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SECOND SUBSTITUTE HOUSE BILL 1152

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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; adding a new chapter to  
4 Title 74 RCW; creating a new section; and repealing RCW 74.13.090 and  
5 74.13.0901.

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.

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

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

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

30 NEW SECTION. **Sec. 3.** (1) The Washington early learning council is  
31 established in the governor's office. The purpose of the council is to  
32 provide vision, leadership, and direction to the improvement,  
33 realignment, and expansion of early learning programs and services for  
34 children birth to five years of age in order to better meet the early  
35 learning needs of children and their families. The goal of the council  
36 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) Subject to the availability of amounts appropriated for this  
6 specific purpose, the department of social and health services shall  
7 implement the tiered-reimbursement system developed pursuant to section  
8 6 of this act. Implementation of the tiered-reimbursement system shall  
9 initially consist of the two pilot sites in which the voluntary quality  
10 rating system is initially implemented pursuant to section 5 of this  
11 act, with statewide implementation to follow.

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

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

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

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

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

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

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

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

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

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

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

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

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



1 personnel in consultation with (~~the child care coordinating committee,~~  
2 ~~as provided in RCW 74.13.090, and~~) state employee representatives.

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

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

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

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

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

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

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

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

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

32 (d) Provide information for businesses regarding child care supply  
33 and demand;

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

36 (f) Provide technical assistance to employers regarding employee  
37 child care services; and

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

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

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

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

15 ~~((+8))~~ (7) Coordinate with the statewide child care resource and  
16 referral network and local child care resource and referral  
17 organizations for the provision of training and technical assistance to  
18 child care providers; and

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

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

25 The secretary shall have the power and it shall be the secretary's  
26 duty:

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

36 (2) In consultation with the children's services advisory  
37 committee, and with the advice and assistance of persons representative

1 of the various type agencies to be licensed, to adopt and publish  
2 minimum requirements for licensing applicable to each of the various  
3 categories of agencies to be licensed.

4 The minimum requirements shall be limited to:

5 (a) The size and suitability of a facility and the plan of  
6 operation for carrying out the purpose for which an applicant seeks a  
7 license;

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

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

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

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

9 (f) The financial ability of an agency to comply with minimum  
10 requirements established pursuant to chapter 74.15 RCW and RCW  
11 74.13.031; and

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

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

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

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

33 (6) To prescribe the procedures and the form and contents of  
34 reports necessary for the administration of chapter 74.15 RCW and RCW  
35 74.13.031 and to require regular reports from each licensee;

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

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

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

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

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

15 (1) RCW 74.13.090 (Child care coordinating committee) and 1995 c  
16 399 s 204, 1993 c 194 s 7, 1989 c 381 s 3, & 1988 c 213 s 2; and

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

18 NEW SECTION. **Sec. 14.** Sections 1 through 6 of this act constitute  
19 a new chapter in Title 74 RCW.

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