
SUBSTITUTE HOUSE BILL 1671

State of Washington

63rd Legislature

2013 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Farrell, Walsh, Kagi, Green, Sullivan, Jinkins, Pettigrew, Hunt, Ormsby, Stonier, Fitzgibbon, Goodman, Cody, Morrell, Maxwell, Appleton, Wylie, Orwall, Reykdal, Freeman, Riccelli, Fey, Tarleton, Ryu, Pollet, Bergquist, and Santos)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to child care reform; reenacting and amending RCW
2 43.215.010; adding new sections to chapter 43.215 RCW; creating new
3 sections; and providing an expiration date.

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

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

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

16 (b) "Early learning" includes but is not limited to programs and
17 services for child care; state, federal, private, and nonprofit
18 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional
2 development for early learning professionals;

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

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

12 (e) "Service provider" means the entity that operates a community
13 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (i) Activities other than employment; or

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

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

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

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

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

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

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

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

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

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

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

4 ~~((+8+))~~ (9) "Enforcement action" means denial, suspension,
5 revocation, modification, or nonrenewal of a license pursuant to RCW
6 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW
7 43.215.300(3).

8 ~~((+9+))~~ (10) "Negative action" means a court order, court judgment,
9 or an adverse action taken by an agency, in any state, federal, tribal,
10 or foreign jurisdiction, which results in a finding against the
11 applicant reasonably related to the individual's character,
12 suitability, and competence to care for or have unsupervised access to
13 children in child care. This may include, but is not limited to:

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

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

17 (c) An adverse agency action, including termination, revocation, or
18 denial of a license or certification, or if pending adverse agency
19 action, the voluntary surrender of a license, certification, or
20 contract in lieu of the adverse action;

21 (d) A revocation, denial, or restriction placed on any professional
22 license; or

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

24 ~~((+10+))~~ (11) "Nonconviction information" means arrest, founded
25 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
26 or other negative action adverse to the applicant.

27 ~~((+11+))~~ (12) "Probationary license" means a license issued as a
28 disciplinary measure to an agency that has previously been issued a
29 full license but is out of compliance with licensing standards.

30 ~~((+12+))~~ (13) "Requirement" means any rule, regulation, or standard
31 of care to be maintained by an agency.

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

34 (1) An applicant may be eligible for working connections child care
35 benefits for the following additional educational activities:

36 (a) Four-year bachelor's degree programs;

37 (b) Vocational and training programs;

1 (c) Two-year associate degree programs; and

2 (d) Worker retraining programs.

3 (2) The department shall draft rules in accordance with this
4 section.

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

7 (1) The early achievers program is designed to accomplish the
8 following goals:

9 (a) Provide parents clear and easy accessible information about
10 quality child care and early education programs;

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

12 (c) Increase school readiness for children;

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

15 (e) Establish a uniform set of expectations and standards that
16 define, measure, and improve the quality of the early learning
17 environment.

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

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

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

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

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

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

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

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

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

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

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

13 (4) The department shall convene a parent and provider oversight
14 board.

15 (a) The oversight board must, at a minimum, consist of the
16 following:

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

19 (ii) Five working connections child care providers from diverse
20 geographic locations.

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

22 (c) The purpose of the oversight board is to listen to issues
23 raised by parents receiving working connections child care and child
24 care providers and report to the department on recommended policy
25 changes to address the issues raised.

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

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

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

33 (ii) The speaker of the house of representatives shall appoint two
34 members from each of the two largest caucuses in the house of
35 representatives.

36 (iii) The president of the senate and the speaker of the house of

1 representatives shall appoint ten members representing the following
2 interests:

- 3 (A) The department of early learning;
- 4 (B) The department of social and health services;
- 5 (C) The early learning advisory committee;
- 6 (D) Thrive by five;
- 7 (E) Private pay child care consumers;
- 8 (F) Child care consumers receiving a subsidy;
- 9 (G) Family child care providers;
- 10 (H) Child care center providers;
- 11 (I) Exempt child care providers;
- 12 (J) Collective bargaining unit representing child care providers;
- 13 (K) One member representing the Washington state child care
14 resource and referral system; and

15 (L) One member representing the Washington state association of
16 head start and early childhood education and assistance program.

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

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

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

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

26 (c) The expansion of outreach to consumers of child care;

27 (d) Administrative improvements and structural changes to the
28 payment system;

29 (e) Increased and stable child care funding as a pivotal early
30 learning tool;

31 (f) An increase in reimbursement rates to increase low-income
32 families' access to high-quality providers;

33 (g) An increase in the eligibility threshold to achieve cross-
34 subsidies and allow parents to grow professionally without losing
35 affordable child care; and

36 (h) A further graduation of the copay scale to eliminate the cliff
37 that occurs at subsidy cut off.

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

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

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

8 NEW SECTION. **Sec. 6.** (1) The legislature finds that the Aclara
9 group report on the eligibility requirements for working connections
10 child care which came from the pedagogy of lean management and focused
11 on identifying and eliminating nonvalue added work should be followed.
12 The legislature further finds that, following some of the
13 recommendations in the report, would result in simplifying and
14 streamlining the child care system to improve access and customer
15 service without decreasing the program's integrity.

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

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

21 (b) Create broad authorization categories so that relatively minor
22 changes in parents' work schedules do not require changes in
23 authorization;

24 (c) Establish rules to specify that parents who receive working
25 connections child care benefits and participate in one hundred ten
26 hours or more of approved work or related activities are eligible for
27 full-time child care services; and

28 (d) Clarify and simplify the requirement to count child support as
29 income.

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