
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1152

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Appropriations (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; creating new sections;
4 repealing RCW 74.13.090 and 74.13.0901; providing an expiration date;
5 and declaring an emergency.

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

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

18 The legislature also finds that research on brain development in
19 young children establishes that early experiences are important to

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

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

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

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

26 (1) "Early learning programs and services" include the following:
27 Child care; state, private, and nonprofit preschool programs; child
28 care subsidy programs; and training and professional development
29 programs for early learning professionals.

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

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

1 is to build upon existing efforts and recommend new initiatives, as
2 necessary, to create an adequately financed, high-quality, accessible,
3 and comprehensive early learning system that benefits all young
4 children whose parents choose it.

5 (2) The council shall develop an early learning plan to improve the
6 organization of early learning programs and services at the state
7 level, and to improve the accessibility and quality of early learning
8 programs and services throughout the state.

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

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

14 (i) Identification of current populations being served and
15 potential populations to be served by early learning programs and
16 services;

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

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

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

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

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

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

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

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

1 (ii) A tiered-reimbursement system for state-subsidized child care
2 to improve the quality of care for children participating in state-
3 funded care.

4 (d) The council shall make recommendations to the governor and the
5 appropriate committees of the legislature concerning the regulation of
6 child care, including child care that is exempt from regulation and
7 unlicensed child care that is subject to regulation, in order to ensure
8 the safety, health, quality, and accessibility of child care services
9 throughout the state.

10 (3) The council shall serve as the advisory committee on early
11 learning to the comprehensive education study steering committee,
12 created in Substitute House Bill No. 1380. The nongovernmental cochair
13 of the council shall serve as the chair of the advisory committee on
14 early learning. The council shall have input on the recommendations
15 developed by the comprehensive education study steering committee.

16 (4) The council shall make use of existing reports, research,
17 planning efforts, and programs, including, but not limited to, the
18 following: The federal early head start program, the federal head
19 start program, the state early childhood education and assistance
20 program, the state's essential academic learning requirements and K-3
21 grade level expectations, the Washington state early learning and
22 development benchmarks, existing tiered-reimbursement initiatives, the
23 state's early childhood comprehensive systems plan, and the work of the
24 child care coordinating committee established pursuant to RCW
25 74.13.090.

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

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

31 (a) One representative each of the governor's office, the
32 department of social and health services, the department of health, and
33 the state board for community and technical colleges, appointed by the
34 governor;

35 (b) One representative of the office of superintendent of public
36 instruction, appointed by the superintendent of public instruction;

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

3 (d) Four individuals who have demonstrated leadership and
4 engagement in the field of early learning, appointed by the governor;
5 and

6 (e) Two members of the house of representatives appointed by the
7 speaker of the house of representatives, one of whom shall be a member
8 of the majority caucus and one of whom shall be a member of the
9 minority caucus, and two members of the senate appointed by the
10 president of the senate, one of whom shall be a member of the majority
11 caucus and one of whom shall be a member of the minority caucus.

12 (3) The council shall be cochaired by the representative of the
13 governor's office and a nongovernmental member designated by the
14 governor.

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

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

23 (6) The council shall monitor and measure its progress and
24 regularly report, as appropriate, to the governor and the appropriate
25 committees of the legislature on the progress, findings, and
26 recommendations of the council.

27 (7) The council shall establish one or more technical advisory
28 committees, as needed. Membership of such advisory committees may
29 include the following: Representatives of any state agency the council
30 deems appropriate, including the higher education coordinating board
31 and the state board for community and technical colleges; family home
32 child care providers, child care center providers, and college or
33 university child care providers; parents; early childhood development
34 experts; representatives of school districts and teachers involved in
35 the provision of child care and preschool programs; representatives of
36 resource and referral programs; parent education specialists; pediatric
37 or other health professionals; representatives of citizen groups
38 concerned with child care and early learning; representatives of labor

1 organizations; representatives of private business; and representatives
2 of head start and early childhood education assistance program
3 agencies.

4 NEW SECTION. **Sec. 5.** (1) The council shall develop a voluntary,
5 quality-based, graduated rating system consisting of levels of quality
6 to be achieved by licensed child care providers serving children and
7 families in the state. The purpose of the rating system is to provide
8 families with vital information about the quality of early learning
9 programs available to them and to increase the quality of early
10 learning programs operating throughout the state. In developing the
11 voluntary rating system, the council shall seek to build upon existing
12 partnerships and initiate new partnerships between the public and
13 private sectors.

14 (2) In developing the voluntary rating system, the council shall
15 establish a system of tiers as the basis for the rating system's levels
16 of quality. In developing the system of tiers, the council shall take
17 into consideration the following quality criteria:

- 18 (a) Child-to-staff ratios;
- 19 (b) Group size;
- 20 (c) Learning environment, including staff and child interactions;
- 21 (d) Curriculum;
- 22 (e) Parent and family involvement and support;
- 23 (f) Staff qualifications and training;
- 24 (g) Staff professional development;
- 25 (h) Staff compensation;
- 26 (i) Staff stability;
- 27 (j) Accreditation;
- 28 (k) Program evaluation; and
- 29 (l) Program administrative policies and procedures.

30 (3) In developing the voluntary rating system, the council shall
31 establish quality assurance measures as well as a mechanism for system
32 evaluation.

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

- 36 (a) Potential implementing entities;
- 37 (b) Sources of funding for implementation;

1 (c) Necessary infrastructure for facilitating and supporting
2 participation in the rating system, including assistance necessary to
3 help providers progress up the tiers; and

4 (d) Strategies for raising public awareness of the rating system.

5 (5) The council shall complete initial development of the voluntary
6 rating system by December 1, 2005, and complete development by December
7 1, 2006.

8 (6) The council shall submit the voluntary rating system to the
9 governor and the appropriate fiscal and policy committees of the
10 legislature by January 1, 2007. If no action is taken by the
11 legislature by the end of the 2007 regular legislative session, the
12 council may begin initial implementation of the voluntary rating
13 system, subject to available funding.

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

20 (2) In developing the tiered-reimbursement system, the council
21 shall review existing tiered-reimbursement initiatives in the state and
22 integrate those initiatives into the tiered-reimbursement system.

23 (3) The council shall complete initial development of the tiered-
24 reimbursement system by December 1, 2005, to be implemented in two
25 pilot sites in different geographic regions of the state with
26 demonstrated public-private partnerships. The council shall complete
27 development of the tiered-reimbursement system by December 1, 2006, to
28 be implemented statewide, subject to the availability of amounts
29 appropriated by the legislature for this specific purpose.

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

32 (1) Subject to the availability of amounts appropriated for this
33 specific purpose, the department of social and health services shall
34 implement the tiered-reimbursement system developed pursuant to section
35 6 of this act. Implementation of the tiered-reimbursement system shall

1 initially consist of two pilot sites in different geographic regions of
2 the state with demonstrated public-private partnerships, with statewide
3 implementation to follow.

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

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

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

11 The higher education coordinating board shall administer the
12 program for four-year institutions of higher education. The state
13 board for community and technical colleges shall administer the program
14 for community and technical colleges. The higher education
15 coordinating board and the state board for community and technical
16 colleges shall have the following powers and duties in administering
17 each program:

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

19 (2) To establish one or more review committees to assist in the
20 evaluation of proposals for funding. The review committee shall
21 include but not be limited to individuals from the Washington
22 association for the education of young children(~~(, the child care~~
23 ~~coordinating committee,)) and the child care resource and referral
24 network;~~

25 (3) To establish each biennium specific guidelines for submitting
26 grant proposals consistent with the overall goals of the program.
27 During the 1999-2001 biennium the guidelines shall be consistent with
28 the following desired outcomes of increasing access to child care for
29 students, addressing the demand for infant and toddler care, providing
30 affordable child care alternatives, creating more cooperative preschool
31 programs, creating models that can be replicated at other institutions,
32 creating a partnership between university or college administrations
33 and student government, or its equivalent and increasing efficiency and
34 innovation at campus child care centers;

35 (4) To establish guidelines for an allocation system based on
36 factors that include but are not limited to: The amount of money

1 available in the trust fund; characteristics of the institutions
2 including the size of the faculty and student body; and the number of
3 child care grants received;

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

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

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

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

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

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

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

3 ~~(2))~~ Work in conjunction with the statewide child care resource
4 and referral network as well as local governments, nonprofit
5 organizations, businesses, and community child care advocates to create
6 local child care resource and referral organizations. These
7 organizations may carry out needs assessments, resource development,
8 provider training, technical assistance, and parent information and
9 training;

10 ~~((3))~~ (2) Actively seek public and private money for distribution
11 as grants to the statewide child care resource and referral network and
12 to existing or potential local child care resource and referral
13 organizations;

14 ~~((4))~~ (3) Adopt rules regarding the application for and
15 distribution of grants to local child care resource and referral
16 organizations. The rules shall, at a minimum, require an applicant to
17 submit a plan for achieving the following objectives:

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

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

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

24 (d) Provide information for businesses regarding child care supply
25 and demand;

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

28 (f) Provide technical assistance to employers regarding employee
29 child care services; and

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

33 ~~((5))~~ (4) Provide staff support and technical assistance to the
34 statewide child care resource and referral network and local child care
35 resource and referral organizations;

36 ~~((6))~~ (5) Maintain a statewide child care licensing data bank and
37 work with department of social and health services licensors to provide

1 information to local child care resource and referral organizations
2 about licensed child care providers in the state;

3 ~~((7))~~ (6) Through the statewide child care resource and referral
4 network and local resource and referral organizations, compile data
5 about local child care needs and availability for future planning and
6 development;

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

11 ~~((9))~~ (8) Collect and assemble information regarding the
12 availability of insurance and of federal and other child care funding
13 to assist state and local agencies, businesses, and other child care
14 providers in offering child care services.

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

17 The secretary shall have the power and it shall be the secretary's
18 duty:

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

28 (2) In consultation with the children's services advisory
29 committee, and with the advice and assistance of persons representative
30 of the various type agencies to be licensed, to adopt and publish
31 minimum requirements for licensing applicable to each of the various
32 categories of agencies to be licensed.

33 The minimum requirements shall be limited to:

34 (a) The size and suitability of a facility and the plan of
35 operation for carrying out the purpose for which an applicant seeks a
36 license;

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

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

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

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

1 (f) The financial ability of an agency to comply with minimum
2 requirements established pursuant to chapter 74.15 RCW and RCW
3 74.13.031; and

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

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

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

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

25 (6) To prescribe the procedures and the form and contents of
26 reports necessary for the administration of chapter 74.15 RCW and RCW
27 74.13.031 and to require regular reports from each licensee;

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

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

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

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

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

7 (1) RCW 74.13.090 (Child care coordinating committee) and 1995 c
8 399 s 204, 1993 c 194 s 7, 1989 c 381 s 3, & 1988 c 213 s 2; and

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

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

12 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

--- END ---