
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2377

State of Washington

63rd Legislature

2014 Regular Session

By House Appropriations (originally sponsored by Representatives Hunter, Kagi, Walsh, Sullivan, Farrell, Carlyle, Senn, Moeller, Tharinger, Ryu, Reykdal, Morrell, Roberts, Goodman, Tarleton, Freeman, Pollet, and Habib)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to improving quality in the early care and
2 education system; amending RCW 43.215.100, 43.215.135, 43.215.1352,
3 43.215.425, 43.215.415, and 43.215.455; reenacting and amending RCW
4 43.215.010; adding new sections to chapter 43.215 RCW; creating new
5 sections; and repealing 2013 2nd sp.s. c 16 s 2 (uncodified).

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

7 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that quality
8 early care and education builds the foundation for a child's success in
9 school and in life. The legislature acknowledges that quality is a
10 necessary underpinning of the early care and education system in
11 Washington. The legislature recognizes that empirical evidence supports
12 the conclusion that high quality programs consistently yield more
13 positive outcomes for children, with the strongest positive impacts on
14 the most vulnerable children. The legislature further understands that
15 the proper dosage, duration of programming, and stability of care are
16 critical to enhancing program quality and improving child outcomes.
17 The legislature acknowledges that the early care and education system
18 must be culturally responsive and meet the needs of Washington's
19 diverse populations. The legislature intends to prioritize the

1 integration of child care and preschool in an effort to promote full
2 workday programming. The legislature further intends to reward quality
3 and create incentives for providers to participate in a quality rating
4 and improvement system that will also provide valuable information to
5 parents regarding the quality of care available in their communities.

6 **Sec. 2.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1 are
7 each reenacted and amended to read as follows:

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

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

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

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

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

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

31 (e) "Service provider" means the entity that operates a community
32 facility.

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

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

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

1 (ii) Stepfather, stepmother, stepbrother, and stepsister;
2 (iii) A person who legally adopts a child or the child's parent as
3 well as the natural and other legally adopted children of such persons,
4 and other relatives of the adoptive parents in accordance with state
5 law; or
6 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this
7 subsection, even after the marriage is terminated;
8 (b) Persons who are legal guardians of the child;
9 (c) Persons who care for a neighbor's or friend's child or
10 children, with or without compensation, where the person providing care
11 for periods of less than twenty-four hours does not conduct such
12 activity on an ongoing, regularly scheduled basis for the purpose of
13 engaging in business, which includes, but is not limited to,
14 advertising such care;
15 (d) Parents on a mutually cooperative basis exchange care of one
16 another's children;
17 (e) Nursery schools that are engaged primarily in early childhood
18 education with preschool children and in which no child is enrolled on
19 a regular basis for more than four hours per day;
20 (f) Schools, including boarding schools, that are engaged primarily
21 in education, operate on a definite school year schedule, follow a
22 stated academic curriculum, accept only school-age children, and do not
23 accept custody of children;
24 (g) Seasonal camps of three months' or less duration engaged
25 primarily in recreational or educational activities;
26 (h) Facilities providing child care for periods of less than
27 twenty-four hours when a parent or legal guardian of the child remains
28 on the premises of the facility for the purpose of participating in:
29 (i) Activities other than employment; or
30 (ii) Employment of up to two hours per day when the facility is
31 operated by a nonprofit entity that also operates a licensed child care
32 program at the same facility in another location or at another
33 facility;
34 (i) Any entity that provides recreational or educational
35 programming for school-age((d)) children only and the entity meets all
36 of the following requirements:
37 (i) The entity utilizes a drop-in model for programming, where

- 1 children are able to attend during any or all program hours without a
2 formal reservation;
- 3 (ii) The entity does not assume responsibility in lieu of the
4 parent, unless for coordinated transportation;
- 5 (iii) The entity is a local affiliate of a national nonprofit; and
6 (iv) The entity is in compliance with all safety and quality
7 standards set by the associated national agency;
- 8 (j) A program operated by any unit of local, state, or federal
9 government or an agency, located within the boundaries of a federally
10 recognized Indian reservation, licensed by the Indian tribe;
- 11 (k) A program located on a federal military reservation, except
12 where the military authorities request that such agency be subject to
13 the licensing requirements of this chapter;
- 14 (l) A program that offers early learning and support services, such
15 as parent education, and does not provide child care services on a
16 regular basis.
- 17 (3) "Applicant" means a person who requests or seeks employment in
18 an agency.
- 19 (4) "Conviction information" means criminal history record
20 information relating to an incident which has led to a conviction or
21 other disposition adverse to the applicant.
- 22 (5) "Department" means the department of early learning.
- 23 (6) "Director" means the director of the department.
- 24 (7) "Early achievers" means a program that improves the quality of
25 early learning programs and supports and rewards providers for their
26 participation.
- 27 (8) "Early start" means an integrated high quality continuum of
28 early learning programs for children birth-to-five years of age.
29 Components of early start include, but are not limited to, the
30 following:
- 31 (a) Home visiting and parent education and support programs;
32 (b) The early achievers program described in RCW 43.215.100;
33 (c) Integrated full-day and part-day high quality early learning
34 programs; and
35 (d) High quality preschool for children whose family income is at
36 or below one hundred ten percent of the federal poverty level.
- 37 (9) "Employer" means a person or business that engages the services

1 of one or more people, especially for wages or salary to work in an
2 agency.

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

7 (11) "Low-income child care provider" means a person who
8 administers a child care program that consists of at least eighty
9 percent of children receiving working connections child care subsidy.

10 (12) "Low-income neighborhood" means a district or community where
11 more than twenty percent of households are below the federal poverty
12 level.

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

- 19 (a) A decision issued by an administrative law judge;
- 20 (b) A final determination, decision, or finding made by an agency
21 following an investigation;
- 22 (c) An adverse agency action, including termination, revocation, or
23 denial of a license or certification, or if pending adverse agency
24 action, the voluntary surrender of a license, certification, or
25 contract in lieu of the adverse action;
- 26 (d) A revocation, denial, or restriction placed on any professional
27 license; or
- 28 (e) A final decision of a disciplinary board.

29 (~~(12)~~) (14) "Nonconviction information" means arrest, founded
30 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
31 or other negative action adverse to the applicant.

32 (~~(13)~~) (15) "Nonschool age child" means a child birth through six
33 years of age who has yet to enter kindergarten or school.

34 (16) "Probationary license" means a license issued as a
35 disciplinary measure to an agency that has previously been issued a
36 full license but is out of compliance with licensing standards.

37 (~~(14)~~) (17) "Requirement" means any rule, regulation, or standard
38 of care to be maintained by an agency.

1 ~~((15))~~ (18) "School-age child" means a child not less than five
2 years of age through twelve years of age and who is attending
3 kindergarten or school.

4 (19) "Washington state preschool program" means an education
5 program for children three-to-five years of age who have not yet
6 entered kindergarten, such as the early childhood education and
7 assistance program.

8 **Sec. 3.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to read
9 as follows:

10 (1) ~~((Subject to the availability of amounts appropriated for this~~
11 ~~specific purpose,))~~ The department, in collaboration with tribal
12 governments and community and statewide partners, shall implement a
13 voluntary quality rating and improvement system, called the early
14 achievers program, that is applicable to licensed or certified child
15 care centers and homes and early education programs. The early
16 achievers program establishes the framework for strengthening the
17 quality of the early care and education system in Washington.

18 (2) The ~~((purpose))~~ objectives of the early achievers program
19 ~~((is))~~ are to:

20 (a) ~~((To))~~ Improve short-term and long-term outcomes for children
21 as measured by assessments including, but not limited to, the
22 Washington kindergarten inventory of developing skills in RCW
23 28A.655.080;

24 (b) Give parents clear and easily accessible information about the
25 quality of child care and early education programs~~((7))~~;

26 (c) Support improvement in early learning and care programs
27 throughout the state~~((7))~~;

28 (d) Increase the readiness of children for school~~((7 and))~~;

29 (e) Close the disparity in access to quality care;

30 (f) Provide professional development opportunities to early care
31 and education providers; and ~~((b) to))~~

32 (g) Establish a common set of expectations and standards that
33 define, measure, and improve the quality of early learning and care
34 settings.

35 (3) Participation in the early achievers program is voluntary for
36 licensed or certified child care centers and homes.

1 ~~(4) ((By fiscal year 2015, Washington state preschool programs~~
2 ~~receiving state funds must enroll in the early achievers program and~~
3 ~~maintain a minimum score level.~~

4 (5)) There are five levels in the early achievers program.
5 Participants are expected to actively engage in the program and
6 continually advance from level 1, or the foundation level, to level 5.

7 (5) The department has the authority to determine the rating cycle
8 for the early achievers program.

9 (a) The first rating is free for early achievers participants.

10 (b) Each subsequent rating within the established rating cycle is
11 free for early achievers participants.

12 (6) Early achievers participants may request to be rated at any
13 time after the completion of all level 2 activities.

14 (7) The department shall provide an early achievers participant an
15 update on their progress toward completing level 2 activities, after
16 the participant has been enrolled in the early achievers program for
17 fifteen months.

18 (8)(a) The department must charge a fee for optional rerating
19 requests made by program participants that are outside the established
20 rating cycle.

21 (b) Fees charged are based on, but may not exceed, the cost to the
22 department for the class of activities associated with the early
23 achievers program.

24 (9)(a)(i) Effective July 1, 2015, the department shall publish on
25 the department's web site or offer a link on its web site the early
26 achievers program rating levels 1 through 5 for all child care programs
27 that receive state subsidy, early childhood education and assistance
28 programs, and federal head start programs in Washington.

29 (ii) Child care programs that do not receive state subsidy may have
30 their early achievers program rating level published by the department.

31 (b) Early achievers program participants who have published rating
32 levels on the department's web site or on a link on the department's
33 web site may include a brief description of their program, contingent
34 upon the review and approval by the department, as determined by
35 established marketing standards.

36 (c) The early achievers program ratings must be published on the
37 department's web site or have a link on the department's web site

1 within thirty days from the time a program becomes licensed or
2 certified or receives a rating.

3 (d) The early achievers program rating levels must be published on
4 the department's web site or have a link on the department's web site
5 in a manner that is easily accessible to parents and caregivers and
6 takes into account the linguistic needs of parents and caregivers.

7 (e) To the extent possible, the department must create a single
8 source of information for parents and caregivers to access details on
9 a provider's early achievers program rating level, licensing history,
10 and other indicators of quality and safety that will help parents and
11 caregivers make informed choices.

12 (10)(a) The department shall create a professional development
13 pathway for early achievers participants to obtain a high school
14 diploma or equivalency or higher education credential in early
15 childhood education, early childhood studies, child development, or an
16 academic field related to early care and education.

17 (b) The professional development pathway must include opportunities
18 for scholarships and grants to assist early achievers participants with
19 the costs associated with obtaining an educational degree.

20 (c) The professional development pathway must be culturally and
21 linguistically reflective of the needs and demographics of
22 participants.

23 (11) The department shall implement tiered reimbursement for early
24 achievers participants rating at level 3, 4, or 5.

25 (12) The early achievers quality improvement awards shall be
26 reserved for participants offering programs that are composed of at
27 least five percent of children receiving subsidy.

28 (13) The department shall design a plan to incorporate school-age
29 child care providers into the early achievers program.

30 (14) In collaboration with tribal governments, and community and
31 statewide partners, the department shall develop a protocol for
32 granting early achievers program participants an extension in meeting
33 rating level requirement timelines outlined for the working connections
34 child care program and the early childhood education and assistance
35 program.

36 (a) At the department's discretion, extensions may be granted when
37 early achievers program participants experience an unexpected life
38 circumstance, such as, but not limited to, an illness.

1 (b) Extensions may only be granted to early achievers program
2 participants who have demonstrated engagement in the early achievers
3 program.

4 (c) A report outlining the early achievers program extension
5 protocol shall be delivered to the appropriate committees of
6 legislature by December 31, 2014.

7 (15) Before final implementation of the early achievers program,
8 the department shall report on program progress, as defined within the
9 race to the top federal grant award, and expenditures to the
10 appropriate policy and fiscal committees of the legislature. Nothing
11 in this section changes the department's responsibility to collectively
12 bargain over mandatory subjects.

13 NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW
14 to read as follows:

15 REDUCTION OF BARRIERS--LOW-INCOME PROVIDERS AND PROGRAMS. Subject
16 to the amounts appropriated for this specific purpose, the department
17 shall, in collaboration with tribal governments and community and
18 statewide partners, implement a protocol to maximize and encourage
19 participation in the early achievers program for low-income center and
20 family home child care providers and providers who offer programming in
21 low-income neighborhoods. The protocol should address barriers to
22 early achievers program participation and include at a minimum the
23 following:

- 24 (1) The creation of a substitute pool; and
25 (2) The establishment of needs-based grants for providers at level
26 2 in the early achievers program to assist with purchasing curriculum
27 development, instructional materials, supplies, and equipment to
28 improve program quality.

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

31 THE EARLY ACHIEVERS PROGRAM DATA COLLECTION AND EVALUATION. (1)
32 The department shall collect longitudinal, student-level data on all
33 children attending a working connections child care program or an early
34 childhood education and assistance program. Data collected should
35 capture at a minimum the following characteristics:

- 36 (a) Daily program attendance;

1 (b) Identification of classroom and teacher;
2 (c) Early achievers program quality level rating;
3 (d) Program hours;
4 (e) Program duration;
5 (f) Distinct ethnic categories within racial subgroups that align
6 with categories established by the education data center established in
7 RCW 43.41.400; and

8 (g) Developmental results from the Washington kindergarten
9 inventory of developing skills in RCW 28A.655.080.

10 (2) Data collected pursuant to this section shall be provided to
11 the education data center established in RCW 43.41.400.

12 (3) Data collected pursuant to this section shall be provided to
13 the Washington state institute for public policy.

14 (4) The department shall provide child care and early learning
15 providers student-level data collected pursuant to this section that
16 are specific to the child care provider's or the early learning
17 provider's program.

18 (5)(a) The Washington state institute for public policy shall
19 conduct a longitudinal analysis examining relationships between the
20 early achievers program quality ratings levels and outcomes for
21 children participating in subsidized early care and education programs.

22 (b) The institute shall submit the first report to the appropriate
23 committees of the legislature by December 31, 2017. The institute
24 shall submit subsequent reports annually to the appropriate committees
25 of the legislature by December 31st, with the final report due December
26 31, 2020. The final report shall include a cost-benefit analysis.

27 **Sec. 6.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to read
28 as follows:

29 (1) The department shall establish and implement policies in the
30 working connections child care program to promote stability (~~and~~),
31 quality of care for children from low-income households, and support
32 school readiness for young learners. Policies for the expenditure of
33 funds constituting the working connections child care program must be
34 consistent with the outcome measures defined in RCW 74.08A.410 and the
35 standards established in this section intended to promote quality early
36 care and education programming, and stability and continuity of care
37 for children.

1 (2) (~~Beginning in fiscal year 2013,~~) Authorizations for the
2 working connections child care subsidy (~~shall be~~) are effective for
3 twelve months (~~unless a change in circumstances necessitates~~
4 ~~reauthorization sooner than twelve months. The twelve-month~~
5 ~~certification applies only if the enrollments in the child care subsidy~~
6 ~~or working connections child care program are capped.~~

7 (3) ~~Subject to the availability of amounts appropriated for this~~
8 ~~specific purpose, beginning September 1, 2013, working connections~~
9 ~~child care providers shall receive a five percent increase in the~~
10 ~~subsidy rate for enrolling in level 2 in the early achievers programs.~~
11 ~~Providers must complete level 2 and advance to level 3 within thirty~~
12 ~~months in order to maintain this increase).~~ A child is eligible for
13 working connections child care for a twelve-month enrollment period and
14 may not be deemed ineligible due to any change in circumstance
15 including, but not limited to, the following:

16 (a) A change in family composition or household;

17 (b) A change in a parent's or a caregiver's employment status;

18 (c) A change in a parent's or a caregiver's employment status due
19 to health, maternity or paternity leave, or other family leave
20 condition as provided for in chapter 49.78 RCW; or

21 (d) A change in a parent's or a caregiver's income.

22 (3) Working connections child care is a capped program. The
23 working connections child care cap is established in the operating
24 budget.

25 (4)(a) The department shall adopt rules pertaining to the working
26 connections child care program for both contracted slots and child care
27 vouchers that outline the following:

28 (i) Allowable periods of child absences;

29 (ii) Required contact with parents or caregivers to discuss child
30 absences and encourage regular program attendance; and

31 (iii) A de-enrollment procedure when allowable child absences are
32 exceeded.

33 (b) The implementation of rules pertaining to child absences and
34 de-enrollment procedures must align with the implementation of the
35 electronic time and attendance record system. Rules pertaining to
36 child absences and de-enrollment procedures shall be adopted no later
37 than July 31, 2015.

1 (5) Child care providers serving nonschool age children and
2 receiving state subsidy payments must enroll in the early achievers
3 program and complete level 2 activities by July 1, 2017, or the
4 provider can no longer receive a state subsidy under this section.

5 (6)(a) Child care providers serving nonschool age children and
6 receiving state subsidy payments must be rated at level 3 in the early
7 achievers program by July 1, 2019, or the provider can no longer
8 receive state subsidy under this section.

9 (b) If a child care provider serving nonschool age children and
10 receiving state subsidy payments has completed all of level 2
11 activities and is approved and waiting for a rating by July 1, 2019,
12 the provider may continue to receive state subsidy pending the
13 successful completion of the level 3 rating activity. If the provider
14 does not rate at a level 3 or higher during the level 3 rating
15 activity, the provider can no longer receive state subsidy under this
16 section.

17 (7) Effective July 1, 2015, a new child care provider serving
18 nonschool age children and receiving state subsidy payments must
19 complete the following activities or the provider can no longer receive
20 a state subsidy under this section:

21 (a) Enroll in the early achievers program within thirty days;

22 (b) Complete the early achievers program quality level 2 activities
23 within twelve months from receiving a state subsidy; and

24 (c) Rate as an early achievers program quality level 3 within
25 thirty months from receiving a state subsidy payment.

26 (8)(a) Family, friend, and neighbor child care providers who
27 receive state subsidy payments and are exempt from child care licensure
28 are not required to join early achievers while qualifying as an
29 unlicensed provider.

30 (b) Family, friend, and neighbor child care providers who receive
31 state subsidy payments are required to obtain a child care license no
32 later than thirty-six paid months after the effective date of this
33 section or thirty-six paid months after receiving the first subsidy
34 payment, whichever occurs later, or after simultaneously or
35 consecutively caring for more than six unrelated children unless one of
36 the following conditions apply:

37 (i) The provider is an adult sibling, half-sibling, or stepsibling

1 of the child or children receiving care and lives outside of the
2 child's or children's home;

3 (ii) The provider is an extended tribal family member of the child
4 or children receiving care;

5 (iii) The provider is a grandparent, stepgrandparent, half-
6 grandparent or great-grandparent, stepgreat-grandparent, or
7 half-great-grandparent of the child or children receiving care; or

8 (iv) The provider is an aunt or uncle, step-aunt or step-uncle,
9 half-aunt or half-uncle, or great-aunt or great-uncle, step-great-aunt
10 or step-great-uncle, or half-great-aunt or half-great-uncle of the
11 child or children receiving care.

12 (c) Family, friend, and neighbor child care providers who do not
13 obtain child care licensure under this section are not able to receive
14 state subsidies.

15 **Sec. 7.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
16 read as follows:

17 When an applicant or recipient applies for or receives working
18 connections child care benefits, ~~((he or she))~~ the applicant or
19 recipient is required to ~~((+~~

20 ~~(1))~~ notify the department of social and health services, within
21 five days, of any change in providers ~~((+and~~

22 ~~(2) Notify the department of social and health services, within ten~~
23 ~~days, about any significant change related to the number of child care~~
24 ~~hours the applicant or recipient needs, cost sharing, or eligibility)).~~

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.215 RCW
26 to read as follows:

27 CONTRACTED CHILD CARE SLOTS. (1) The department shall employ a
28 combination of vouchers and contracted slots for the subsidized child
29 care program in RCW 43.215.135. Child care vouchers preserve parental
30 choice. Child care contracted slots promote access to continuous
31 quality care for children, provide parents and caregivers stable child
32 care that supports employment, and allow providers to have predictable
33 funding.

34 (2) The department shall contract at least twenty percent of the
35 working connections child care program slots by January 1, 2016.

1 (3) Only a child care provider who participates in the early
2 achievers program and rates at a level 3, 4, or 5 is eligible to be
3 awarded a contracted slot.

4 (4) Only providers offering full workday early care and education
5 opportunities are eligible to be awarded a contracted slot.

6 (5) The department is required to use data to calculate a set
7 number of targeted contracted slots. In calculating this number, the
8 department must take into account a representative balance of family
9 home and center child care programs and the overall geographic
10 distribution of child care programs in the state. The targeted
11 contracted slots are reserved for programs meeting both of the
12 following conditions:

13 (a) Programs in low-income neighborhoods; and

14 (b) Programs that consist of at least fifty percent of children
15 receiving subsidy pursuant to RCW 43.215.135.

16 (6) The department shall award the remaining contracted slots via
17 a competitive process and prioritize child care programs with at least
18 one of the following characteristics:

19 (a) Programs located in a high-need geographic area;

20 (b) Programs partnering with elementary schools to offer
21 transitional planning and support to children as they advance to
22 kindergarten; or

23 (c) Programs serving children involved in the child welfare system
24 or children diagnosed with a special need.

25 (7) The department shall pay a provider for each contracted slot,
26 unless a contracted slot is not used for thirty days.

27 (8) The department shall charge a child care copayment for each
28 contracted slot and establish the copayment fee by rule.

29 **Sec. 9.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to read
30 as follows:

31 (1) The department shall adopt rules under chapter 34.05 RCW for
32 the administration of the early childhood education and assistance
33 program. Approved early childhood education and assistance programs
34 shall conduct needs assessments of their service area, identify any
35 targeted groups of children, to include but not be limited to children
36 of seasonal and migrant farmworkers and native American populations

1 living either on or off reservation, and provide to the department a
2 service delivery plan, to the extent practicable, that addresses these
3 targeted populations.

4 (2) The department, in developing rules for the early childhood
5 education and assistance program, shall consult with the advisory
6 committee, and shall consider such factors as coordination with
7 existing head start and other early childhood programs, the preparation
8 necessary for instructors, qualifications of instructors, adequate
9 space and equipment, and special transportation needs. The rules shall
10 specifically require the early childhood programs to provide for
11 parental involvement in participation with their child's program, in
12 local program policy decisions, in development and revision of service
13 delivery systems, and in parent education and training.

14 (3)(a) The department shall adopt rules pertaining to the early
15 childhood education and assistance program that outline allowable
16 periods of child absences, required contact with parents or caregivers
17 to discuss child absences and encourage regular attendance, and a
18 de-enrollment procedure when allowable child absences are exceeded.

19 (b) The implementation of rules pertaining to child absences and
20 de-enrollment procedures must align with the implementation of the
21 electronic time and attendance record system.

22 (c) Rules pertaining to child absences and de-enrollment procedures
23 shall be adopted no later than July 31, 2015.

24 (4) The department shall adopt rules requiring early childhood
25 education and assistance program employees and volunteers who have
26 access to children to submit to a fingerprint background check.
27 Fingerprint background check procedures for the early childhood
28 education and assistance program shall be the same as the background
29 check procedures in RCW 43.215.215.

30 (5) By July 1, 2016, the department shall develop a pathway for
31 family home providers to administer an early childhood education and
32 assistance program.

33 **Sec. 10.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
34 read as follows:

35 (1) Approved early childhood programs shall receive state-funded
36 support through the department. Public or private nonsectarian
37 organizations, including, but not limited to school districts,

1 educational service districts, community and technical colleges, local
2 governments, or nonprofit organizations, are eligible to participate as
3 providers of the state early childhood program.

4 (2) Funds appropriated for the state program shall be used to
5 continue to operate existing programs or to establish new or expanded
6 early childhood programs~~((, and shall not be used to supplant federally~~
7 ~~supported head start programs))~~.

8 (3) Funds obtained by providers through voluntary grants or
9 contributions from individuals, agencies, corporations, or
10 organizations may be used to expand or enhance preschool programs so
11 long as program standards established by the department are
12 maintained~~((, but shall not be used to supplant federally supported~~
13 ~~head start programs or state supported early childhood programs))~~.

14 (4) Persons applying to conduct the early childhood program shall
15 identify targeted groups and the number of children to be served,
16 program components, the qualifications of instructional and special
17 staff, the source and amount of grants or contributions from sources
18 other than state funds, facilities and equipment support, and
19 transportation and personal care arrangements.

20 (5) Early childhood education and assistance providers must enroll
21 in the early achievers program and be rated at a level 3 by July 1,
22 2015.

23 (6) Early childhood education and assistance providers must be
24 rated at a level 4 in the early achievers program by July 1, 2019.

25 (7) Effective January 1, 2015, new early childhood education and
26 assistance program slots are only available to early achievers program
27 participants rated at a level 3, 4, or 5.

28 (8) Effective July 1, 2017, any provider administering an early
29 childhood education and assistance program must institute a working
30 connections child care program and maintain an optional full workday
31 program.

32 **Sec. 11.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to
33 read as follows:

34 (1) Beginning September 1, 2011, an early learning program to
35 provide voluntary preschool opportunities for children three and four
36 years of age shall be implemented according to the funding and
37 implementation plan in RCW ~~((43.215.142))~~ 43.215.456. The program must

1 be a comprehensive program providing early childhood education and
2 family support, options for parental involvement, and health
3 information, screening, and referral services, as family need is
4 determined. Participation in the program is voluntary. On a space
5 available basis, the program may allow enrollment of children who are
6 not otherwise eligible by assessing a fee.

7 (2) The first phase of the program shall be implemented by
8 utilizing the program standards and eligibility criteria in the early
9 childhood education and assistance program in RCW 43.215.400 through
10 43.215.450.

11 (3) For the 2014-15 school year, the program implementation in this
12 section shall prioritize programs meeting at least one of the following
13 characteristics:

14 (a) Programs located in a high-need geographical area;

15 (b) Programs offering full workday early care and education
16 programming;

17 (c) Providers participating in the early achievers program and
18 rated at level 3, 4, or 5; or

19 (d) Programs offering services to children diagnosed with a special
20 need or children involved in the child welfare system.

21 (4) For the 2014-15 school year, eighty percent of the slots for
22 program implementation described in this section are reserved for
23 providers offering full workday early care and education programming.

24 (5) For the 2015-16 school year, the program implementation in this
25 section shall prioritize programs meeting at least one of the following
26 characteristics:

27 (a) Programs located in a high-need geographical area;

28 (b) Programs offering full workday early care and education
29 programming; or

30 (c) Programs offering services to children diagnosed with a special
31 need or children involved in the child welfare system.

32 (6) For the 2015-16 school year, only providers participating in
33 the early achievers program and rated at a level 3, 4, or 5 are
34 eligible for the program implementation under this section.

35 (7) For the 2015-16 school year, eighty percent of the slots for
36 program implementation described in this section are reserved for
37 providers offering full workday early care and education programming.

1 (8) The director shall adopt rules for the following program
2 components, as appropriate and necessary during the phased
3 implementation of the program:

4 (a) Minimum program standards, including lead teacher, assistant
5 teacher, and staff qualifications;

6 (b) Approval of program providers; and

7 (c) Accountability and adherence to performance standards.

8 ~~((4))~~ (9) The department has administrative responsibility for:

9 (a) Approving and contracting with providers according to rules
10 developed by the director under this section;

11 (b) In partnership with school districts, monitoring program
12 quality and assuring the program is responsive to the needs of eligible
13 children;

14 (c) Assuring that program providers work cooperatively with school
15 districts to coordinate the transition from preschool to kindergarten
16 so that children and their families are well-prepared and supported;
17 and

18 (d) Providing technical assistance to contracted providers.

19 (10) The department shall complete an annual program implementation
20 report on preschool and the working connections child care program.
21 The first report is due by December 31, 2014, and the final report is
22 due by December 31, 2018. The preschool program implementation report
23 must be posted annually on the department's web site and delivered
24 annually to the appropriate committees of the legislature. The
25 preschool program implementation report must address the following:

26 (a) Progress on preschool program implementation as required
27 pursuant to this section and RCW 43.215.415;

28 (b) An examination of the regional distribution of new preschool
29 programming by zip code;

30 (c) An analysis of the impact of preschool expansion on low-income
31 neighborhoods and communities;

32 (d) Recommendations to address any identified barriers to access to
33 quality preschool for children living in low-income neighborhoods;

34 (e) An analysis of any impact of quality strengthening efforts on
35 the availability of infant and toddler care;

36 (f) An analysis of any impact of full workday early care and
37 education opportunities directives; and

1 (g) An examination of any identified barriers for providers to
2 offer full workday early care and education opportunities.

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

5 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2015, the
6 department shall implement a single set of licensing standards for
7 child care and the early childhood education and assistance program.
8 The new licensing standards must:

- 9 (1) Use the early achievers program as a foundational framework and
10 eliminate additional burdensome regulations for providers who
11 demonstrate higher levels of quality care;
- 12 (2) Take into account the separate needs of family care providers
13 and child care centers; and
- 14 (3) Promote the continued safety of child care settings.

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

17 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
18 the early care and education system in Washington is the quality rating
19 and improvement system entitled the early achievers program. In an
20 effort to build on the existing quality framework, enhance access to
21 quality care for children, and strengthen the entire early care and
22 education system in the state, it is important to integrate the efforts
23 of local government.

24 (2) Local government is encouraged to collaborate with the
25 department when establishing early learning programs for residents.

26 (3) Local government may contribute funds to the department for the
27 following purposes:

28 (a) Initial investments to build capacity and quality in local
29 early care and education programming; and

30 (b) Reductions in copayments charged to parents or caregivers.

31 (4) Funds contributed to the department by local government must be
32 deposited in the early start account established in section 14 of this
33 act.

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

1 The early start account is created in the state treasury. Revenues
2 in the account shall consist of appropriations by the legislature and
3 all other sources deposited into the account. Moneys in the account
4 may only be used after appropriation. Expenditures from the account
5 may be used only to improve the quality of early care and education
6 programming. The department oversees the account.

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

9 The department shall implement an electronic time and attendance
10 records system by July 1, 2015. The savings generated from the
11 electronic time and attendance records system shall be used to improve
12 quality in the early learning system.

13 NEW SECTION. **Sec. 16.** 2013 2nd sp.s. c 16 s 2 (uncodified) is
14 repealed.

15 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.215
16 RCW to read as follows:

17 Chapter . . ., Laws of 2014 (this act) may be known and cited as
18 the early start act.

19 NEW SECTION. **Sec. 18.** If specific funding for the purposes of
20 this act, referencing this act by bill or chapter number, is not
21 provided by June 30, 2014, in the omnibus appropriations act, this act
22 is null and void.

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