
SUBSTITUTE HOUSE BILL 1152

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Kagi, Fromhold, Jarrett, Schual-Berke, Walsh, Quall, B. Sullivan, Grant, Ormsby, Kessler, Simpson, Moeller, Lovick, Roberts, Chase, Williams, P. Sullivan, Tom, Morrell, McIntire, Kenney, Haigh, McDermott, Dickerson, Santos and Linville)

READ FIRST TIME 02/24/05.

1 AN ACT Relating to early learning; amending RCW 28B.135.030,
2 41.04.385, and 74.13.0903; reenacting and amending RCW 74.15.030;
3 adding a new section to chapter 74.15 RCW; adding a new chapter to
4 Title 74 RCW; and repealing RCW 74.13.090 and 74.13.0901.

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

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

17 The legislature also finds that research on brain development in
18 young children establishes that early experiences are important to
19 children's emotional, social, physical, and cognitive development.

1 Research also shows a clear and compelling connection between the
2 quality of children's early childhood care and education experiences
3 and later success in school and in life.

4 The legislature intends to build on the efforts of communities
5 across the state to improve the quality of early learning environments
6 available to children and their families, as well as the information
7 available to families relating to those early learning environments.
8 The legislature recognizes that efforts to improve early learning must
9 build upon existing partnerships between the public and private
10 sectors. The experiences and resources of both public and private
11 entities are essential to making meaningful and lasting improvements in
12 the quality of early learning environments across the state. Statewide
13 leadership is needed to guide and support the efforts of the private
14 and public sectors working together to make systemwide improvements in
15 the quality, affordability, and accessibility of early learning
16 opportunities.

17 The legislature intends to establish an effective oversight body,
18 composed of representation from the public and private sectors, to
19 provide leadership and vision to strengthen the quality of early
20 learning services and programs for all children and families in the
21 state.

22 NEW SECTION. **Sec. 2.** The definitions in this section apply
23 throughout this chapter unless the context clearly requires otherwise.

24 (1) "Early learning programs and services" include the following:
25 Regulation of child care; regulation of state, private, and nonprofit
26 preschool programs; child care subsidy programs; and training and
27 professional development programs for early learning professionals.

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

29 NEW SECTION. **Sec. 3.** (1) The Washington early learning council is
30 established in the governor's office. The purpose of the council is to
31 provide vision, leadership, and direction to the improvement,
32 realignment, and expansion of early learning programs and services for
33 children birth to five years of age in order to better meet the early
34 learning needs of children and their families. The goal of the council
35 is to build upon existing efforts and recommend new initiatives, as

1 necessary, to create an adequately financed, high-quality, accessible,
2 and comprehensive early learning system that benefits all young
3 children whose parents choose it.

4 (2) The council shall develop an early learning plan to improve the
5 accessibility and quality of early learning programs and services
6 throughout the state. The initial focus shall be on developing and
7 implementing quality improvements through the following mechanisms,
8 which shall initially be implemented in two pilot sites:

9 (a) A voluntary, quality-based, graduated rating system to provide
10 information to parents on the quality of child care programs and to
11 provide resources and incentives for quality improvements; and

12 (b) A tiered-reimbursement system for state-subsidized child care
13 to improve the quality of care for children participating in state-
14 funded care.

15 (3) The council shall make recommendations to the governor and the
16 appropriate committees of the legislature, to include the following:

17 (a) Changes in existing early learning programs and services,
18 including the administration of those programs and services, to improve
19 their efficiency, effectiveness, and quality;

20 (b) Development of new early learning programs and services, as
21 necessary, that build upon or replace existing programs and services;

22 (c) Appropriate levels and sources of stable and sustainable
23 funding to meet statewide and local need for early learning programs
24 and services, including public-private partnerships; and

25 (d) How to maximize available early learning resources to ensure
26 children are receiving continuity of care.

27 (4) The council shall make use of existing reports, research,
28 planning efforts, and programs, including, but not limited to, the
29 following: The federal early head start program, the federal head
30 start program, the state early childhood education and assistance
31 program, the state's essential academic learning requirements and K-3
32 grade level expectations, the Washington state early learning and
33 development benchmarks, existing tiered-reimbursement initiatives, the
34 state's early childhood comprehensive systems plan, and the work of the
35 child care coordinating committee established pursuant to RCW
36 74.13.090.

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

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

6 (a) One representative each of the governor's office, the
7 department of social and health services, the department of health, and
8 the state board for community and technical colleges, appointed by the
9 governor;

10 (b) One representative of the office of superintendent of public
11 instruction, appointed by the superintendent of public instruction;

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

14 (d) Four individuals who have demonstrated leadership and
15 engagement in the field of early learning, appointed by the governor;
16 and

17 (e) Two members of the house of representatives appointed by the
18 speaker of the house of representatives, one of whom shall be a member
19 of the majority caucus and one of whom shall be a member of the
20 minority caucus, and two members of the senate appointed by the
21 president of the senate, one of whom shall be a member of the majority
22 caucus and one of whom shall be a member of the minority caucus.

23 (3) The members of the council shall serve three-year terms. Of
24 the initial members, six shall be appointed for one-year terms, six
25 shall be appointed for two-year terms, and five shall be appointed for
26 three-year terms. Thereafter, members shall be appointed for three-
27 year terms.

28 (4) The council shall be cochaired by the representative of the
29 governor's office and a nongovernmental member designated by the
30 governor.

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

34 (6) The governor may employ an executive director, who is exempt
35 from the provisions of chapter 41.06 RCW, and such other staff as is
36 necessary to carry out the purposes of this chapter. The governor
37 pursuant to RCW 43.03.040 shall fix the salary of the executive
38 director.

1 (7) The council shall monitor and measure its progress and annually
2 report to the governor and the appropriate committees of the
3 legislature on the progress, findings, and recommendations of the
4 council.

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

20 NEW SECTION. **Sec. 5.** (1) The council shall develop a voluntary,
21 quality-based, graduated rating system consisting of levels of quality
22 to be achieved by licensed child care providers serving children and
23 families in the state. The purpose of the rating system is to provide
24 families with vital information about the quality of early learning
25 programs available to them and to increase the quality of early
26 learning programs operating throughout the state. In developing the
27 voluntary rating system, the council shall seek to build upon existing
28 partnerships and initiate new partnerships between the public and
29 private sectors.

30 (2) In developing the voluntary rating system, the council shall
31 establish a system of tiers as the basis for the rating system's levels
32 of quality. In developing the system of tiers, the council shall take
33 into consideration the following quality criteria:

- 34 (a) Child-to-staff ratios;
- 35 (b) Group size;
- 36 (c) Learning environment, including staff and child interactions;
- 37 (d) Curriculum;

- 1 (e) Parent and family involvement and support;
- 2 (f) Staff qualifications and training;
- 3 (g) Staff professional development;
- 4 (h) Staff compensation, including wage progression based on formal
- 5 education;
- 6 (i) Staff stability;
- 7 (j) Accreditation;
- 8 (k) Program evaluation; and
- 9 (l) Program administrative policies and procedures.

10 (3) In developing the voluntary rating system, the council shall
11 establish quality assurance measures as well as a mechanism for system
12 evaluation.

13 (4) Implementation of the voluntary rating system shall initially
14 consist of two pilot sites in different geographic regions of the state
15 with demonstrated public-private partnerships to support
16 implementation. In developing the voluntary rating system, the council
17 shall make recommendations concerning both initial and subsequent
18 statewide implementation of the rating system, including the following:

- 19 (a) Potential implementing entities;
- 20 (b) Sources of funding for implementation;
- 21 (c) Necessary infrastructure for facilitating and supporting
- 22 participation in the rating system, including assistance necessary to
- 23 help providers progress up the tiers; and
- 24 (d) Strategies for raising public awareness of the rating system.

25 (5) The council shall complete initial development of the voluntary
26 rating system by December 1, 2005, and begin initial implementation of
27 the two pilot sites by March 30, 2006.

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

34 (2) In developing the tiered-reimbursement system, the council
35 shall review existing tiered-reimbursement initiatives in the state and
36 integrate those initiatives into the tiered-reimbursement system.

1 (3) The council shall complete development of the tiered-
2 reimbursement system by December 1, 2005.

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

5 (1) The department of social and health services shall implement
6 the tiered-reimbursement system developed pursuant to section 6 of this
7 act. Implementation of the tiered-reimbursement system shall initially
8 consist of the two pilot sites in which the voluntary quality rating
9 system is initially implemented pursuant to section 5 of this act, with
10 statewide implementation to follow.

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

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

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

18 The higher education coordinating board shall administer the
19 program for four-year institutions of higher education. The state
20 board for community and technical colleges shall administer the program
21 for community and technical colleges. The higher education
22 coordinating board and the state board for community and technical
23 colleges shall have the following powers and duties in administering
24 each program:

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

26 (2) To establish one or more review committees to assist in the
27 evaluation of proposals for funding. The review committee shall
28 include but not be limited to individuals from the Washington
29 association for the education of young children(~~(, the child care~~
30 ~~coordinating committee,~~)) and the child care resource and referral
31 network;

32 (3) To establish each biennium specific guidelines for submitting
33 grant proposals consistent with the overall goals of the program.
34 During the 1999-2001 biennium the guidelines shall be consistent with
35 the following desired outcomes of increasing access to child care for
36 students, addressing the demand for infant and toddler care, providing

1 affordable child care alternatives, creating more cooperative preschool
2 programs, creating models that can be replicated at other institutions,
3 creating a partnership between university or college administrations
4 and student government, or its equivalent and increasing efficiency and
5 innovation at campus child care centers;

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

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

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

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

17 The legislature finds that (1) demographic, economic, and social
18 trends underlie a critical and increasing demand for child care in the
19 state of Washington; (2) working parents and their children benefit
20 when the employees' child care needs have been resolved; (3) the state
21 of Washington should serve as a model employer by creating a supportive
22 atmosphere, to the extent feasible, in which its employees may meet
23 their child care needs; and (4) the state of Washington should
24 encourage the development of partnerships between state agencies, state
25 employees, state employee labor organizations, and private employers to
26 expand the availability of affordable quality child care. The
27 legislature finds further that resolving employee child care concerns
28 not only benefits the employees and their children, but may benefit the
29 employer by reducing absenteeism, increasing employee productivity,
30 improving morale, and enhancing the employer's position in recruiting
31 and retaining employees. Therefore, the legislature declares that it
32 is the policy of the state of Washington to assist state employees by
33 creating a supportive atmosphere in which they may meet their child
34 care needs. Policies and procedures for state agencies to address
35 employee child care needs will be the responsibility of the director of
36 personnel in consultation with (~~the child care coordinating committee,~~
37 ~~as provided in RCW 74.13.090, and~~) state employee representatives.

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

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

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

9 ~~(2))~~ Work in conjunction with the statewide child care resource
10 and referral network as well as local governments, nonprofit
11 organizations, businesses, and community child care advocates to create
12 local child care resource and referral organizations. These
13 organizations may carry out needs assessments, resource development,
14 provider training, technical assistance, and parent information and
15 training;

16 ~~((3))~~ (2) Actively seek public and private money for distribution
17 as grants to the statewide child care resource and referral network and
18 to existing or potential local child care resource and referral
19 organizations;

20 ~~((4))~~ (3) Adopt rules regarding the application for and
21 distribution of grants to local child care resource and referral
22 organizations. The rules shall, at a minimum, require an applicant to
23 submit a plan for achieving the following objectives:

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

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

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

30 (d) Provide information for businesses regarding child care supply
31 and demand;

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

34 (f) Provide technical assistance to employers regarding employee
35 child care services; and

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

1 (~~(5)~~) (4) Provide staff support and technical assistance to the
2 statewide child care resource and referral network and local child care
3 resource and referral organizations;

4 (~~(6)~~) (5) Maintain a statewide child care licensing data bank and
5 work with department of social and health services licensors to provide
6 information to local child care resource and referral organizations
7 about licensed child care providers in the state;

8 (~~(7)~~) (6) Through the statewide child care resource and referral
9 network and local resource and referral organizations, compile data
10 about local child care needs and availability for future planning and
11 development;

12 (~~(8)~~) (7) Coordinate with the statewide child care resource and
13 referral network and local child care resource and referral
14 organizations for the provision of training and technical assistance to
15 child care providers; and

16 (~~(9)~~) (8) Collect and assemble information regarding the
17 availability of insurance and of federal and other child care funding
18 to assist state and local agencies, businesses, and other child care
19 providers in offering child care services.

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

22 The secretary shall have the power and it shall be the secretary's
23 duty:

24 (1) In consultation with the children's services advisory
25 committee, and with the advice and assistance of persons representative
26 of the various type agencies to be licensed, to designate categories of
27 facilities for which separate or different requirements shall be
28 developed as may be appropriate whether because of variations in the
29 ages, sex and other characteristics of persons served, variations in
30 the purposes and services offered or size or structure of the agencies
31 to be licensed hereunder, or because of any other factor relevant
32 thereto;

33 (2) In consultation with the children's services advisory
34 committee, and with the advice and assistance of persons representative
35 of the various type agencies to be licensed, to adopt and publish
36 minimum requirements for licensing applicable to each of the various
37 categories of agencies to be licensed.

1 The minimum requirements shall be limited to:

2 (a) The size and suitability of a facility and the plan of
3 operation for carrying out the purpose for which an applicant seeks a
4 license;

5 (b) The character, suitability and competence of an agency and
6 other persons associated with an agency directly responsible for the
7 care and treatment of children, expectant mothers or developmentally
8 disabled persons. In consultation with law enforcement personnel, the
9 secretary shall investigate the conviction record or pending charges
10 and dependency record information under chapter 43.43 RCW of each
11 agency and its staff seeking licensure or relicensure. No unfounded
12 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
13 disclosed to a child-placing agency, private adoption agency, or any
14 other provider licensed under this chapter. In order to determine the
15 suitability of applicants for an agency license, licensees, their
16 employees, and other persons who have unsupervised access to children
17 in care, and who have not resided in the state of Washington during the
18 three-year period before being authorized to care for children shall be
19 fingerprinted. The fingerprints shall be forwarded to the Washington
20 state patrol and federal bureau of investigation for a criminal history
21 records check. The fingerprint criminal history records checks will be
22 at the expense of the licensee except that in the case of a foster
23 family home, if this expense would work a hardship on the licensee, the
24 department shall pay the expense. The licensee may not pass this cost
25 on to the employee or prospective employee, unless the employee is
26 determined to be unsuitable due to his or her criminal history record.
27 The secretary shall use the information solely for the purpose of
28 determining eligibility for a license and for determining the
29 character, suitability, and competence of those persons or agencies,
30 excluding parents, not required to be licensed who are authorized to
31 care for children, expectant mothers, and developmentally disabled
32 persons. Criminal justice agencies shall provide the secretary such
33 information as they may have and that the secretary may require for
34 such purpose;

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

37 (d) The safety, cleanliness, and general adequacy of the premises

1 to provide for the comfort, care and well-being of children, expectant
2 mothers or developmentally disabled persons;

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

6 (f) The financial ability of an agency to comply with minimum
7 requirements established pursuant to chapter 74.15 RCW and RCW
8 74.13.031; and

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

11 (3) To investigate any person, including relatives by blood or
12 marriage except for parents, for character, suitability, and competence
13 in the care and treatment of children, expectant mothers, and
14 developmentally disabled persons prior to authorizing that person to
15 care for children, expectant mothers, and developmentally disabled
16 persons. However, if a child is placed with a relative under RCW
17 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
18 and competent to provide care and treatment the criminal history
19 background check required by this section need not be completed before
20 placement, but shall be completed as soon as possible after placement;

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

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

30 (6) To prescribe the procedures and the form and contents of
31 reports necessary for the administration of chapter 74.15 RCW and RCW
32 74.13.031 and to require regular reports from each licensee;

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

36 (8) To review requirements adopted hereunder at least every two
37 years and to adopt appropriate changes after consultation with ((the

1 ~~child care coordinating committee and other))~~ affected groups for child
2 day-care requirements and with the children's services advisory
3 committee for requirements for other agencies; and

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

7 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 74.13.090 (Child care coordinating committee) and 1995 c
10 399 s 204, 1993 c 194 s 7, 1989 c 381 s 3, & 1988 c 213 s 2; and

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

12 NEW SECTION. **Sec. 13.** Sections 1 through 6 of this act constitute
13 a new chapter in Title 74 RCW.

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