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**SUBSTITUTE HOUSE BILL 1663**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Haler, Walsh, P. Sullivan, Appleton, Green, Seaquist, Fromhold, Hurst, Santos, Roberts, Dickerson, Ormsby, Sells, Conway, Flannigan, Chase, Morrell, Haigh, Sommers, Simpson and Darneille)

READ FIRST TIME 02/27/07.

1 AN ACT Relating to early child development and learning; amending  
2 RCW 43.215.020 and 43.215.010; adding new sections to chapter 43.215  
3 RCW; adding a new section to chapter 43.121 RCW; creating new sections;  
4 and repealing RCW 43.70.530.

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

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

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

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215 RCW  
16 to read as follows:

17 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory

1 council is established to advise the department on statewide early  
2 learning community needs and progress.

3 (2) The council shall work in conjunction with the department to  
4 develop a statewide early learning plan that crosses systems and  
5 sectors to promote alignment of private and public sector actions,  
6 objectives, and resources, and to ensure school readiness.

7 (3) The council shall include diverse, statewide representation  
8 from public, nonprofit, and for-profit entities. Its membership shall  
9 reflect regional, racial, and cultural diversity to adequately  
10 represent the needs of all children and families in the state,  
11 including children with disabilities.

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

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

21 (a) The governor shall appoint at least one representative from  
22 each of the following: The department, the office of financial  
23 management, the department of social and health services, the  
24 department of health, the higher education coordinating board, and the  
25 state board for community and technical colleges;

26 (b) One representative from the office of the superintendent of  
27 public instruction, to be appointed by the superintendent of public  
28 instruction;

29 (c) At least seven leaders in early childhood education, to be  
30 appointed by the governor, one of whom shall have expertise or  
31 experience in issues affecting children with disabilities, one  
32 representative of child care centers, one representative of child care  
33 homes, and at least one representative from the K-12 system;

34 (d) One legislator from each caucus of the house of representatives  
35 and the senate, to be appointed by the speaker of the house of  
36 representatives and the president of the senate, respectively;

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

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

3 (g) One person who is a representative of a federally recognized  
4 tribe with a background in early learning, to be appointed by the  
5 governor.

6 (6) The council shall be cochaired by one representative of a state  
7 agency and one nongovernmental member, to be elected by the council for  
8 two-year terms;

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

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

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

16 FIVE-STAR VOLUNTARY RATING AND IMPROVEMENT SYSTEM. Subject to the  
17 availability of amounts appropriated for this specific purpose, the  
18 department, in collaboration with community and statewide partners,  
19 shall implement a five-star voluntary rating and improvement system  
20 applicable to licensed or certified child care centers and homes and  
21 early education programs. The purpose of the rating and improvement  
22 system is to give parents better information about the quality of child  
23 care and early education programs, improve the quality of early  
24 learning programs throughout the state and the readiness of children  
25 for school, and close the disparity in access to quality care. Nothing  
26 in this section changes the department's responsibility to collectively  
27 bargain over mandatory subjects.

28 **Sec. 4.** 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)) parenting education and support;

9 (c) To carry out activities, including providing information about  
10 quality, to improve the quality of early learning opportunities for  
11 young children including activities in cooperation with the private-  
12 public partnership;

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

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

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

21 (g) To work cooperatively and in coordination with the early  
22 learning council; ((and))

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

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

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

34 NEW SECTION. Sec. 5. A new section is added to chapter 43.215 RCW  
35 to read as follows:

36 (1) In order to meet its partnership responsibilities, the  
37 department shall:

1 (a) Work collaboratively with the nongovernmental private-public  
2 partnership; and

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

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

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

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

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

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

22 **Sec. 6.** RCW 43.215.010 and 2006 c 265 s 102 are each amended to  
23 read as follows:

24 The definitions in this section apply throughout this chapter  
25 unless the context clearly requires otherwise.

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

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

33 (b) "Early learning" includes but is not limited to programs and  
34 services for child care; state, federal, private, and nonprofit  
35 preschool; child care subsidies; child care resource and referral;  
36 parental education and support; and training and professional  
37 development for early learning professionals;

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

5 (d) "Service provider" means the entity that operates a community  
6 facility.

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

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

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

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

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

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

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

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

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

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

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

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

37 (h) Facilities providing care to children for periods of less than

1 twenty-four hours whose parents remain on the premises to participate  
2 in activities other than employment;

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

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

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

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

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

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

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

22 (6) "Nongovernmental private-public partnership" means a  
23 partnership which has registered as a nonprofit corporation in 2006  
24 with a primary focus on early learning.

25 (7) "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)) (8) "Requirement" means any rule, regulation, or standard  
29 of care to be maintained by an agency.

30 NEW SECTION. Sec. 7. A new section is added to chapter 43.215 RCW  
31 to read as follows:

32 RULES REVIEW. In conjunction with child care providers and other  
33 early learning leaders, the department shall review and revise child  
34 care provider rules in order to emphasize the need for mutual respect  
35 among parents, providers, and state staff who enforce rules. Revised  
36 rules shall clearly focus on keeping children safe and improving early  
37 learning outcomes for children. The department shall develop a plan by

1 July 2007 that outlines the process and timelines to complete the rules  
2 review. Nothing in this section changes the department's  
3 responsibility to collectively bargain over mandatory subjects.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.121 RCW  
5 to read as follows:

6 To recognize the focus on home visitation services, the Washington  
7 council for the prevention of child abuse and neglect is hereby renamed  
8 the children's trust fund of Washington. All references to the  
9 Washington council for the prevention of child abuse and neglect in the  
10 Revised Code of Washington shall be construed to mean the children's  
11 trust fund of Washington.

12 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.215 RCW  
13 to read as follows:

14 HOME VISITATION SERVICES. (1) The legislature finds that the years  
15 from birth to three are critical in building the social, emotional, and  
16 cognitive developmental foundations of a young child, and that parents  
17 are a child's first and best teacher. The legislature intends to  
18 promote the use of home visitation service as an early intervention  
19 strategy to support parents and children.

20 (2) Within available funds, the children's trust fund of Washington  
21 shall fund voluntary home visitation programs for improving parenting  
22 skills and outcomes for children that are research based. Home  
23 visitation programs shall include but are not limited to programs  
24 designed to address the needs of families at high risk.

25 (3) The children's trust fund of Washington shall develop a plan  
26 with the department of social and health services, the department of  
27 health, the department of early learning, and the family policy council  
28 to coordinate or consolidate home visitation services for children and  
29 families and report to the appropriate committees of the legislature by  
30 December 1, 2007, with their recommendations for implementation of the  
31 plan.

32 NEW SECTION. **Sec. 10.** RCW 43.70.530 (Home visitor program) and  
33 1998 c 245 s 75 & 1993 c 179 s 2 are each repealed.



1        NEW SECTION.   **Sec. 11.**   Captions used in this act are not any part  
2   of the law.

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