

E2SSB 5828 - H COMM AMD

By Committee on Early Learning & Children's Services

ADOPTED 04/06/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that education is the
4 single most effective investment that can be made in children, the
5 state, the economy, and the future. A well-educated citizenry is
6 essential both for the preservation of democracy and for enhancing the
7 state's ability to compete in the knowledge-based global economy.

8 As recommended by Washington learns, the legislature declares that
9 the overarching goal for education in the state is to have a world-
10 class, learner-focused, seamless education system that educates more
11 Washingtonians to the highest levels of educational attainment.

12 **Sec. 2.** RCW 43.215.010 and 2006 c 265 s 102 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

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

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

23 (b) "Early learning" includes but is not limited to programs and
24 services for child care; state, federal, private, and nonprofit
25 preschool; child care subsidies; child care resource and referral;
26 parental education and support; and training and professional
27 development for early learning professionals;

28 (c) "Family day care provider" means a child day care provider who

1 regularly provides child day care and early learning services for not
2 more than twelve children in the provider's home in the family living
3 quarters;

4 (d) "Nongovernmental private-public partnership" means an entity
5 registered as a nonprofit corporation in Washington state with a
6 primary focus on early learning, school readiness, and parental
7 support, and an ability to raise a minimum of five million dollars in
8 contributions;

9 (e) "Service provider" means the entity that operates a community
10 facility.

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

12 (a) Persons related to the child 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; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (5) "Enforcement action" means denial, suspension, revocation,
22 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)
23 or assessment of civil monetary penalties pursuant to RCW
24 43.215.300(3).

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

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

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.215 RCW
31 to read as follows:

32 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
33 council is established to advise the department on statewide early
34 learning community needs and progress.

35 (2) The council shall work in conjunction with the department to
36 develop a statewide early learning plan that crosses systems and

1 sectors to promote alignment of private and public sector actions,
2 objectives, and resources, and to ensure school readiness.

3 (3) The council shall include diverse, statewide representation
4 from public, nonprofit, and for-profit entities. Its membership shall
5 reflect regional, racial, and cultural diversity to adequately
6 represent the needs of all children and families in the state.

7 (4) Council members shall serve two-year terms. However, to
8 stagger the terms of the council, the initial appointments for twelve
9 of the members shall be for one year. Once the initial one-year to
10 two-year terms expire, all subsequent terms shall be for two years,
11 with the terms expiring on June 30th of the applicable year. The terms
12 shall be staggered in such a way that, where possible, the terms of
13 members representing a specific group do not expire simultaneously.

14 (5) The council shall consist of not more than twenty-five members,
15 as follows:

16 (a) The governor shall appoint at least one representative from
17 each of the following: The department, the office of financial
18 management, the department of social and health services, the
19 department of health, the higher education coordinating board, and the
20 state board for community and technical colleges;

21 (b) One representative from the office of the superintendent of
22 public instruction, to be appointed by the superintendent of public
23 instruction;

24 (c) The governor shall appoint at least seven leaders in early
25 childhood education, with at least one representative with experience
26 or expertise in each of the following areas: Children with
27 disabilities, the K-12 system, family day care providers, and child
28 care centers;

29 (d) Two members of the house of representatives, one from each
30 caucus, and two members of the senate, one from each caucus, to be
31 appointed by the speaker of the house of representatives and the
32 president of the senate, respectively;

33 (e) Two parents, one of whom serves on the department's parent
34 advisory council, to be appointed by the governor;

35 (f) Two representatives of the private-public partnership created
36 in RCW 43.215.070, to be appointed by the partnership board;

37 (g) One representative designated by sovereign tribal governments;
38 and

1 (h) One representative from the Washington federation of
2 independent schools.

3 (6) The council shall be cochaired by one representative of a state
4 agency and one nongovernmental member, to be elected by the council for
5 two-year terms.

6 (7) Each member of the board shall be compensated in accordance
7 with RCW 43.03.240 and reimbursed for travel expenses incurred in
8 carrying out the duties of the board in accordance with RCW 43.03.050
9 and 43.03.060.

10 (8) The department shall provide staff support to the council.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.215 RCW
12 to read as follows:

13 VOLUNTARY QUALITY RATING AND IMPROVEMENT SYSTEM. Subject to the
14 availability of amounts appropriated for this specific purpose, the
15 department, in collaboration with community and statewide partners,
16 shall implement a voluntary quality rating and improvement system
17 applicable to licensed or certified child care centers and homes and
18 early education programs. The purpose of the voluntary quality rating
19 and improvement system is to give parents clear and easily accessible
20 information about the quality of child care and early education
21 programs, support improvement in early learning programs throughout the
22 state, increase the readiness of children for school, and close the
23 disparity in access to quality care. Before final implementation of
24 the voluntary quality rating and improvement system, the department
25 shall report to the appropriate policy and fiscal committees of the
26 legislature. Nothing in this section changes the department's
27 responsibility to collectively bargain over mandatory subjects.

28 **Sec. 5.** RCW 43.215.020 and 2006 c 265 s 103 are each amended to
29 read as follows:

30 (1) The department of early learning is created as an executive
31 branch agency. The department is vested with all powers and duties
32 transferred to it under this chapter and such other powers and duties
33 as may be authorized by law.

34 (2) The primary duties of the department are to implement state
35 early learning policy and to coordinate, consolidate, and integrate

1 child care and early learning programs in order to administer programs
2 and funding as efficiently as possible. The department's duties
3 include, but are not limited to, the following:

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

8 (b) To ~~((improve parent education and support))~~ make early learning
9 resources available to parents and caregivers;

10 (c) To carry out activities ~~((to improve))~~, including providing
11 clear and easily accessible information about quality and improving the
12 quality of early learning opportunities for young children ~~((including~~
13 ~~activities))~~, in cooperation with the nongovernmental private-public
14 partnership;

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

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

19 (f) To ~~((assist in))~~ support the implementation of the
20 nongovernmental private-public partnership and cooperate with that
21 partnership in pursuing its goals including providing data and support
22 necessary for the successful work of the partnership;

23 (g) To work cooperatively and in coordination with the early
24 learning council; ~~((and))~~

25 (h) To collaborate with the K-12 school system at the state and
26 local levels to ensure appropriate connections and smooth transitions
27 between early learning and K-12 programs; and

28 (i) Upon the development of an early learning information system,
29 to make available to parents timely inspection and licensing action
30 information through the internet and other means.

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

36 NEW SECTION. Sec. 6. A new section is added to chapter 43.215 RCW
37 to read as follows:

1 DEPARTMENT'S PARTNERSHIP RESPONSIBILITIES. (1) In order to meet
2 its partnership responsibilities, the department shall:

3 (a) Work collaboratively with the nongovernmental private-public
4 partnership; and

5 (b) Actively seek public and private money for distribution as
6 grants to the nongovernmental private-public partnership.

7 (2) In order to meet its partnership responsibilities, the
8 nongovernmental private-public partnership shall:

9 (a) Work with and complement existing statewide efforts by
10 enhancing parent resources and support, child care, preschool, and
11 other early learning environments;

12 (b) Accept and expend funds to be used for quality improvement
13 initiatives, including but not limited to parent resources and support,
14 and support the alignment of existing funding streams and coordination
15 of efforts across sectors;

16 (c) In conjunction with the department, provide leadership to early
17 learning private-public partnerships forming in communities across the
18 state. These local partnerships shall be encouraged to seek local
19 funding and develop strategies to improve coordination and exchange
20 information between the community, early care and education programs,
21 and the K-12 system; and

22 (d) Assist the statewide movement to high quality early learning
23 and the support of parents as a child's first and best teacher.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.215 RCW
25 to read as follows:

26 RULES REVIEW. In conjunction with child care providers and other
27 early learning leaders, the department shall review and revise child
28 care provider rules in order to emphasize the need for mutual respect
29 among parents, providers, and state staff who enforce rules. Revised
30 rules shall clearly focus on keeping children safe and improving early
31 learning outcomes for children. The department shall develop a plan by
32 July 2007 that outlines the process and timelines to complete the rules
33 review. Nothing in this section changes the department's
34 responsibility to collectively bargain over mandatory subjects.

1 NEW SECTION. **Sec. 8.** Captions used in this act are not any part
2 of the law."

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