

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2964

59th Legislature
2006 Regular Session

Passed by the House March 4, 2006
Yeas 81 Nays 15

Speaker of the House of Representatives

Passed by the Senate February 28, 2006
Yeas 47 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2964** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2964

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Kagi, Talcott, Walsh, Quall, Haler, Shabro, Fromhold, Kessler, Hunt, Appleton, Lantz, Darneille, Kenney, Chase, Hasegawa, Sells, Roberts, Hunter, Moeller, McCoy, Santos, Green and Simpson; by request of Governor Gregoire)

READ FIRST TIME 2/7/06.

1 AN ACT Relating to a department of early learning; amending RCW
2 43.17.010, 42.17.2401, 41.04.385, 74.13.085, 74.13.0902, 74.13.0903,
3 74.13.098, 74.13.099, 74.15.350, 74.12.340, 74.08A.340, 28A.215.110,
4 28A.215.120, 43.63A.066, 74.15.030, 74.15.100, and 74.15.130;
5 reenacting and amending RCW 43.17.020 and 74.15.020; adding a new
6 section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW;
7 creating new sections; recodifying RCW 74.13.097, 74.13.098, 74.13.099,
8 74.15.063, 74.15.310, 74.15.320, 74.15.330, 74.15.340, 74.15.350,
9 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140,
10 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190,
11 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908;
12 prescribing penalties; and providing an effective date.

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

14 **PART 1**
15 **DEPARTMENT OF EARLY LEARNING CREATED**

16 NEW SECTION. **Sec. 101.** (1) The legislature recognizes that:
17 (a) Parents are their children's first and most important teachers
18 and decision makers;

1 (b) Research across disciplines now demonstrates that what happens
2 in the earliest years makes a critical difference in children's
3 readiness to succeed in school and life;

4 (c) Washington's competitiveness in the global economy requires a
5 world-class education system that starts early and supports life-long
6 learning;

7 (d) Washington state currently makes substantial investments in
8 voluntary child care and early learning services and supports, but
9 because services are fragmented across multiple state agencies, and
10 early learning providers lack the supports and incentives needed to
11 improve the quality of services they provide, many parents have
12 difficulty accessing high quality early learning services;

13 (e) A more cohesive and integrated voluntary early learning system
14 would result in greater efficiencies for the state, increased
15 partnership between the state and the private sector, improved access
16 to high quality early learning services, and better employment and
17 early learning outcomes for families and all children.

18 (2) The legislature finds that the early years of a child's life
19 are critical to the child's healthy brain development and that the
20 quality of caregiving during the early years can significantly impact
21 the child's intellectual, social, and emotional development.

22 (3) The purpose of this chapter is:

23 (a) To establish the department of early learning;

24 (b) To coordinate and consolidate state activities relating to
25 child care and early learning programs;

26 (c) To safeguard and promote the health, safety, and well-being of
27 children receiving child care and early learning assistance;

28 (d) To promote linkages and alignment between early learning
29 programs and elementary schools and support the transition of children
30 and families from prekindergarten environments to kindergarten;

31 (e) To promote the development of a sufficient number and variety
32 of adequate child care and early learning facilities, both public and
33 private; and

34 (f) To license agencies and to assure the users of such agencies,
35 their parents, the community at large and the agencies themselves that
36 adequate minimum standards are maintained by all child care and early
37 learning facilities.

1 (4) This chapter does not expand the state's authority to license
2 or regulate activities or programs beyond those licensed or regulated
3 under existing law.

4 NEW SECTION. **Sec. 102.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Agency" means any person, firm, partnership, association,
7 corporation, or facility that provides child care and early learning
8 services outside a child's own home and includes the following
9 irrespective of whether there is compensation to the agency:

10 (a) "Child day care center" means an agency that regularly provides
11 child day care and early learning services for a group of children for
12 periods of less than twenty-four hours;

13 (b) "Early learning" includes but is not limited to programs and
14 services for child care; state, federal, private, and nonprofit
15 preschool; child care subsidies; child care resource and referral;
16 parental education and support; and training and professional
17 development for early learning professionals;

18 (c) "Family day care provider" means a child day care provider who
19 regularly provides child day care and early learning services for not
20 more than twelve children in the provider's home in the family living
21 quarters;

22 (d) "Service provider" means the entity that operates a community
23 facility.

24 (2) "Agency" does not include the following:

25 (a) Persons related to the child in the following ways:

26 (i) Any blood relative, including those of half-blood, and
27 including first cousins, nephews or nieces, and persons of preceding
28 generations as denoted by prefixes of grand, great, or great-great;

29 (ii) Stepfather, stepmother, stepbrother, and stepsister;

30 (iii) A person who legally adopts a child or the child's parent as
31 well as the natural and other legally adopted children of such persons,
32 and other relatives of the adoptive parents in accordance with state
33 law; or

34 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
35 subsection (2)(a), even after the marriage is terminated;

36 (b) Persons who are legal guardians of the child;

1 (c) Persons who care for a neighbor's or friend's child or
2 children, with or without compensation, where the person providing care
3 for periods of less than twenty-four hours does not conduct such
4 activity on an ongoing, regularly scheduled basis for the purpose of
5 engaging in business, which includes, but is not limited to,
6 advertising such care;

7 (d) Parents on a mutually cooperative basis exchange care of one
8 another's children;

9 (e) Nursery schools or kindergartens that are engaged primarily in
10 educational work with preschool children and in which no child is
11 enrolled on a regular basis for more than four hours per day;

12 (f) Schools, including boarding schools, that are engaged primarily
13 in education, operate on a definite school year schedule, follow a
14 stated academic curriculum, accept only school-age children, and do not
15 accept custody of children;

16 (g) Seasonal camps of three months' or less duration engaged
17 primarily in recreational or educational activities;

18 (h) Facilities providing care to children for periods of less than
19 twenty-four hours whose parents remain on the premises to participate
20 in activities other than employment;

21 (i) Any agency having been in operation in this state ten years
22 before June 8, 1967, and not seeking or accepting moneys or assistance
23 from any state or federal agency, and is supported in part by an
24 endowment or trust fund;

25 (j) An agency operated by any unit of local, state, or federal
26 government or an agency, located within the boundaries of a federally
27 recognized Indian reservation, licensed by the Indian tribe;

28 (k) An agency located on a federal military reservation, except
29 where the military authorities request that such agency be subject to
30 the licensing requirements of this chapter;

31 (l) An agency that offers early learning and support services, such
32 as parent education, and does not provide child care services on a
33 regular basis.

34 (3) "Department" means the department of early learning.

35 (4) "Director" means the director of the department.

36 (5) "Enforcement action" means denial, suspension, revocation,
37 modification, or nonrenewal of a license pursuant to section 311(1) of

1 this act or assessment of civil monetary penalties pursuant to section
2 311(3) of this act.

3 (6) "Probationary license" means a license issued as a disciplinary
4 measure to an agency that has previously been issued a full license but
5 is out of compliance with licensing standards.

6 (7) "Requirement" means any rule, regulation, or standard of care
7 to be maintained by an agency.

8 NEW SECTION. **Sec. 103.** (1) The department of early learning is
9 created as an executive branch agency. The department is vested with
10 all powers and duties transferred to it under this chapter and such
11 other powers and duties as may be authorized by law.

12 (2) The primary duties of the department are to implement state
13 early learning policy and to coordinate, consolidate, and integrate
14 child care and early learning programs in order to administer programs
15 and funding as efficiently as possible. The department's duties
16 include, but are not limited to, the following:

17 (a) To support both public and private sectors toward a
18 comprehensive and collaborative system of early learning that serves
19 parents, children, and providers and to encourage best practices in
20 child care and early learning programs;

21 (b) To improve parent education and support;

22 (c) To carry out activities to improve the quality of early
23 learning opportunities for young children including activities in
24 cooperation with the private-public partnership;

25 (d) To administer child care and early learning programs;

26 (e) To standardize internal financial audits, oversight visits,
27 performance benchmarks, and licensing criteria, so that programs can
28 function in an integrated fashion;

29 (f) To assist in the implementation of the private-public
30 partnership and cooperate with that partnership in pursuing its goals
31 including providing data and support necessary for the successful work
32 of the partnership;

33 (g) To work cooperatively and in coordination with the early
34 learning council; and

35 (h) To collaborate with the K-12 school system at the state and
36 local levels to ensure appropriate connections and smooth transitions
37 between early learning and K-12 programs.

1 (3) The department's programs shall be designed in a way that
2 respects and preserves the ability of parents and legal guardians to
3 direct the education, development, and upbringing of their children.
4 The department shall include parents and legal guardians in the
5 development of policies and program decisions affecting their children.

6 NEW SECTION. **Sec. 104.** (1) The executive head and appointing
7 authority of the department is the director. The director shall be
8 appointed by the governor with the consent of the senate, and shall
9 serve at the pleasure of the governor. The governor shall solicit
10 input from all parties involved in the private-public partnership
11 concerning this appointment. The director shall be paid a salary to be
12 fixed by the governor in accordance with RCW 43.03.040. If a vacancy
13 occurs in the position of director while the senate is not in session,
14 the governor shall make a temporary appointment until the next meeting
15 of the senate when the governor's nomination for the office of director
16 shall be presented.

17 (2) The director may employ staff members, who shall be exempt from
18 chapter 41.06 RCW, and any additional staff members as are necessary to
19 administer this chapter. The director may delegate any power or duty
20 vested in him or her by this chapter, including authority to make final
21 decisions and enter final orders in hearings conducted under chapter
22 34.05 RCW.

23 NEW SECTION. **Sec. 105.** It is the intent of the legislature
24 wherever possible to place the internal affairs of the department under
25 the control of the director in order that the director may institute
26 therein the flexible, alert, and intelligent management of its business
27 that changing contemporary circumstances require. Therefore, whenever
28 the director's authority is not specifically limited by law, the
29 director has complete charge and supervisory powers over the
30 department. The director may create such administrative structures as
31 the director considers appropriate, except as otherwise specified by
32 law. The director may employ such assistants and personnel as
33 necessary for the general administration of the department. This
34 employment shall be in accordance with the state civil service law,
35 chapter 41.06 RCW, except as otherwise provided.

1 NEW SECTION. **Sec. 106.** The director may appoint such advisory
2 committees or councils as may be required by any federal legislation as
3 a condition to the receipt of federal funds by the department. The
4 director may also appoint statewide committees or councils on such
5 subject matters as are or come within the department's
6 responsibilities. The committees or councils shall be constituted as
7 required by federal law or as the director may determine.

8 Members of such state advisory committees or councils may be paid
9 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

10 NEW SECTION. **Sec. 107.** In furtherance of the policy of the state
11 to cooperate with the federal government in all of the programs under
12 the jurisdiction of the department, such rules as may become necessary
13 to entitle the state to participate in federal funds may be adopted,
14 unless expressly prohibited by law. Any internal reorganization
15 carried out under the terms of this chapter shall meet federal
16 requirements that are a necessary condition to state receipt of federal
17 funds. Any section or provision of law dealing with the department
18 that may be susceptible to more than one construction shall be
19 interpreted in favor of the construction most likely to comply with
20 federal laws entitling this state to receive federal funds for the
21 various programs of the department.

22 NEW SECTION. **Sec. 108.** (1) In addition to other duties under this
23 chapter, the director shall actively participate in a nongovernmental
24 private-public partnership focused on supporting government's
25 investments in early learning and ensuring that every child in the
26 state is prepared to succeed in school and in life. Except for
27 licensing as required by Washington state law and to the extent
28 permitted by federal law, the director of the department of early
29 learning shall grant waivers from the rules of state agencies for the
30 operation of early learning programs requested by the nongovernmental
31 private-public partnership to allow for flexibility to pursue market-
32 based approaches to achieving the best outcomes for children and
33 families.

34 (2) In addition to other powers granted to the director, the
35 director may:

1 (a) Enter into contracts on behalf of the department to carry out
2 the purposes of this chapter;

3 (b) Accept gifts, grants, or other funds for the purposes of this
4 chapter; and

5 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to
6 implement this chapter, including rules governing child day care and
7 early learning programs under this chapter. This section does not
8 expand the rule-making authority of the director beyond that necessary
9 to implement and administer programs and services existing July 1,
10 2006, as transferred to the department of early learning under section
11 501 of this act. The rule-making authority does not include any
12 authority to set mandatory curriculum or establish what must be taught
13 in child day care centers or by family day care providers.

14 NEW SECTION. **Sec. 109.** Two years after the implementation of the
15 department's early learning program, and every two years thereafter by
16 July 1st, the department shall submit to the governor and the
17 legislature a report measuring the effectiveness of its programs in
18 improving early childhood education. The first report shall include
19 program objectives and identified valid performance measures for
20 evaluating progress toward achieving the objectives, as well as a plan
21 for commissioning a longitudinal study comparing the kindergarten
22 readiness of children participating in the department's programs with
23 the readiness of other children, using nationally accepted testing and
24 assessment methods. Such comparison shall include, but not be limited
25 to, achievement as children of both groups progress through the K-12
26 system and identify year-to-year changes in achievement, if any, in
27 later years of elementary, middle school, and high school education.

28 NEW SECTION. **Sec. 110.** A new section is added to chapter 41.06
29 RCW to read as follows:

30 In addition to the exemptions under RCW 41.06.070, the provisions
31 of this chapter shall not apply in the department of early learning to
32 the director, the director's personal secretary, and any other exempt
33 staff members provided for in section 104(2) of this act.

34 **Sec. 111.** RCW 43.17.010 and 2005 c 333 s 10 are each amended to
35 read as follows:

1 There shall be departments of the state government which shall be
2 known as (1) the department of social and health services, (2) the
3 department of ecology, (3) the department of labor and industries, (4)
4 the department of agriculture, (5) the department of fish and wildlife,
5 (6) the department of transportation, (7) the department of licensing,
6 (8) the department of general administration, (9) the department of
7 community, trade, and economic development, (10) the department of
8 veterans affairs, (11) the department of revenue, (12) the department
9 of retirement systems, (13) the department of corrections, (14) the
10 department of health, (15) the department of financial institutions,
11 (~~and~~) (16) the department of archaeology and historic preservation,
12 and (17) the department of early learning, which shall be charged with
13 the execution, enforcement, and administration of such laws, and
14 invested with such powers and required to perform such duties, as the
15 legislature may provide.

16 **Sec. 112.** RCW 43.17.020 and 2005 c 333 s 11 and 2005 c 319 s 2 are
17 each reenacted and amended to read as follows:

18 There shall be a chief executive officer of each department to be
19 known as: (1) The secretary of social and health services, (2) the
20 director of ecology, (3) the director of labor and industries, (4) the
21 director of agriculture, (5) the director of fish and wildlife, (6) the
22 secretary of transportation, (7) the director of licensing, (8) the
23 director of general administration, (9) the director of community,
24 trade, and economic development, (10) the director of veterans affairs,
25 (11) the director of revenue, (12) the director of retirement systems,
26 (13) the secretary of corrections, (14) the secretary of health, (15)
27 the director of financial institutions, (~~and~~) (16) the director of
28 the department of archaeology and historic preservation, and (17) the
29 director of early learning.

30 Such officers, except the director of fish and wildlife, shall be
31 appointed by the governor, with the consent of the senate, and hold
32 office at the pleasure of the governor. The director of fish and
33 wildlife shall be appointed by the fish and wildlife commission as
34 prescribed by RCW 77.04.055.

35 **Sec. 113.** RCW 42.17.2401 and 2005 c 424 s 17 are each amended to
36 read as follows:

1 For the purposes of RCW 42.17.240, the term "executive state
2 officer" includes:

3 (1) The chief administrative law judge, the director of
4 agriculture, the administrator of the Washington basic health plan, the
5 director of the department of services for the blind, the director of
6 the state system of community and technical colleges, the director of
7 community, trade, and economic development, the secretary of
8 corrections, the director of early learning, the director of ecology,
9 the commissioner of employment security, the chair of the energy
10 facility site evaluation council, the secretary of the state finance
11 committee, the director of financial management, the director of fish
12 and wildlife, the executive secretary of the forest practices appeals
13 board, the director of the gambling commission, the director of general
14 administration, the secretary of health, the administrator of the
15 Washington state health care authority, the executive secretary of the
16 health care facilities authority, the executive secretary of the higher
17 education facilities authority, the executive secretary of the horse
18 racing commission, the executive secretary of the human rights
19 commission, the executive secretary of the indeterminate sentence
20 review board, the director of the department of information services,
21 the director of the interagency committee for outdoor recreation, the
22 executive director of the state investment board, the director of labor
23 and industries, the director of licensing, the director of the lottery
24 commission, the director of the office of minority and women's business
25 enterprises, the director of parks and recreation, the director of
26 personnel, the executive director of the public disclosure commission,
27 the director of retirement systems, the director of revenue, the
28 secretary of social and health services, the chief of the Washington
29 state patrol, the executive secretary of the board of tax appeals, the
30 secretary of transportation, the secretary of the utilities and
31 transportation commission, the director of veterans affairs, the
32 president of each of the regional and state universities and the
33 president of The Evergreen State College, each district and each campus
34 president of each state community college;

35 (2) Each professional staff member of the office of the governor;

36 (3) Each professional staff member of the legislature; and

37 (4) Central Washington University board of trustees, board of
38 trustees of each community college, each member of the state board for

1 community and technical colleges, state convention and trade center
2 board of directors, committee for deferred compensation, Eastern
3 Washington University board of trustees, Washington economic
4 development finance authority, The Evergreen State College board of
5 trustees, executive ethics board, forest practices appeals board,
6 forest practices board, gambling commission, life sciences discovery
7 fund authority board of trustees, Washington health care facilities
8 authority, each member of the Washington health services commission,
9 higher education coordinating board, higher education facilities
10 authority, horse racing commission, state housing finance commission,
11 human rights commission, indeterminate sentence review board, board of
12 industrial insurance appeals, information services board, interagency
13 committee for outdoor recreation, state investment board, commission on
14 judicial conduct, legislative ethics board, liquor control board,
15 lottery commission, marine oversight board, Pacific Northwest electric
16 power and conservation planning council, parks and recreation
17 commission, personnel appeals board, board of pilotage commissioners,
18 pollution control hearings board, public disclosure commission, public
19 pension commission, shorelines hearing board, public employees'
20 benefits board, salmon recovery funding board, board of tax appeals,
21 transportation commission, University of Washington board of regents,
22 utilities and transportation commission, Washington state maritime
23 commission, Washington personnel resources board, Washington public
24 power supply system executive board, Washington State University board
25 of regents, Western Washington University board of trustees, and fish
26 and wildlife commission.

27 **PART 2**

28 **POLICIES AND PROGRAMS TRANSFERRED**

29 **Sec. 201.** RCW 41.04.385 and 2005 c 490 s 9 are each amended to
30 read as follows:

31 The legislature finds that (1) demographic, economic, and social
32 trends underlie a critical and increasing demand for child care in the
33 state of Washington; (2) working parents and their children benefit
34 when the employees' child care needs have been resolved; (3) the state
35 of Washington should serve as a model employer by creating a supportive
36 atmosphere, to the extent feasible, in which its employees may meet

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

16 **Sec. 202.** RCW 74.13.085 and 1989 c 381 s 2 are each amended to
17 read as follows:

18 It shall be the policy of the state of Washington to:

19 (1) Recognize the family as the most important social and economic
20 unit of society and support the central role parents play in child
21 rearing. All parents are encouraged to care for and nurture their
22 children through the traditional methods of parental care at home.
23 ~~((However, there has been a dramatic increase in participation of women~~
24 ~~in the workforce which has made))~~ The availability of quality,
25 affordable child care is a ~~((critical))~~ concern for ~~((the state and its~~
26 ~~citizens. There are not enough child care services and facilities to~~
27 ~~meet the needs of))~~ working parents, the costs of care are often beyond
28 the resources of working parents, and child care facilities are not
29 located conveniently to work places and neighborhoods. Parents are
30 encouraged to participate fully in the effort to improve the quality of
31 child care services.

32 (2) Promote a variety of culturally and developmentally appropriate
33 child care settings and services of the highest possible quality in
34 accordance with the basic principle of continuity of care. These
35 settings shall include, but not be limited to, family day care homes,
36 mini-centers, centers and schools.

1 (3) Promote the growth, development and safety of children by
2 working with community groups including providers and parents to
3 establish standards for quality service, training of child care
4 providers, fair and equitable monitoring, and salary levels
5 commensurate with provider responsibilities and support services.

6 (4) Promote equal access to quality, affordable, socio-economically
7 integrated child care for all children and families.

8 (5) Facilitate broad community and private sector involvement in
9 the provision of quality child care services to foster economic
10 development and assist industry through the department of early
11 learning.

12 **Sec. 203.** RCW 74.13.0902 and 1989 c 381 s 6 are each amended to
13 read as follows:

14 An employer liaison position is established in the department of
15 (~~social and health services to be colocated at the business assistance~~
16 ~~center established under RCW 43.31.083~~) early learning to be colocated
17 with the department of community, trade, and economic development. The
18 employer liaison shall, within appropriated funds:

19 (1) Staff and assist the child care partnership in the
20 implementation of its duties (~~under RCW 74.13.0901~~);

21 (2) Provide technical assistance to employers regarding child care
22 services, working with and through local resource and referral
23 organizations whenever possible. Such technical assistance shall
24 include at a minimum:

25 (a) Assessing the child care needs of employees and prospective
26 employees;

27 (b) Reviewing options available to employers interested in
28 increasing access to child care for their employees;

29 (c) Developing techniques to permit small businesses to increase
30 access to child care for their employees;

31 (d) Reviewing methods of evaluating the impact of child care
32 activities on employers; and

33 (e) Preparing, collecting, and distributing current information for
34 employers on options for increasing involvement in child care; and

35 (3) Provide assistance to local child care resource and referral
36 organizations to increase their capacity to provide quality technical
37 assistance to employers in their community.

1 **Sec. 204.** RCW 74.13.0903 and 2005 c 490 s 10 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

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

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

37 (4) Provide staff support and technical assistance to the statewide

1 child care resource and referral network and local child care resource
2 and referral organizations;

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

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

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

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

18 **Sec. 205.** RCW 74.13.098 and 2005 c 507 s 2 are each amended to
19 read as follows:

20 (1) Subject to the availability of funds appropriated for this
21 specific purpose, the (~~(division of child care and early learning in~~
22 ~~the)) department (~~(of social and health services)~~) shall establish a
23 child care career and wage ladder in licensed child care centers that
24 meet the following criteria: (a) At least ten percent of child care
25 slots are dedicated to children whose care is subsidized by the state
26 or any political subdivision thereof or any local government; (b) the
27 center agrees to adopt the child care career and wage ladder, which, at
28 a minimum, shall be at the same pay schedule as existed in the previous
29 child care career and wage ladder pilot project; and (c) the center
30 meets further program standards as established by rule pursuant to
31 section 4 (~~(of this act)~~), chapter 507, Laws of 2005.~~

32 The child care career and wage ladder shall include wage increments
33 for levels of education, years of relevant experience, levels of work
34 responsibility, relevant early childhood education credits, and
35 relevant requirements in the state training and registry system.

36 (2) The (~~(division)~~) department shall establish procedures for the
37 allocation of funds to implement the child care career and wage ladder

1 among child care centers meeting the criteria identified in subsection
2 (1) of this section. In developing these procedures, the ~~((division))~~
3 department shall:

4 (a) Review past efforts or administration of the child care career
5 and wage ladder pilot project in order to take advantage of any
6 findings, recommendations, or administrative practices that contributed
7 to that pilot project's success;

8 (b) Consult with stakeholders, including organizations representing
9 child care teachers and providers, in developing an allocation formula
10 that incorporates consideration of geographic and demographic
11 distribution of child care centers adopting the child care career and
12 wage ladder; and

13 (c) Develop a system for prioritizing child care centers interested
14 in adopting the child care career and wage ladder that is based on the
15 criteria identified in subsection (1) of this section.

16 (3) Notwithstanding the requirements of subsection (2) of this
17 section, child care centers meeting the criteria in subsection (1) of
18 this section located in urban areas of the department of social and
19 health services region one shall receive a minimum of fifteen percent
20 of the funds allocated through the child care career and wage ladder,
21 and of these centers, child care centers meeting the criteria in
22 subsection (1) of this section participating in the ~~((department of~~
23 ~~social and health services))~~ Spokane tiered reimbursement pilot project
24 shall have first priority for child care career and wage ladder
25 funding.

26 **Sec. 206.** RCW 74.13.099 and 2005 c 507 s 3 are each amended to
27 read as follows:

28 Child care centers adopting the child care career and wage ladder
29 established pursuant to RCW 74.13.098 (as recodified by this act) shall
30 increase wages for child care workers who have earned a high school
31 diploma or GED certificate, gain additional years of experience, or
32 accept increasing levels of responsibility in providing child care, in
33 accordance with the child care career and wage ladder. The adoption of
34 a child care career and wage ladder shall not prohibit the provision of
35 wage increases based upon merit. The department ~~((of social and health~~
36 ~~services))~~ shall pay wage increments for child care workers employed by
37 child care centers adopting the child care career and wage ladder

1 established pursuant to RCW 74.13.098 (as recodified by this act) who
2 earn early childhood education credits or meet relevant requirements in
3 the state training and registry system, in accordance with the child
4 care career and wage ladder.

5 **Sec. 207.** RCW 74.15.350 and 2005 c 490 s 7 are each amended to
6 read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the department (~~(of social and health services)~~)
9 shall implement the tiered-reimbursement system developed pursuant to
10 section 6, chapter 490, Laws of 2005. Implementation of the tiered-
11 reimbursement system shall initially consist of two pilot sites in
12 different geographic regions of the state with demonstrated public-
13 private partnerships, with statewide implementation to follow.

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

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

19 **Sec. 208.** RCW 74.12.340 and 1973 1st ex.s. c 154 s 111 are each
20 amended to read as follows:

21 (1) The department is authorized to (~~(promulgate)~~) adopt rules
22 (~~(and regulations)~~) governing the provision of day care as a part of
23 child welfare services when the secretary determines that a need exists
24 for such day care and that it is in the best interests of the child,
25 the parents, or the custodial parent and in determining the need for
26 such day care priority shall be given to geographical areas having the
27 greatest need for such care and to members of low income groups in the
28 population: PROVIDED, That where the family is financially able to pay
29 part or all of the costs of such care, fees shall be imposed and paid
30 according to the financial ability of the family.

31 (2) This section does not affect the authority of the department of
32 early learning to adopt rules governing child day care and early
33 learning programs.

34 **Sec. 209.** RCW 74.08A.340 and 1997 c 58 s 321 are each amended to
35 read as follows:

1 The department of social and health services shall operate the
2 Washington WorkFirst program authorized under RCW 74.08A.200 through
3 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW
4 within the following constraints:

5 (1) The full amount of the temporary assistance for needy families
6 block grant, plus qualifying state expenditures as appropriated in the
7 biennial operating budget, shall be appropriated to the department each
8 year in the biennial appropriations act to carry out the provisions of
9 the program authorized in RCW 74.08A.200 through 74.08A.330,
10 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

11 (2)(a) The department may expend funds defined in subsection (1) of
12 this section in any manner that will effectively accomplish the outcome
13 measures defined in RCW 74.08A.410 with the following exception:
14 Beginning with the 2007-2009 biennium, funds that constitute the
15 working connections child care program, child care quality programs,
16 and child care licensing functions.

17 (b) Beginning in the 2007-2009 fiscal biennium, the legislature
18 shall appropriate and the department of early learning shall expend
19 funds defined in subsection (1) of this section that constitute the
20 working connections child care program, child care quality programs,
21 and child care licensing functions in a manner that is consistent with
22 the outcome measures defined in RCW 74.08A.410.

23 (c) No more than fifteen percent of the amount provided in
24 subsection (1) of this section may be spent for administrative
25 purposes. For the purpose of this subsection, "administrative
26 purposes" does not include expenditures for information technology and
27 computerization needed for tracking and monitoring required by P.L.
28 104-193. The department shall not increase grant levels to recipients
29 of the program authorized in RCW 74.08A.200 through 74.08A.330 and
30 43.330.145 and chapter 74.12 RCW.

31 (3) The department shall implement strategies that accomplish the
32 outcome measures identified in RCW 74.08A.410 that are within the
33 funding constraints in this section. Specifically, the department
34 shall implement strategies that will cause the number of cases in the
35 program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145
36 and chapter 74.12 RCW to decrease by at least fifteen percent during
37 the 1997-99 biennium and by at least five percent in the subsequent

1 biennium. The department may transfer appropriation authority between
2 funding categories within the economic services program in order to
3 carry out the requirements of this subsection.

4 (4) The department shall monitor expenditures against the
5 appropriation levels provided for in subsection (1) of this section.
6 The department shall quarterly make a determination as to whether
7 expenditure levels will exceed available funding and communicate its
8 finding to the legislature. If the determination indicates that
9 expenditures will exceed funding at the end of the fiscal year, the
10 department shall take all necessary actions to ensure that all services
11 provided under this chapter shall be made available only to the extent
12 of the availability and level of appropriation made by the legislature.

13 **Sec. 210.** RCW 28A.215.110 and 1999 c 350 s 1 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout RCW 28A.215.100 through 28A.215.200 and
17 28A.215.900 through 28A.215.908 (as recodified by this act).

18 (1) "Advisory committee" means the advisory committee under RCW
19 28A.215.140 (as recodified by this act).

20 (2) "Department" means the department of (~~community, trade, and~~
21 ~~economic development~~) early learning.

22 (3) "Eligible child" means a child not eligible for kindergarten
23 whose family income is at or below one hundred ten percent of the
24 federal poverty level, as published annually by the federal department
25 of health and human services, and includes a child whose family is
26 eligible for public assistance, and who is not a participant in a
27 federal or state program providing comprehensive services and may
28 include children who are eligible under rules adopted by the department
29 if the number of such children equals not more than ten percent of the
30 total enrollment in the early childhood program. Priority for
31 enrollment shall be given to children from families with the lowest
32 income, children in foster care, or to eligible children from families
33 with multiple needs.

34 (4) "Approved programs" means those state-supported education and
35 special assistance programs which are recognized by the department (~~of~~
36 ~~community, trade, and economic development~~) as meeting the minimum
37 program rules adopted by the department to qualify under RCW

1 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 (as
2 recodified by this act) and are designated as eligible for funding by
3 the department under RCW 28A.215.160 and 28A.215.180 (as recodified by
4 this act).

5 (5) "Comprehensive" means an assistance program that focuses on the
6 needs of the child and includes education, health, and family support
7 services.

8 (6) "Family support services" means providing opportunities for
9 parents to:

- 10 (a) Actively participate in their child's early childhood program;
11 (b) Increase their knowledge of child development and parenting
12 skills;
13 (c) Further their education and training;
14 (d) Increase their ability to use needed services in the community;
15 (e) Increase their self-reliance.

16 **Sec. 211.** RCW 28A.215.120 and 1994 c 166 s 4 are each amended to
17 read as follows:

18 The department (~~(of community, trade, and economic development)~~)
19 shall administer a state-supported early childhood education and
20 assistance program to assist eligible children with educational,
21 social, health, nutritional, and cultural development to enhance their
22 opportunity for success in the common school system. Eligible children
23 shall be admitted to approved early childhood programs to the extent
24 that the legislature provides funds, and additional eligible children
25 may be admitted to the extent that grants and contributions from
26 community sources provide sufficient funds for a program equivalent to
27 that supported by state funds.

28 **Sec. 212.** RCW 43.63A.066 and 1993 c 280 s 58 are each amended to
29 read as follows:

30 The department of (~~community, trade, and economic development~~)
31 early learning shall have primary responsibility for providing child
32 abuse and neglect prevention training to preschool age children
33 participating in the federal head start program or the early childhood
34 education and assistance program established under RCW 28A.215.010
35 through 28A.215.050, 28A.215.100 through 28A.215.200, and 28A.215.900
36 through 28A.215.908 (as recodified by this act).

1 PART 3

2 DEPARTMENT OF EARLY LEARNING LICENSING

3 NEW SECTION. Sec. 301. It shall be the director's duty with
4 regard to licensing:

5 (1) In consultation and with the advice and assistance of persons
6 representative of the various type agencies to be licensed, to
7 designate categories of child care facilities for which separate or
8 different requirements shall be developed as may be appropriate whether
9 because of variations in the ages and other characteristics of the
10 children served, variations in the purposes and services offered or
11 size or structure of the agencies to be licensed, or because of any
12 other factor relevant thereto;

13 (2) In consultation and with the advice and assistance of persons
14 representative of the various type agencies to be licensed, to adopt
15 and publish minimum requirements for licensing applicable to each of
16 the various categories of agencies to be licensed under this chapter.

17 The minimum requirements shall be limited to:

18 (a) The size and suitability of a facility and the plan of
19 operation for carrying out the purpose for which an applicant seeks a
20 license;

21 (b) The character, suitability, and competence of an agency and
22 other persons associated with an agency directly responsible for the
23 care of children. In consultation with law enforcement personnel, the
24 director shall investigate the conviction record or pending charges and
25 dependency record information under chapter 43.43 RCW of each agency
26 and its staff seeking licensure or relicensure. No unfounded
27 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
28 disclosed to a provider licensed under this chapter. In order to
29 determine the suitability of applicants for an agency license,
30 licensees, their employees, and other persons who have unsupervised
31 access to children in care, and who have not resided in the state of
32 Washington during the three-year period before being authorized to care
33 for children shall be fingerprinted. The fingerprints shall be
34 forwarded to the Washington state patrol and federal bureau of
35 investigation for a criminal history records check. The fingerprint
36 criminal history records checks will be at the expense of the licensee.
37 The licensee may not pass this cost on to the employee or prospective
38 employee, unless the employee is determined to be unsuitable due to his

1 or her criminal history record. The director shall use the information
2 solely for the purpose of determining eligibility for a license and for
3 determining the character, suitability, and competence of those persons
4 or agencies, excluding parents, not required to be licensed who are
5 authorized to care for children. Criminal justice agencies shall
6 provide the director such information as they may have and that the
7 director may require for such purpose;

8 (c) The number of qualified persons required to render the type of
9 care for which an agency seeks a license;

10 (d) The health, safety, cleanliness, and general adequacy of the
11 premises to provide for the comfort, care, and well-being of children;

12 (e) The provision of necessary care and early learning, including
13 food, supervision, and discipline; physical, mental, and social well-
14 being; and educational and recreational opportunities for those served;

15 (f) The financial ability of an agency to comply with minimum
16 requirements established under this chapter; and

17 (g) The maintenance of records pertaining to the care of children;

18 (3) To issue, revoke, or deny licenses to agencies pursuant to this
19 chapter. Licenses shall specify the category of care that an agency is
20 authorized to render and the ages and number of children to be served;

21 (4) To prescribe the procedures and the form and contents of
22 reports necessary for the administration of this chapter and to require
23 regular reports from each licensee;

24 (5) To inspect agencies periodically to determine whether or not
25 there is compliance with this chapter and the requirements adopted
26 under this chapter;

27 (6) To review requirements adopted under this chapter at least
28 every two years and to adopt appropriate changes after consultation
29 with affected groups for child day care requirements; and

30 (7) To consult with public and private agencies in order to help
31 them improve their methods and facilities for the care and early
32 learning of children.

33 NEW SECTION. **Sec. 302.** The chief of the Washington state patrol,
34 through the director of fire protection, shall have the power and it
35 shall be his or her duty:

36 (1) In consultation with the director and with the advice and
37 assistance of persons representative of the various type agencies to be

1 licensed, to adopt recognized minimum standard requirements pertaining
2 to each category of agency established pursuant to this chapter
3 necessary to protect all persons residing therein from fire hazards;

4 (2) To make or cause to be made such inspections and investigations
5 of agencies as he or she deems necessary;

6 (3) To make a periodic review of requirements under section 301(5)
7 of this act and to adopt necessary changes after consultation as
8 required in subsection (1) of this section;

9 (4) To issue to applicants for licenses under this chapter who
10 comply with the requirements, a certificate of compliance, a copy of
11 which shall be presented to the department before a license shall be
12 issued, except that an initial license may be issued as provided in
13 section 309 of this act.

14 NEW SECTION. **Sec. 303.** Licensed child day care centers shall
15 provide notice of pesticide use to parents or guardians of students and
16 employees pursuant to chapter 17.21 RCW.

17 NEW SECTION. **Sec. 304.** A copy of the articles of incorporation of
18 any agency or amendments to the articles of existing corporation
19 agencies shall be sent by the secretary of state to the department at
20 the time such articles or amendments are filed.

21 NEW SECTION. **Sec. 305.** All agencies subject to this chapter shall
22 accord the department, the chief of the Washington state patrol, and
23 the director of fire protection, or their designees, the right of
24 entrance and the privilege of access to and inspection of records for
25 the purpose of determining whether or not there is compliance with the
26 provisions of this chapter and the requirements adopted under it.

27 NEW SECTION. **Sec. 306.** (1) It is unlawful for any agency to care
28 for children unless the agency is licensed as provided in this chapter.

29 (2) A license issued under chapter 74.15 RCW before July 1, 2006,
30 for an agency subject to this chapter after July 1, 2006, is valid
31 until its next renewal, unless otherwise suspended or revoked by the
32 department.

1 NEW SECTION. **Sec. 307.** Each agency shall make application for a
2 license or renewal of license to the department on forms prescribed by
3 the department. Upon receipt of such application, the department shall
4 either grant or deny a license within ninety days. A license shall be
5 granted if the agency meets the minimum requirements set forth in this
6 chapter and the departmental requirements consistent with the chapter,
7 except that an initial license may be issued as provided in section 309
8 of this act. Licenses provided for in this chapter shall be issued for
9 a period of three years. The licensee, however, shall advise the
10 director of any material change in circumstances which might constitute
11 grounds for reclassification of license as to category. The license
12 issued under this chapter is not transferable and applies only to the
13 licensee and the location stated in the application. For licensed
14 family day care homes having an acceptable history of child care, the
15 license may remain in effect for two weeks after a move.

16 NEW SECTION. **Sec. 308.** If a licensee desires to apply for a
17 renewal of its license, a request for a renewal shall be filed ninety
18 days before the expiration date of the license. If the department has
19 failed to act at the time of the expiration date of the license, the
20 license shall continue in effect until such time as the department
21 acts.

22 NEW SECTION. **Sec. 309.** The director may, at his or her
23 discretion, issue an initial license instead of a full license, to an
24 agency or facility for a period not to exceed six months, renewable for
25 a period not to exceed two years, to allow such agency or facility
26 reasonable time to become eligible for full license.

27 NEW SECTION. **Sec. 310.** (1) The department may issue a
28 probationary license to a licensee who has had a license but is
29 temporarily unable to comply with a rule or has been the subject of
30 multiple complaints or concerns about noncompliance if:

31 (a) The noncompliance does not present an immediate threat to the
32 health and well-being of the children but would be likely to do so if
33 allowed to continue; and

34 (b) The licensee has a plan approved by the department to correct
35 the area of noncompliance within the probationary period.

1 (2) A probationary license may be issued for up to six months, and
2 at the discretion of the department it may be extended for an
3 additional six months. The department shall immediately terminate the
4 probationary license, if at any time the noncompliance for which the
5 probationary license was issued presents an immediate threat to the
6 health or well-being of the children.

7 (3) The department may, at any time, issue a probationary license
8 for due cause that states the conditions of probation.

9 (4) An existing license is invalidated when a probationary license
10 is issued.

11 (5) At the expiration of the probationary license, the department
12 shall reinstate the original license for the remainder of its term,
13 issue a new license, or revoke the original license.

14 (6) A right to an adjudicative proceeding shall not accrue to the
15 licensee whose license has been placed on probationary status unless
16 the licensee does not agree with the placement on probationary status
17 and the department then suspends, revokes, or modifies the license.

18 NEW SECTION. **Sec. 311.** (1) An agency may be denied a license, or
19 any license issued pursuant to this chapter may be suspended, revoked,
20 modified, or not renewed by the director upon proof (a) that the agency
21 has failed or refused to comply with the provisions of this chapter or
22 the requirements adopted pursuant to this chapter; or (b) that the
23 conditions required for the issuance of a license under this chapter
24 have ceased to exist with respect to such licenses. RCW 43.20A.205
25 governs notice of a license denial, revocation, suspension, or
26 modification and provides the right to an adjudicative proceeding.

27 (2) In any adjudicative proceeding regarding the denial,
28 modification, suspension, or revocation of any license under this
29 chapter, the department's decision shall be upheld if it is supported
30 by a preponderance of the evidence.

31 (3) The department may assess civil monetary penalties upon proof
32 that an agency has failed or refused to comply with the rules adopted
33 under this chapter or that an agency subject to licensing under this
34 chapter is operating without a license except that civil monetary
35 penalties shall not be levied against a licensed foster home. Monetary
36 penalties levied against unlicensed agencies that submit an application
37 for licensure within thirty days of notification and subsequently

1 become licensed will be forgiven. These penalties may be assessed in
2 addition to or in lieu of other disciplinary actions. Civil monetary
3 penalties, if imposed, may be assessed and collected, with interest,
4 for each day an agency is or was out of compliance. Civil monetary
5 penalties shall not exceed seventy-five dollars per violation for a
6 family day care home and two hundred fifty dollars per violation for
7 child day care centers. Each day upon which the same or substantially
8 similar action occurs is a separate violation subject to the assessment
9 of a separate penalty. The department shall provide a notification
10 period before a monetary penalty is effective and may forgive the
11 penalty levied if the agency comes into compliance during this period.
12 The department may suspend, revoke, or not renew a license for failure
13 to pay a civil monetary penalty it has assessed pursuant to this
14 chapter within ten days after such assessment becomes final. Chapter
15 43.20A RCW governs notice of a civil monetary penalty and provides the
16 right of an adjudicative proceeding. The preponderance of evidence
17 standard shall apply in adjudicative proceedings related to assessment
18 of civil monetary penalties.

19 (4)(a) In addition to or in lieu of an enforcement action being
20 taken, the department may place a child day care center or family day
21 care provider on nonreferral status if the center or provider has
22 failed or refused to comply with this chapter or rules adopted under
23 this chapter or an enforcement action has been taken. The nonreferral
24 status may continue until the department determines that: (i) No
25 enforcement action is appropriate; or (ii) a corrective action plan has
26 been successfully concluded.

27 (b) Whenever a child day care center or family day care provider is
28 placed on nonreferral status, the department shall provide written
29 notification to the child day care center or family day care provider.

30 (5) The department shall notify appropriate public and private
31 child care resource and referral agencies of the department's decision
32 to: (a) Take an enforcement action against a child day care center or
33 family day care provider; or (b) place or remove a child day care
34 center or family day care provider on nonreferral status.

35 NEW SECTION. **Sec. 312.** (1) The office of administrative hearings
36 shall not assign nor allow an administrative law judge to preside over
37 an adjudicative hearing regarding denial, modification, suspension, or

1 revocation of any license to provide child care under this chapter,
2 unless such judge has received training related to state and federal
3 laws and department policies and procedures regarding:

- 4 (a) Child abuse, neglect, and maltreatment;
- 5 (b) Child protective services investigations and standards;
- 6 (c) Licensing activities and standards;
- 7 (d) Child development; and
- 8 (e) Parenting skills.

9 (2) The office of administrative hearings shall develop and
10 implement a training program that carries out the requirements of this
11 section. The office of administrative hearings shall consult and
12 coordinate with the department in developing the training program. The
13 department may assist the office of administrative hearings in
14 developing and providing training to administrative law judges.

15 NEW SECTION. **Sec. 313.** The director shall immediately suspend the
16 license or certificate of a person who has been certified pursuant to
17 RCW 74.20A.320 by the department of social and health services as a
18 person who is not in compliance with a support order or a residential
19 or visitation order. If the person has continued to meet all other
20 requirements for reinstatement during the suspension, reissuance of the
21 license or certificate shall be automatic upon the director's receipt
22 of a release issued by the department of social and health services
23 stating that the licensee is in compliance with the order.

24 NEW SECTION. **Sec. 314.** Notwithstanding the existence or pursuit
25 of any other remedy, the director may, in the manner provided by law,
26 upon the advice of the attorney general, who shall represent the
27 department in the proceeding, maintain an action in the name of the
28 state for injunction or such other relief as he or she may deem
29 advisable against any agency subject to licensing under the provisions
30 of this chapter or against any such agency not having a license as
31 heretofore provided in this chapter.

32 NEW SECTION. **Sec. 315.** Any agency operating without a license
33 shall be guilty of a misdemeanor. This section shall not be
34 enforceable against an agency until sixty days after the effective date

1 of new rules, applicable to such agency, have been adopted under this
2 chapter.

3 **PART 4**

4 **DEPARTMENT OF SOCIAL AND HEALTH SERVICES LICENSING REVISIONS**

5 **Sec. 401.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and
6 2001 c 137 s 3 are each reenacted and amended to read as follows:

7 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
8 otherwise clearly indicated by the context thereof, the following terms
9 shall mean:

10 (1) "Agency" means any person, firm, partnership, association,
11 corporation, or facility which receives children, expectant mothers, or
12 persons with developmental disabilities for control, care, or
13 maintenance outside their own homes, or which places, arranges the
14 placement of, or assists in the placement of children, expectant
15 mothers, or persons with developmental disabilities for foster care or
16 placement of children for adoption, and shall include the following
17 irrespective of whether there is compensation to the agency or to the
18 children, expectant mothers or persons with developmental disabilities
19 for services rendered:

20 (a) (~~("Child day care center" means an agency which regularly~~
21 ~~provides care for a group of children for periods of less than twenty-~~
22 ~~four hours;~~

23 ~~(b))~~) "Child-placing agency" means an agency which places a child
24 or children for temporary care, continued care, or for adoption;

25 ~~((e))~~ (b) "Community facility" means a group care facility
26 operated for the care of juveniles committed to the department under
27 RCW 13.40.185. A county detention facility that houses juveniles
28 committed to the department under RCW 13.40.185 pursuant to a contract
29 with the department is not a community facility;

30 ~~((d))~~ (c) "Crisis residential center" means an agency which is a
31 temporary protective residential facility operated to perform the
32 duties specified in chapter 13.32A RCW, in the manner provided in RCW
33 74.13.032 through 74.13.036;

34 ~~((e))~~ (d) "Emergency respite center" is an agency that may be
35 commonly known as a crisis nursery, that provides emergency and crisis
36 care for up to seventy-two hours to children who have been admitted by

1 their parents or guardians to prevent abuse or neglect. Emergency
2 respite centers may operate for up to twenty-four hours a day, and for
3 up to seven days a week. Emergency respite centers may provide care
4 for children ages birth through seventeen, and for persons eighteen
5 through twenty with developmental disabilities who are admitted with a
6 sibling or siblings through age seventeen. Emergency respite centers
7 may not substitute for crisis residential centers or HOPE centers, or
8 any other services defined under this section, and may not substitute
9 for services which are required under chapter 13.32A or 13.34 RCW;

10 ~~((f)) "Family day care provider" means a child day care provider~~
11 ~~who regularly provides child day care for not more than twelve children~~
12 ~~in the provider's home in the family living quarters;~~

13 ~~(g))~~ (e) "Foster-family home" means an agency which regularly
14 provides care on a twenty-four hour basis to one or more children,
15 expectant mothers, or persons with developmental disabilities in the
16 family abode of the person or persons under whose direct care and
17 supervision the child, expectant mother, or person with a developmental
18 disability is placed;

19 ~~((h))~~ (f) "Group-care facility" means an agency, other than a
20 foster-family home, which is maintained and operated for the care of a
21 group of children on a twenty-four hour basis;

22 ~~((i))~~ (g) "HOPE center" means an agency licensed by the secretary
23 to provide temporary residential placement and other services to street
24 youth. A street youth may remain in a HOPE center for thirty days
25 while services are arranged and permanent placement is coordinated. No
26 street youth may stay longer than thirty days unless approved by the
27 department and any additional days approved by the department must be
28 based on the unavailability of a long-term placement option. A street
29 youth whose parent wants him or her returned to home may remain in a
30 HOPE center until his or her parent arranges return of the youth, not
31 longer. All other street youth must have court approval under chapter
32 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

33 ~~((j))~~ (h) "Maternity service" means an agency which provides or
34 arranges for care or services to expectant mothers, before or during
35 confinement, or which provides care as needed to mothers and their
36 infants after confinement;

37 ~~((k))~~ (i) "Responsible living skills program" means an agency
38 licensed by the secretary that provides residential and transitional

1 living services to persons ages sixteen to eighteen who are dependent
2 under chapter 13.34 RCW and who have been unable to live in his or her
3 legally authorized residence and, as a result, the minor lived outdoors
4 or in another unsafe location not intended for occupancy by the minor.
5 Dependent minors ages fourteen and fifteen may be eligible if no other
6 placement alternative is available and the department approves the
7 placement;

8 ~~((1))~~ (j) "Service provider" means the entity that operates a
9 community facility.

10 (2) "Agency" shall not include the following:

11 (a) Persons related to the child, expectant mother, or person with
12 developmental disability in the following ways:

13 (i) Any blood relative, including those of half-blood, and
14 including first cousins, nephews or nieces, and persons of preceding
15 generations as denoted by prefixes of grand, great, or great-great;

16 (ii) Stepfather, stepmother, stepbrother, and stepsister;

17 (iii) A person who legally adopts a child or the child's parent as
18 well as the natural and other legally adopted children of such persons,
19 and other relatives of the adoptive parents in accordance with state
20 law;

21 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
22 subsection (2)(a), even after the marriage is terminated; or

23 (v) Extended family members, as defined by the law or custom of the
24 Indian child's tribe or, in the absence of such law or custom, a person
25 who has reached the age of eighteen and who is the Indian child's
26 grandparent, aunt or uncle, brother or sister, brother-in-law or
27 sister-in-law, niece or nephew, first or second cousin, or stepparent
28 who provides care in the family abode on a twenty-four-hour basis to an
29 Indian child as defined in 25 U.S.C. Sec. 1903(4);

30 (b) Persons who are legal guardians of the child, expectant mother,
31 or persons with developmental disabilities;

32 (c) Persons who care for a neighbor's or friend's child or
33 children, with or without compensation, where ~~((:—(i) The person
34 providing care for periods of less than twenty four hours does not
35 conduct such activity on an ongoing, regularly scheduled basis for the
36 purpose of engaging in business, which includes, but is not limited to,
37 advertising such care; or (ii))~~ the parent and person providing care

1 on a twenty-four-hour basis have agreed to the placement in writing and
2 the state is not providing any payment for the care;

3 ~~((d)) ~~(Parents on a mutually cooperative basis exchange care of one~~
4 ~~another's children;~~~~

5 ~~(e))~~ A person, partnership, corporation, or other entity that
6 provides placement or similar services to exchange students or
7 international student exchange visitors or persons who have the care of
8 an exchange student in their home;

9 ~~((f))~~ (e) A person, partnership, corporation, or other entity
10 that provides placement or similar services to international children
11 who have entered the country by obtaining visas that meet the criteria
12 for medical care as established by the United States immigration and
13 naturalization service, or persons who have the care of such an
14 international child in their home;

15 ~~((g)) ~~Nursery schools or kindergartens which are engaged primarily~~
16 ~~in educational work with preschool children and in which no child is~~
17 ~~enrolled on a regular basis for more than four hours per day;~~~~

18 ~~(h))~~ (f) Schools, including boarding schools, which are engaged
19 primarily in education, operate on a definite school year schedule,
20 follow a stated academic curriculum, accept only school-age children
21 and do not accept custody of children;

22 ~~((i)) ~~Seasonal camps of three months' or less duration engaged~~
23 ~~primarily in recreational or educational activities;~~~~

24 ~~(j))~~ (g) Hospitals licensed pursuant to chapter 70.41 RCW when
25 performing functions defined in chapter 70.41 RCW, nursing homes
26 licensed under chapter 18.51 RCW and boarding homes licensed under
27 chapter 18.20 RCW;

28 ~~((k))~~ (h) Licensed physicians or lawyers;

29 ~~((l)) ~~Facilities providing care to children for periods of less~~
30 ~~than twenty four hours whose parents remain on the premises to~~
31 ~~participate in activities other than employment;~~~~

32 ~~(m))~~ (i) Facilities approved and certified under chapter 71A.22
33 RCW;

34 ~~((n))~~ (j) Any agency having been in operation in this state ten
35 years prior to June 8, 1967, and not seeking or accepting moneys or
36 assistance from any state or federal agency, and is supported in part
37 by an endowment or trust fund;

1 ~~((+o+))~~ (k) Persons who have a child in their home for purposes of
2 adoption, if the child was placed in such home by a licensed child-
3 placing agency, an authorized public or tribal agency or court or if a
4 replacement report has been filed under chapter 26.33 RCW and the
5 placement has been approved by the court;

6 ~~((+p+))~~ (l) An agency operated by any unit of local, state, or
7 federal government or an agency, located within the boundaries of a
8 federally recognized Indian reservation, licensed by the Indian tribe;

9 ~~((+q+))~~ (m) A maximum or medium security program for juvenile
10 offenders operated by or under contract with the department;

11 ~~((+r+))~~ (n) An agency located on a federal military reservation,
12 except where the military authorities request that such agency be
13 subject to the licensing requirements of this chapter.

14 (3) "Department" means the state department of social and health
15 services.

16 (4) "Juvenile" means a person under the age of twenty-one who has
17 been sentenced to a term of confinement under the supervision of the
18 department under RCW 13.40.185.

19 (5) "Probationary license" means a license issued as a disciplinary
20 measure to an agency that has previously been issued a full license but
21 is out of compliance with licensing standards.

22 (6) "Requirement" means any rule, regulation, or standard of care
23 to be maintained by an agency.

24 (7) "Secretary" means the secretary of social and health services.

25 (8) "Street youth" means a person under the age of eighteen who
26 lives outdoors or in another unsafe location not intended for occupancy
27 by the minor and who is not residing with his or her parent or at his
28 or her legally authorized residence.

29 (9) "Transitional living services" means at a minimum, to the
30 extent funds are available, the following:

31 (a) Educational services, including basic literacy and
32 computational skills training, either in local alternative or public
33 high schools or in a high school equivalency program that leads to
34 obtaining a high school equivalency degree;

35 (b) Assistance and counseling related to obtaining vocational
36 training or higher education, job readiness, job search assistance, and
37 placement programs;

1 (c) Counseling and instruction in life skills such as money
2 management, home management, consumer skills, parenting, health care,
3 access to community resources, and transportation and housing options;

4 (d) Individual and group counseling; and

5 (e) Establishing networks with federal agencies and state and local
6 organizations such as the United States department of labor, employment
7 and training administration programs including the job training
8 partnership act which administers private industry councils and the job
9 corps; vocational rehabilitation; and volunteer programs.

10 **Sec. 402.** RCW 74.15.030 and 2005 c 490 s 11 are each amended to
11 read as follows:

12 The secretary shall have the power and it shall be the secretary's
13 duty:

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

23 (2) In consultation with the children's services advisory
24 committee, and with the advice and assistance of persons representative
25 of the various type agencies to be licensed, to adopt and publish
26 minimum requirements for licensing applicable to each of the various
27 categories of agencies to be licensed.

28 The minimum requirements shall be limited to:

29 (a) The size and suitability of a facility and the plan of
30 operation for carrying out the purpose for which an applicant seeks a
31 license;

32 (b) The character, suitability and competence of an agency and
33 other persons associated with an agency directly responsible for the
34 care and treatment of children, expectant mothers or developmentally
35 disabled persons. In consultation with law enforcement personnel, the
36 secretary shall investigate the conviction record or pending charges
37 and dependency record information under chapter 43.43 RCW of each

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

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

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

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

33 (f) The financial ability of an agency to comply with minimum
34 requirements established pursuant to chapter 74.15 RCW and RCW
35 74.13.031; and

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

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

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

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

20 (6) To prescribe the procedures and the form and contents of
21 reports necessary for the administration of chapter 74.15 RCW and RCW
22 74.13.031 and to require regular reports from each licensee;

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

26 (8) To review requirements adopted hereunder at least every two
27 years and to adopt appropriate changes after consultation ((with
28 ~~affected groups for child day care requirements and~~)) with the
29 children's services advisory committee for requirements for other
30 agencies; and

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

34 **Sec. 403.** RCW 74.15.100 and 1995 c 302 s 8 are each amended to
35 read as follows:

36 Each agency shall make application for a license or renewal of
37 license to the department of social and health services on forms

1 prescribed by the department. A licensed agency having foster-family
2 homes under its supervision may make application for a license on
3 behalf of any such foster-family home. Such a foster home license
4 shall cease to be valid when the home is no longer under the
5 supervision of that agency. Upon receipt of such application, the
6 department shall either grant or deny a license within ninety days
7 unless the application is for licensure as a foster-family home, in
8 which case RCW 74.15.040 shall govern. A license shall be granted if
9 the agency meets the minimum requirements set forth in chapter 74.15
10 RCW and RCW 74.13.031 and the departmental requirements consistent
11 herewith, except that an initial license may be issued as provided in
12 RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW
13 74.13.031 shall be issued for a period of three years. The licensee,
14 however, shall advise the secretary of any material change in
15 circumstances which might constitute grounds for reclassification of
16 license as to category. The license issued under this chapter is not
17 transferable and applies only to the licensee and the location stated
18 in the application. For licensed foster-family (~~and family day care~~)
19 homes having an acceptable history of child care, the license may
20 remain in effect for two weeks after a move, except that (~~for the~~
21 ~~foster family home~~) this will apply only if the family remains intact.

22 **Sec. 404.** RCW 74.15.130 and 2005 c 473 s 6 are each amended to
23 read as follows:

24 (1) An agency may be denied a license, or any license issued
25 pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended,
26 revoked, modified, or not renewed by the secretary upon proof (a) that
27 the agency has failed or refused to comply with the provisions of
28 chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated
29 pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or
30 (b) that the conditions required for the issuance of a license under
31 chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect
32 to such licenses. RCW 43.20A.205 governs notice of a license denial,
33 revocation, suspension, or modification and provides the right to an
34 adjudicative proceeding.

35 (2) In any adjudicative proceeding regarding the denial,
36 modification, suspension, or revocation of a foster family home

1 license, the department's decision shall be upheld if there is
2 reasonable cause to believe that:

3 (a) The applicant or licensee lacks the character, suitability, or
4 competence to care for children placed in out-of-home care, however, no
5 unfounded report of child abuse or neglect may be used to deny
6 employment or a license;

7 (b) The applicant or licensee has failed or refused to comply with
8 any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements
9 adopted pursuant to such provisions; or

10 (c) The conditions required for issuance of a license under chapter
11 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such
12 licenses.

13 (3) In any adjudicative proceeding regarding the denial,
14 modification, suspension, or revocation of any license under this
15 chapter, other than a foster family home license, the department's
16 decision shall be upheld if it is supported by a preponderance of the
17 evidence.

18 (4) The department may assess civil monetary penalties upon proof
19 that an agency has failed or refused to comply with the rules adopted
20 under the provisions of this chapter and RCW 74.13.031 or that an
21 agency subject to licensing under this chapter and RCW 74.13.031 is
22 operating without a license except that civil monetary penalties shall
23 not be levied against a licensed foster home. Monetary penalties
24 levied against unlicensed agencies that submit an application for
25 licensure within thirty days of notification and subsequently become
26 licensed will be forgiven. These penalties may be assessed in addition
27 to or in lieu of other disciplinary actions. Civil monetary penalties,
28 if imposed, may be assessed and collected, with interest, for each day
29 an agency is or was out of compliance. Civil monetary penalties shall
30 not exceed (~~seventy five dollars per violation for a family day care~~
31 ~~home and~~) two hundred fifty dollars per violation for group homes(~~(~~
32 ~~child day care centers,~~) and child-placing agencies. Each day upon
33 which the same or substantially similar action occurs is a separate
34 violation subject to the assessment of a separate penalty. The
35 department shall provide a notification period before a monetary
36 penalty is effective and may forgive the penalty levied if the agency
37 comes into compliance during this period. The department may suspend,
38 revoke, or not renew a license for failure to pay a civil monetary

1 penalty it has assessed pursuant to this chapter within ten days after
2 such assessment becomes final. Chapter 43.20A RCW governs notice of a
3 civil monetary penalty and provides the right of an adjudicative
4 proceeding. The preponderance of evidence standard shall apply in
5 adjudicative proceedings related to assessment of civil monetary
6 penalties.

7 ~~((5)(a) In addition to or in lieu of an enforcement action being
8 taken, the department may place a child day care center or family day
9 care provider on nonreferral status if the center or provider has
10 failed or refused to comply with this chapter or rules adopted under
11 this chapter or an enforcement action has been taken. The nonreferral
12 status may continue until the department determines that: (i) No
13 enforcement action is appropriate; or (ii) a corrective action plan has
14 been successfully concluded.~~

15 ~~(b) Whenever a child day care center or family day care provider is
16 placed on nonreferral status, the department shall provide written
17 notification to the child day care center or family day care provider.~~

18 ~~(6) The department shall notify appropriate public and private
19 child care resource and referral agencies of the department's decision
20 to: (a) Take an enforcement action against a child day care center or
21 family day care provider; or (b) place or remove a child day care
22 center or family day care provider on nonreferral status.)~~

23 **PART 5**
24 **TRANSFER OF POWERS, DUTIES, AND FUNCTIONS**

25 NEW SECTION. **Sec. 501.** (1) All powers, duties, and functions of
26 the office of the superintendent of public instruction and the
27 department of community, trade, and economic development pertaining to
28 the early childhood education and assistance (ECEAP) program and the
29 early reading initiative are transferred to the department of early
30 learning. All references to the director or the department of
31 community, trade, and economic development in the Revised Code of
32 Washington shall be construed to mean the director or the department of
33 early learning when referring to the functions transferred in this
34 section.

35 (2) All powers, duties, and functions of the division of child care
36 and early learning in the department of social and health services

1 pertaining to the working connections child care program, child care
2 licensing, child care quality activities, and the head start
3 collaboration office are transferred to the department of early
4 learning. However, eligibility staffing and eligibility payment
5 functions for the working connections child care program shall not be
6 transferred to the department of early learning. All references to the
7 secretary or the department of social and health services in the
8 Revised Code of Washington shall be construed to mean the director or
9 the department of early learning when referring to the functions
10 transferred in this section.

11 (3) Child day care services provided through the children's
12 administration within the department of social and health services are
13 not transferred to the department of early learning.

14 NEW SECTION. **Sec. 502.** All reports, documents, surveys, books,
15 records, files, papers, or written material in the possession of the
16 office of the superintendent of public instruction, the department of
17 social and health services, and the department of community, trade, and
18 economic development pertaining to the powers, functions, and duties
19 transferred in section 501 of this act shall be delivered to the
20 custody of the department of early learning. All cabinets, furniture,
21 office equipment, motor vehicles, and other tangible property employed
22 by the office of the superintendent of public instruction, the
23 department of social and health services, and the department of
24 community, trade, and economic development in carrying out the powers,
25 functions, and duties transferred shall be made available to the
26 department of early learning. All funds, credits, or other assets held
27 in connection with the powers, functions, and duties transferred shall
28 be assigned to the department of early learning.

29 NEW SECTION. **Sec. 503.** (1) Any appropriations made to the office
30 of the superintendent of public instruction or the department of
31 community, trade, and economic development for carrying out the powers,
32 functions, and duties transferred in section 501 of this act shall, on
33 the effective date of this section, be transferred and credited to the
34 department of early learning;

35 (2) Any appropriations made to the department of social and health

1 services for carrying out the powers, functions, and duties transferred
2 shall, on the effective date of this section, be transferred to the
3 department of early learning through an interagency agreement.

4 NEW SECTION. **Sec. 504.** (1) All employees of the office of the
5 superintendent of public instruction, the department of social and
6 health services, and the department of community, trade, and economic
7 development engaged in performing the powers, functions, and duties
8 transferred in section 501 of this act are transferred to the
9 jurisdiction of the department of early learning. All employees
10 classified under chapter 41.06 RCW, the state civil service law, are
11 assigned to the department of early learning to perform their usual
12 duties upon the same terms as formerly, without any loss of rights,
13 subject to any action that may be appropriate thereafter in accordance
14 with the laws and rules governing state civil service.

15 (2) Nothing contained in this section may be construed to alter any
16 existing collective bargaining unit or the provisions of any existing
17 collective bargaining agreement until the agreement has expired or
18 until the bargaining unit has been modified by action of the public
19 employment relations commission as provided by law.

20 NEW SECTION. **Sec. 505.** (1) All rules and all pending business
21 before the office of the superintendent of public instruction, the
22 department of social and health services, and the department of
23 community, trade, and economic development pertaining to the powers,
24 functions, and duties transferred in section 501 of this act shall be
25 continued and acted upon by the department of early learning. All
26 existing contracts and obligations shall remain in full force and shall
27 be performed by the department of early learning.

28 (2) The transfer of the powers, duties, functions, and personnel of
29 the office of the superintendent of public instruction, the department
30 of social and health services, and the department of community, trade,
31 and economic development shall not affect the validity of any act
32 performed before the effective date of this section.

33 (3) Whenever any question arises as to the transfer of any
34 personnel, funds, books, documents, records, papers, files, equipment,
35 or other tangible property used or held in the exercise of the powers

1 and the performance of the duties and functions transferred, the
2 director of financial management shall make a determination as to the
3 proper allocation and certify the same to the state agencies concerned.

4 (4) If apportionments of budgeted funds are required because of the
5 transfers directed by this section and sections 501 through 504 of this
6 act, the director of financial management shall certify the
7 apportionments to the agencies affected, the state auditor, and the
8 state treasurer. Each of these shall make the appropriate transfer and
9 adjustments in funds and appropriation accounts and equipment records
10 in accordance with the certification.

11 NEW SECTION. **Sec. 506.** By November 15, 2006, the department of
12 early learning, in collaboration with the early learning council, shall
13 prepare a report and make recommendations to the governor and
14 appropriate committees of the legislature detailing:

15 (1) Coordination and collaboration between the department and the
16 K-12 system at the state and local levels to ensure appropriate
17 connections and smooth transitions between early learning and K-12;

18 (2) Ongoing coordination and collaboration between the department
19 and other programs not included in the department;

20 (3) Ways the department will support local communities in
21 encouraging public-private partnerships, innovative solutions to local
22 issues, coordination of early learning services, and improved
23 transitions from early learning to kindergarten;

24 (4) The relationship between the department and the private-public
25 partnership;

26 (5) Internal governance of the department, to be implemented July
27 1, 2007, upon termination of the early learning council; and

28 (6) Transition of any additional early learning programs and
29 responsibilities, including administration of federal child care funds
30 and subsidy eligibility and payment functions.

31 NEW SECTION. **Sec. 507.** By July 1, 2010, the joint legislative
32 audit and review committee shall conduct an evaluation of the
33 implementation and operation of the department of early learning to
34 assess the extent to which:

35 (1) Services and programs that previously were administered
36 separately have been effectively integrated;

- 1 (2) Reporting and monitoring activities have been consolidated and
- 2 made more efficient;
- 3 (3) Consolidation has resulted in administrative efficiencies
- 4 within the department;
- 5 (4) Child care and early learning services are improved;
- 6 (5) Subsidized child care is available;
- 7 (6) Subsidized child care is affordable;
- 8 (7) The department has been an effective partner in the
- 9 private-public partnership;
- 10 (8) Procedures have been put in place to respect parents and legal
- 11 guardians and provide them the opportunity to participate in the
- 12 development of policies and program decisions affecting their children;
- 13 and
- 14 (9) The degree and methods by which the agency conducts parent
- 15 outreach and education.

16 **PART 6**

17 **MISCELLANEOUS PROVISIONS**

18 NEW SECTION. **Sec. 601.** The following sections are each recodified
19 as new sections in the new chapter created in section 603 of this act:

- 20 RCW 74.13.097
- 21 RCW 74.13.098
- 22 RCW 74.13.099
- 23 RCW 74.15.063
- 24 RCW 74.15.310
- 25 RCW 74.15.320
- 26 RCW 74.15.330
- 27 RCW 74.15.340
- 28 RCW 74.15.350
- 29 RCW 28A.215.100
- 30 RCW 28A.215.110
- 31 RCW 28A.215.120
- 32 RCW 28A.215.130
- 33 RCW 28A.215.140
- 34 RCW 28A.215.150
- 35 RCW 28A.215.160
- 36 RCW 28A.215.170

1 RCW 28A.215.180
2 RCW 28A.215.190
3 RCW 28A.215.200
4 RCW 28A.215.900
5 RCW 28A.215.904
6 RCW 28A.215.906
7 RCW 28A.215.908

8 NEW SECTION. **Sec. 602.** PART HEADINGS NOT LAW. Part headings used
9 in this act are not any part of the law.

10 NEW SECTION. **Sec. 603.** Sections 101 through 109, 301 through 315,
11 and 501 of this act constitute a new chapter in Title 43 RCW.

12 NEW SECTION. **Sec. 604.** This act takes effect July 1, 2006.

13 NEW SECTION. **Sec. 605.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

--- END ---