

2SSB 5595 - H COMM AMD

By Committee on Early Learning & Human Services

NOT CONSIDERED 04/16/2013

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

3 "Sec. 1. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are  
4 each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

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

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

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

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

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

28 (e) "Service provider" means the entity that operates a community  
29 facility.

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

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

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

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

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

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

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

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

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

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

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

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

30 (h) Facilities providing child care for periods of less than  
31 twenty-four hours when a parent or legal guardian of the child remains  
32 on the premises of the facility for the purpose of participating in:

33 (i) Activities other than employment; or

34 (ii) Employment of up to two hours per day when the facility is  
35 operated by a nonprofit entity that also operates a licensed child care  
36 program at the same facility in another location or at another  
37 facility;

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

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

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

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

14 (3) "Applicant" means a person who requests or seeks employment in  
15 an agency.

16 (4) "Conviction information" means criminal history record  
17 information relating to an incident which has led to a conviction or  
18 other disposition adverse to the applicant.

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

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

21 (7) "Early achievers" means a program that improves the quality of  
22 early learning programs and supports and rewards providers for  
23 participation.

24 (8) "Employer" means a person or business that engages the services  
25 of one or more people, especially for wages or salary to work in an  
26 agency.

27 ((+8)) (9) "Enforcement action" means denial, suspension,  
28 revocation, modification, or nonrenewal of a license pursuant to RCW  
29 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW  
30 43.215.300(3).

31 ((+9)) (10) "Negative action" means a court order, court judgment,  
32 or an adverse action taken by an agency, in any state, federal, tribal,  
33 or foreign jurisdiction, which results in a finding against the  
34 applicant reasonably related to the individual's character,  
35 suitability, and competence to care for or have unsupervised access to  
36 children in child care. This may include, but is not limited to:

37 (a) A decision issued by an administrative law judge;

1 (b) A final determination, decision, or finding made by an agency  
2 following an investigation;

3 (c) An adverse agency action, including termination, revocation, or  
4 denial of a license or certification, or if pending adverse agency  
5 action, the voluntary surrender of a license, certification, or  
6 contract in lieu of the adverse action;

7 (d) A revocation, denial, or restriction placed on any professional  
8 license; or

9 (e) A final decision of a disciplinary board.

10 ~~((+10+))~~ (11) "Nonconviction information" means arrest, founded  
11 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
12 or other negative action adverse to the applicant.

13 ~~((+11+))~~ (12) "Probationary license" means a license issued as a  
14 disciplinary measure to an agency that has previously been issued a  
15 full license but is out of compliance with licensing standards.

16 ~~((+12+))~~ (13) "Requirement" means any rule, regulation, or standard  
17 of care to be maintained by an agency.

18 NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW  
19 to read as follows:

20 (1) The early achievers program is designed to accomplish the  
21 following goals:

22 (a) Provide parents clear and easily accessible information about  
23 quality child care and early education programs;

24 (b) Improve early learning programs throughout Washington state;

25 (c) Increase school readiness for children;

26 (d) Close the disparity between segments of the population with  
27 regard to access to quality care; and

28 (e) Establish a uniform set of expectations and standards that  
29 define, measure, and improve the quality of the early learning  
30 environment.

31 (2) All licensed and certified child care programs may enroll in  
32 the early achievers program. Child care providers may voluntarily  
33 decide whether to participate.

34 (3) There are five quality levels in the early achievers program.

35 (4) The department shall prepare and implement rules in accordance  
36 with the early achievers program and this section.

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

3           (1) The standards and guidelines described in this section are  
4 intended for the guidance of the department and the department of  
5 social and health services. They are not intended to, do not, and may  
6 not be relied upon to create a right or benefit, substantive or  
7 procedural, enforceable at law by a party in litigation with the state.

8           (2) When providing services to parents applying for or receiving  
9 working connections child care benefits, the department must provide  
10 training to departmental employees on professionalism.

11           (3) When providing services to parents applying for or receiving  
12 working connections child care benefits, the department of social and  
13 health services has the following responsibilities:

14           (a) To return all calls from parents receiving working connections  
15 child care benefits within two business days of receiving the call;

16           (b) To develop a process by which parents receiving working  
17 connections child care benefits can submit required forms and  
18 information electronically by June 30, 2015;

19           (c) To notify providers and parents ten days before the loss of  
20 working connections child care benefits; and

21           (d) To provide parents with a document that explains in detail and  
22 in easily understood language what services they are eligible for, how  
23 they can appeal an adverse decision, and the parents' responsibilities  
24 in obtaining and maintaining eligibility for working connections child  
25 care.

26           (4) The department shall convene a parent and provider oversight  
27 board.

28           (a) The oversight board must, at a minimum, consist of the  
29 following:

30           (i) Five parents receiving working connections child care benefits  
31 from diverse geographic locations; and

32           (ii) Five working connections child care providers from diverse  
33 geographic locations.

34           (b) The oversight board shall meet at least three times a year.

35           (c) The purpose of the oversight board is to listen to issues  
36 raised by parents receiving working connections child care and child  
37 care providers and report to the department on recommended policy  
38 changes to address the issues raised.

1 (d) The department is not responsible for any of the expenses  
2 incurred by the oversight board members.

3 NEW SECTION. **Sec. 4.** (1)(a) A legislative task force on child  
4 care improvements for the future is established with members as  
5 provided in this subsection.

6 (i) The president of the senate shall appoint two members from each  
7 of the two largest caucuses of the senate.

8 (ii) The speaker of the house of representatives shall appoint two  
9 members from each of the two largest caucuses in the house of  
10 representatives.

11 (iii) The president of the senate and the speaker of the house of  
12 representatives shall appoint thirteen members representing the  
13 following interests:

14 (A) The department of early learning;

15 (B) The department of social and health services;

16 (C) The early learning advisory committee;

17 (D) Thrive by five;

18 (E) Private pay child care consumers;

19 (F) Child care consumers receiving a subsidy;

20 (G) Family child care providers;

21 (H) Child care center providers;

22 (I) Exempt child care providers;

23 (J) The collective bargaining unit representing child care  
24 providers;

25 (K) School-age child care providers;

26 (L) Child care aware; and

27 (M) The Washington state association of head start and the early  
28 childhood education and assistance program.

29 (b) The task force shall choose its cochairs from among its  
30 legislative leadership. The members of the majority party in each  
31 house shall convene the first meeting.

32 (2) The task force shall address the following issues:

33 (a) The creation of a tiered reimbursement model that works for  
34 both consumers and providers and provides incentives for quality child  
35 care across communities;

36 (b) The long-term administrative changes that will help consumers  
37 enroll their children in child care accurately and efficiently;

- 1 (c) The expansion of outreach to consumers of child care;
- 2 (d) Administrative improvements and structural changes to the  
3 payment system;
- 4 (e) Increased and stable child care funding as a pivotal early  
5 learning tool;
- 6 (f) An increase in reimbursement rates to increase low-income  
7 families' access to high-quality providers;
- 8 (g) An increase in the eligibility threshold to achieve cross-  
9 subsidies and allow parents to grow professionally without losing  
10 affordable child care; and
- 11 (h) A further graduation of the copay scale to eliminate the cliff  
12 that occurs at subsidy cut off.

13 (3) Staff support for the task force must be provided by the senate  
14 committee services and the house of representatives office of program  
15 research.

16 (4) The task force shall report its findings and recommendations to  
17 the governor and the appropriate committees of the legislature no later  
18 than December 31, 2013.

19 (5) This section expires July 1, 2014.

20 NEW SECTION. **Sec. 5.** (1) The legislature finds that the Aclara  
21 group report on the eligibility requirements for working connections  
22 child care which came from the pedagogy of lean management and focused  
23 on identifying and eliminating nonvalue added work should be followed.  
24 The legislature further finds that, following some of the  
25 recommendations in the report, would result in simplifying and  
26 streamlining the child care system to improve access and customer  
27 service without decreasing the program's integrity.

28 (2) By December 1, 2013, the department and the department of  
29 social and health services shall accomplish the following:

30 (a) Eliminate the current custody/visitation policy and design a  
31 subsidy system that is flexible and accounts for small fluctuations in  
32 family circumstances;

33 (b) Create broad authorization categories so that relatively minor  
34 changes in parents' work schedule does not require changes in  
35 authorization;

36 (c) Establish rules to specify that parents who receive working

1 connections child care benefits and participate in one hundred ten  
2 hours or more of approved work or related activities are eligible for  
3 full-time child care services; and

4 (d) Clarify and simplify the requirement to count child support as  
5 income."

6 Correct the title.

EFFECT: Defines Early Achievers as a program that improves the quality of early learning programs and supports and rewards providers for participation.

Moves the goals of Early Achievers to section 2.

Removes provisions that define levels 1-5 of Early Achievers.

Removes "child care consumer and provider bill of rights" as the title of section 3.

Specifies that standards and guidelines described in section 3 are for the guidance of the Department of Early Learning and the Department of Social and Health Services.

Specifies the responsibilities of the Department of Early Learning and the Department of Social and Health Services pertaining to the Working Connections Child Care program.

Specifies that the parent and provider oversight board must consist of five parents receiving working connections child care benefits from diverse geographic locations and five working connections child care providers from diverse geographic locations.

Requires the Department of Early Learning to adopt rules allowing parents who participate in one hundred ten hours of work or related activities to be eligible for full-time child care services.

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