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HOUSE BILL 1152

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State of Washington

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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 01/17/2005. Referred to Committee on Children & Family Services.

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 to

1 create a high-quality, accessible, and comprehensive early learning  
2 system that benefits all young children whose parents choose it.

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

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

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

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

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

19 (b) Development of new early learning programs and services that  
20 build upon or replace existing programs and services;

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

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

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

35 NEW SECTION. **Sec. 4.** (1) The council shall include representation  
36 from public, nonprofit, and for-profit entities, and its membership

1 shall reflect regional, racial, and cultural diversity to ensure  
2 representation of the needs of all children and families in the state.

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

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

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

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

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

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

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

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

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

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

37 (7) The council shall monitor and measure its progress and annually

1 report to the governor and the appropriate committees of the  
2 legislature on the progress, findings, and recommendations of the  
3 council.

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

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

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

- 31 (a) Child-to-staff ratios;
- 32 (b) Group size;
- 33 (c) Learning environment;
- 34 (d) Curriculum;
- 35 (e) Parent and family involvement;
- 36 (f) Staff qualifications and training;
- 37 (g) Staff professional development;

1 (h) Staff compensation, including wage progression based on formal  
2 education;

3 (i) Staff stability;

4 (j) Accreditation;

5 (k) Program evaluation; and

6 (l) Program administrative policies and procedures.

7 (3) In developing the voluntary rating system, the council shall  
8 establish quality assurance measures as well as a mechanism for system  
9 evaluation.

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

16 (a) Potential implementing entities;

17 (b) Sources of funding for implementation;

18 (c) Necessary infrastructure for facilitating and supporting  
19 participation in the rating system; and

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

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

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

30 (2) In developing the tiered-reimbursement system, the council  
31 shall review existing tiered-reimbursement initiatives in the state and  
32 integrate those initiatives into the tiered-reimbursement system.

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

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

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

7 (2) In order to be eligible to participate in the tiered-  
8 reimbursement system, child care providers must provide staff wage  
9 progression.

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

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

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

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

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

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

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

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

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

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

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

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

35 The office of child care policy is established to operate under the

1 authority of the department of social and health services. The duties  
2 and responsibilities of the office include, but are not limited to, the  
3 following, within appropriated funds:

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

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

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

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

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

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

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

27 (d) Provide information for businesses regarding child care supply  
28 and demand;

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

31 (f) Provide technical assistance to employers regarding employee  
32 child care services; and

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

36 ~~((5))~~ (4) Provide staff support and technical assistance to the  
37 statewide child care resource and referral network and local child care  
38 resource and referral organizations;

1        ~~((6))~~ (5) Maintain a statewide child care licensing data bank and  
2 work with department of social and health services licensors to provide  
3 information to local child care resource and referral organizations  
4 about licensed child care providers in the state;

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

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

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

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

19        The secretary shall have the power and it shall be the secretary's  
20 duty:

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

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

35        The minimum requirements shall be limited to:

36        (a) The size and suitability of a facility and the plan of

1 operation for carrying out the purpose for which an applicant seeks a  
2 license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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