensure that the content is aligned with what children need to know and  
14 be able to do upon entering school;

15 (vi) How to maximize available early learning resources to ensure  
16 children are receiving continuity of care; and

17 (vii) Providing for smooth transitions from early learning programs  
18 and services to K-12 programs.

19 (c) As provided in sections 5 and 6 of this act, the council shall  
20 focus on quality improvements to licensed child care through the  
21 following mechanisms:

22 (i) A voluntary, quality-based, graduated rating system to provide  
23 information to parents on the quality of child care programs and to  
24 provide resources and incentives for quality improvements; and

25 (ii) A tiered-reimbursement system for state-subsidized child care  
26 to improve the quality of care for children participating in state-  
27 funded care.

28 (d) The council shall make recommendations to the governor and the  
29 appropriate committees of the legislature concerning the regulation of  
30 child care, including child care that is exempt from regulation and  
31 unlicensed child care that is subject to regulation, in order to ensure  
32 the safety, health, quality, and accessibility of child care services  
33 throughout the state.

34 (3) The council shall serve as the advisory committee on early  
35 learning to the comprehensive education study steering committee,  
36 created in Engrossed Second Substitute Senate Bill No. 5441. The  
37 nongovernmental cochair of the council shall serve as the chair of the

1 advisory committee on early learning. The council shall have input on  
2 the recommendations developed by the comprehensive education study  
3 steering committee.

4 (4) The council shall make use of existing reports, research,  
5 planning efforts, and programs, including, but not limited to, the  
6 following: The federal early head start program, the federal head  
7 start program, the state early childhood education and assistance  
8 program, the state's essential academic learning requirements and K-3  
9 grade level expectations, the Washington state early learning and  
10 development benchmarks, existing tiered-reimbursement initiatives, the  
11 state's early childhood comprehensive systems plan, and the work of the  
12 child care coordinating committee established pursuant to RCW  
13 74.13.090.

14 NEW SECTION. **Sec. 4.** (1) The council shall include representation  
15 from public, nonprofit, and for-profit entities, and its membership  
16 shall reflect regional, racial, and cultural diversity to ensure  
17 representation of the needs of all children and families in the state.

18 (2) The council shall consist of seventeen members, as follows:

19 (a) One representative each of the governor's office, the  
20 department of social and health services, the department of health, and  
21 the state board for community and technical colleges, appointed by the  
22 governor;

23 (b) One representative of the office of superintendent of public  
24 instruction, appointed by the superintendent of public instruction;

25 (c) Two representatives of private business and two representatives  
26 of philanthropy, appointed by the governor;

27 (d) Four individuals who have demonstrated leadership and  
28 engagement in the field of early learning, appointed by the governor;  
29 and

30 (e) Two members of the house of representatives appointed by the  
31 speaker of the house of representatives, one of whom shall be a member  
32 of the majority caucus and one of whom shall be a member of the  
33 minority caucus, and two members of the senate appointed by the  
34 president of the senate, one of whom shall be a member of the majority  
35 caucus and one of whom shall be a member of the minority caucus.

36 (3) The council shall be cochaired by the representative of the

1 governor's office and a nongovernmental member designated by the  
2 governor.

3 (4) Members of the council shall be compensated in accordance with  
4 RCW 43.03.240 and shall be reimbursed for travel expenses as provided  
5 in RCW 43.03.050 and 43.03.060.

6 (5) The governor may employ an executive director, who is exempt  
7 from the provisions of chapter 41.06 RCW, and such other staff as is  
8 necessary to carry out the purposes of sections 1 through 6 of this  
9 act. The governor pursuant to RCW 43.03.040 shall fix the salary of  
10 the executive director.

11 (6) The council shall monitor and measure its progress and  
12 regularly report, as appropriate, to the governor and the appropriate  
13 committees of the legislature on the progress, findings, and  
14 recommendations of the council.

15 (7) The council shall establish one or more technical advisory  
16 committees, as needed. Membership of such advisory committees may  
17 include the following: Representatives of any state agency the council  
18 deems appropriate, including the higher education coordinating board  
19 and the state board for community and technical colleges; family home  
20 child care providers, child care center providers, and college or  
21 university child care providers; parents; early childhood development  
22 experts; representatives of school districts and teachers involved in  
23 the provision of child care and preschool programs; representatives of  
24 resource and referral programs; parent education specialists; pediatric  
25 or other health professionals; representatives of citizen groups  
26 concerned with child care and early learning; representatives of labor  
27 organizations; representatives of private business; and representatives  
28 of head start and early childhood education assistance program  
29 agencies.

30 NEW SECTION. **Sec. 5.** (1) The council shall develop a voluntary,  
31 quality-based, graduated rating system consisting of levels of quality  
32 to be achieved by licensed child care providers serving children and  
33 families in the state. The purpose of the rating system is to provide  
34 families with vital information about the quality of early learning  
35 programs available to them and to increase the quality of early  
36 learning programs operating throughout the state. In developing the

1 voluntary rating system, the council shall seek to build upon existing  
2 partnerships and initiate new partnerships between the public and  
3 private sectors.

4 (2) In developing the voluntary rating system, the council shall  
5 establish a system of tiers as the basis for the rating system's levels  
6 of quality. In developing the system of tiers, the council shall take  
7 into consideration the following quality criteria:

- 8 (a) Child-to-staff ratios;
- 9 (b) Group size;
- 10 (c) Learning environment, including staff and child interactions;
- 11 (d) Curriculum;
- 12 (e) Parent and family involvement and support;
- 13 (f) Staff qualifications and training;
- 14 (g) Staff professional development;
- 15 (h) Staff compensation;
- 16 (i) Staff stability;
- 17 (j) Accreditation;
- 18 (k) Program evaluation; and
- 19 (l) Program administrative policies and procedures.

20 (3) In developing the voluntary rating system, the council shall  
21 establish quality assurance measures as well as a mechanism for system  
22 evaluation.

23 (4) In developing the voluntary rating system, the council shall  
24 make recommendations concerning both initial and subsequent statewide  
25 implementation of the rating system, including the following:

- 26 (a) Potential implementing entities;
- 27 (b) Sources of funding for implementation;
- 28 (c) Necessary infrastructure for facilitating and supporting  
29 participation in the rating system, including assistance necessary to  
30 help providers progress up the tiers; and
- 31 (d) Strategies for raising public awareness of the rating system.

32 (5) The council shall complete initial development of the voluntary  
33 rating system by December 1, 2005, and complete development by December  
34 1, 2006.

35 (6) The council shall submit the voluntary rating system to the  
36 governor and the appropriate fiscal and policy committees of the  
37 legislature by January 1, 2007. If no action is taken by the

1 legislature by the end of the 2007 regular legislative session, the  
2 council may begin initial implementation of the voluntary rating  
3 system, subject to available funding.

4 NEW SECTION. **Sec. 6.** (1) The council shall develop a tiered-  
5 reimbursement system that provides higher rates of reimbursement for  
6 state-subsidized child care for licensed child care providers that  
7 achieve one or more levels of quality above basic licensing  
8 requirements in accordance with the voluntary quality-based graduated  
9 rating system developed pursuant to section 5 of this act.

10 (2) In developing the tiered-reimbursement system, the council  
11 shall review existing tiered-reimbursement initiatives in the state and  
12 integrate those initiatives into the tiered-reimbursement system.

13 (3) The council shall complete initial development of the tiered-  
14 reimbursement system by December 1, 2005, to be implemented in two  
15 pilot sites in different geographic regions of the state with  
16 demonstrated public-private partnerships. The council shall complete  
17 development of the tiered-reimbursement system by December 1, 2006, to  
18 be implemented statewide, subject to the availability of amounts  
19 appropriated by the legislature for this specific purpose.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW  
21 to read as follows:

22 (1) Subject to the availability of amounts appropriated for this  
23 specific purpose, the department of social and health services shall  
24 implement the tiered-reimbursement system developed pursuant to section  
25 6 of this act. Implementation of the tiered-reimbursement system shall  
26 initially consist of two pilot sites in different geographic regions of  
27 the state with demonstrated public-private partnerships, with statewide  
28 implementation to follow.

29 (2) In implementing the tiered-reimbursement system, consideration  
30 shall be given to child care providers who provide staff wage  
31 progression.

32 (3) The department shall begin implementation of the two pilot  
33 sites by March 30, 2006.

34 **Sec. 8.** RCW 28B.135.030 and 1999 c 375 s 3 are each amended to  
35 read as follows:

1 The higher education coordinating board shall administer the  
2 program for four-year institutions of higher education. The state  
3 board for community and technical colleges shall administer the program  
4 for community and technical colleges. The higher education  
5 coordinating board and the state board for community and technical  
6 colleges shall have the following powers and duties in administering  
7 each program:

8 (1) To adopt rules necessary to carry out the program;

9 (2) To establish one or more review committees to assist in the  
10 evaluation of proposals for funding. The review committee shall  
11 include but not be limited to individuals from the Washington  
12 association for the education of young children(~~(, the child care~~  
13 ~~coordinating committee,)) and the child care resource and referral  
14 network;~~

15 (3) To establish each biennium specific guidelines for submitting  
16 grant proposals consistent with the overall goals of the program.  
17 During the 1999-2001 biennium the guidelines shall be consistent with  
18 the following desired outcomes of increasing access to child care for  
19 students, addressing the demand for infant and toddler care, providing  
20 affordable child care alternatives, creating more cooperative preschool  
21 programs, creating models that can be replicated at other institutions,  
22 creating a partnership between university or college administrations  
23 and student government, or its equivalent and increasing efficiency and  
24 innovation at campus child care centers;

25 (4) To establish guidelines for an allocation system based on  
26 factors that include but are not limited to: The amount of money  
27 available in the trust fund; characteristics of the institutions  
28 including the size of the faculty and student body; and the number of  
29 child care grants received;

30 (5) To solicit grant proposals and provide information to the  
31 institutions of higher education about the program; and

32 (6) To establish reporting, evaluation, accountability, monitoring,  
33 and dissemination requirements for the recipients of the grants.

34 **Sec. 9.** RCW 41.04.385 and 2002 c 354 s 236 are each amended to  
35 read as follows:

36 The legislature finds that (1) demographic, economic, and social  
37 trends underlie a critical and increasing demand for child care in the

1 state of Washington; (2) working parents and their children benefit  
2 when the employees' child care needs have been resolved; (3) the state  
3 of Washington should serve as a model employer by creating a supportive  
4 atmosphere, to the extent feasible, in which its employees may meet  
5 their child care needs; and (4) the state of Washington should  
6 encourage the development of partnerships between state agencies, state  
7 employees, state employee labor organizations, and private employers to  
8 expand the availability of affordable quality child care. The  
9 legislature finds further that resolving employee child care concerns  
10 not only benefits the employees and their children, but may benefit the  
11 employer by reducing absenteeism, increasing employee productivity,  
12 improving morale, and enhancing the employer's position in recruiting  
13 and retaining employees. Therefore, the legislature declares that it  
14 is the policy of the state of Washington to assist state employees by  
15 creating a supportive atmosphere in which they may meet their child  
16 care needs. Policies and procedures for state agencies to address  
17 employee child care needs will be the responsibility of the director of  
18 personnel in consultation with (~~the child care coordinating committee,~~  
19 ~~as provided in RCW 74.13.090, and~~) state employee representatives.

20 **Sec. 10.** RCW 74.13.0903 and 1997 c 58 s 404 are each amended to  
21 read as follows:

22 The office of child care policy is established to operate under the  
23 authority of the department of social and health services. The duties  
24 and responsibilities of the office include, but are not limited to, the  
25 following, within appropriated funds:

26 (1) (~~Staff and assist the child care coordinating committee in the~~  
27 ~~implementation of its duties under RCW 74.13.090;~~

28 ~~(2))~~ Work in conjunction with the statewide child care resource  
29 and referral network as well as local governments, nonprofit  
30 organizations, businesses, and community child care advocates to create  
31 local child care resource and referral organizations. These  
32 organizations may carry out needs assessments, resource development,  
33 provider training, technical assistance, and parent information and  
34 training;

35 ~~((3))~~ (2) Actively seek public and private money for distribution  
36 as grants to the statewide child care resource and referral network and

1 to existing or potential local child care resource and referral  
2 organizations;

3 ~~((+4))~~ (3) Adopt rules regarding the application for and  
4 distribution of grants to local child care resource and referral  
5 organizations. The rules shall, at a minimum, require an applicant to  
6 submit a plan for achieving the following objectives:

7 (a) Provide parents with information about child care resources,  
8 including location of services and subsidies;

9 (b) Carry out child care provider recruitment and training  
10 programs, including training under RCW 74.25.040;

11 (c) Offer support services, such as parent and provider seminars,  
12 toy-lending libraries, and substitute banks;

13 (d) Provide information for businesses regarding child care supply  
14 and demand;

15 (e) Advocate for increased public and private sector resources  
16 devoted to child care;

17 (f) Provide technical assistance to employers regarding employee  
18 child care services; and

19 (g) Serve recipients of temporary assistance for needy families and  
20 working parents with incomes at or below household incomes of one  
21 hundred seventy-five percent of the federal poverty line;

22 ~~((+5))~~ (4) Provide staff support and technical assistance to the  
23 statewide child care resource and referral network and local child care  
24 resource and referral organizations;

25 ~~((+6))~~ (5) Maintain a statewide child care licensing data bank and  
26 work with department of social and health services licensors to provide  
27 information to local child care resource and referral organizations  
28 about licensed child care providers in the state;

29 ~~((+7))~~ (6) Through the statewide child care resource and referral  
30 network and local resource and referral organizations, compile data  
31 about local child care needs and availability for future planning and  
32 development;

33 ~~((+8))~~ (7) Coordinate with the statewide child care resource and  
34 referral network and local child care resource and referral  
35 organizations for the provision of training and technical assistance to  
36 child care providers; and

37 ~~((+9))~~ (8) Collect and assemble information regarding the

1 availability of insurance and of federal and other child care funding  
2 to assist state and local agencies, businesses, and other child care  
3 providers in offering child care services.

4 **Sec. 11.** RCW 74.15.030 and 2000 c 162 s 20 and 2000 c 122 s 40 are  
5 each reenacted and amended to read as follows:

6 The secretary shall have the power and it shall be the secretary's  
7 duty:

8 (1) In consultation with the children's services advisory  
9 committee, and with the advice and assistance of persons representative  
10 of the various type agencies to be licensed, to designate categories of  
11 facilities for which separate or different requirements shall be  
12 developed as may be appropriate whether because of variations in the  
13 ages, sex and other characteristics of persons served, variations in  
14 the purposes and services offered or size or structure of the agencies  
15 to be licensed hereunder, or because of any other factor relevant  
16 thereto;

17 (2) In consultation with the children's services advisory  
18 committee, and with the advice and assistance of persons representative  
19 of the various type agencies to be licensed, to adopt and publish  
20 minimum requirements for licensing applicable to each of the various  
21 categories of agencies to be licensed.

22 The minimum requirements shall be limited to:

23 (a) The size and suitability of a facility and the plan of  
24 operation for carrying out the purpose for which an applicant seeks a  
25 license;

26 (b) The character, suitability and competence of an agency and  
27 other persons associated with an agency directly responsible for the  
28 care and treatment of children, expectant mothers or developmentally  
29 disabled persons. In consultation with law enforcement personnel, the  
30 secretary shall investigate the conviction record or pending charges  
31 and dependency record information under chapter 43.43 RCW of each  
32 agency and its staff seeking licensure or relicensure. No unfounded  
33 allegation of child abuse or neglect as defined in RCW 26.44.020 may be  
34 disclosed to a child-placing agency, private adoption agency, or any  
35 other provider licensed under this chapter. In order to determine the  
36 suitability of applicants for an agency license, licensees, their  
37 employees, and other persons who have unsupervised access to children

1 in care, and who have not resided in the state of Washington during the  
2 three-year period before being authorized to care for children shall be  
3 fingerprinted. The fingerprints shall be forwarded to the Washington  
4 state patrol and federal bureau of investigation for a criminal history  
5 records check. The fingerprint criminal history records checks will be  
6 at the expense of the licensee except that in the case of a foster  
7 family home, if this expense would work a hardship on the licensee, the  
8 department shall pay the expense. The licensee may not pass this cost  
9 on to the employee or prospective employee, unless the employee is  
10 determined to be unsuitable due to his or her criminal history record.  
11 The secretary shall use the information solely for the purpose of  
12 determining eligibility for a license and for determining the  
13 character, suitability, and competence of those persons or agencies,  
14 excluding parents, not required to be licensed who are authorized to  
15 care for children, expectant mothers, and developmentally disabled  
16 persons. Criminal justice agencies shall provide the secretary such  
17 information as they may have and that the secretary may require for  
18 such purpose;

19 (c) The number of qualified persons required to render the type of  
20 care and treatment for which an agency seeks a license;

21 (d) The safety, cleanliness, and general adequacy of the premises  
22 to provide for the comfort, care and well-being of children, expectant  
23 mothers or developmentally disabled persons;

24 (e) The provision of necessary care, including food, clothing,  
25 supervision and discipline; physical, mental and social well-being; and  
26 educational, recreational and spiritual opportunities for those served;

27 (f) The financial ability of an agency to comply with minimum  
28 requirements established pursuant to chapter 74.15 RCW and RCW  
29 74.13.031; and

30 (g) The maintenance of records pertaining to the admission,  
31 progress, health and discharge of persons served;

32 (3) To investigate any person, including relatives by blood or  
33 marriage except for parents, for character, suitability, and competence  
34 in the care and treatment of children, expectant mothers, and  
35 developmentally disabled persons prior to authorizing that person to  
36 care for children, expectant mothers, and developmentally disabled  
37 persons. However, if a child is placed with a relative under RCW  
38 13.34.065 or 13.34.130, and if such relative appears otherwise suitable

1 and competent to provide care and treatment the criminal history  
2 background check required by this section need not be completed before  
3 placement, but shall be completed as soon as possible after placement;

4 (4) On reports of alleged child abuse and neglect, to investigate  
5 agencies in accordance with chapter 26.44 RCW, including child day-care  
6 centers and family day-care homes, to determine whether the alleged  
7 abuse or neglect has occurred, and whether child protective services or  
8 referral to a law enforcement agency is appropriate;

9 (5) To issue, revoke, or deny licenses to agencies pursuant to  
10 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the  
11 category of care which an agency is authorized to render and the ages,  
12 sex and number of persons to be served;

13 (6) To prescribe the procedures and the form and contents of  
14 reports necessary for the administration of chapter 74.15 RCW and RCW  
15 74.13.031 and to require regular reports from each licensee;

16 (7) To inspect agencies periodically to determine whether or not  
17 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the  
18 requirements adopted hereunder;

19 (8) To review requirements adopted hereunder at least every two  
20 years and to adopt appropriate changes after consultation with (~~the~~  
21 ~~child care coordinating committee and other~~) affected groups for child  
22 day-care requirements and with the children's services advisory  
23 committee for requirements for other agencies; and

24 (9) To consult with public and private agencies in order to help  
25 them improve their methods and facilities for the care of children,  
26 expectant mothers and developmentally disabled persons.

27 NEW SECTION. **Sec. 12.** If specific funding for the purposes of  
28 this act, referencing this act by bill or chapter number, is not  
29 provided by June 30, 2005, in the omnibus appropriations act, this act  
30 is null and void.

31 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
32 each repealed:

33 (1) RCW 74.13.090 (Child care coordinating committee) and 1995 c  
34 399 s 204, 1993 c 194 s 7, 1989 c 381 s 3, & 1988 c 213 s 2; and

35 (2) RCW 74.13.0901 (Child care partnership) and 1989 c 381 s 4.

1        NEW SECTION.   **Sec. 14.**   Sections 1 through 6 of this act expire  
2   July 1, 2007.

3        NEW SECTION.   **Sec. 15.**   This act is necessary for the immediate  
4   preservation of the public peace, health, or safety, or support of the  
5   state government and its existing public institutions, and takes effect  
6   immediately."

**E2SHB 1152** - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

**ADOPTED 04/14/2005**

7        On page 1, line 1 of the title, after "learning;" strike the  
8   remainder of the title and insert "amending RCW 28B.135.030, 41.04.385,  
9   and 74.13.0903; reenacting and amending RCW 74.15.030; adding a new  
10   section to chapter 74.15 RCW; creating new sections; repealing RCW  
11   74.13.090 and 74.13.0901; providing an expiration date; and declaring  
12   an emergency."

EFFECT:        Changes reference from inactive house bill to active  
senate bill.

**--- END ---**