
HOUSE BILL 2377

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Hunter, Kagi, Walsh, Sullivan, Farrell, Carlyle, Senn, Moeller, Tharinger, Ryu, Reykdal, Morrell, Roberts, Goodman, Tarleton, Freeman, Pollet, and Habib

Read first time 01/16/14. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to improving quality in the early care and
2 education system; amending RCW 43.215.100, 43.215.135, 43.215.425,
3 43.215.415, and 43.215.455; adding new sections to chapter 43.215 RCW;
4 creating a new section; and repealing 2013 2nd sp.s. c 16 s 2
5 (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 intends to prioritize the integration of child care and
18 preschool in an effort to promote full-day programming. The
19 legislature further intends to reward quality and create incentives for

1 providers to participate in a quality rating and improvement system
2 that will also provide valuable information to parents regarding the
3 quality of care available in their communities.

4 **Sec. 2.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to read
5 as follows:

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

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

16 (a) ~~((To))~~ Improve short-term and long-term outcomes for children
17 as measured by assessments including, but not limited to, the
18 Washington kindergarten inventory of developing skills;

19 (b) Give parents clear and easily accessible information about the
20 quality of child care and early education programs;

21 (c) Support improvement in early learning and care programs
22 throughout the state;

23 (d) Increase the readiness of children for school;

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

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

27 (g) Establish a common set of expectations and standards that
28 define, measure, and improve the quality of early learning and care
29 settings.

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

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

35 ~~((5))~~ There are five levels in the early achievers program.
36 Participants are expected to actively engage in the program and

1 continually advance from level one, or the foundation level, to level
2 five.

3 (5)(a) Effective July 1, 2015, the department shall publish on the
4 department's web site or offer a link on its web site the early
5 achievers program rating levels one through five for all child care
6 programs, early childhood education and assistance programs, and
7 Washington head start programs.

8 (b) The early achievers program ratings must be published on the
9 department's web site or have a link on the department's web site
10 within thirty days from the time a program becomes licensed or
11 certified or receives a rating.

12 (c) The early achievers program rating levels must be published on
13 the department's web site or have a link on the department's web site
14 in a manner that is easily accessible to parents and caregivers.

15 (6)(a) The department must charge a fee for additional reratings
16 requests made by program participants.

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

20 (c) The director shall establish the fees charged for the early
21 achievers rerating process by rule.

22 (7)(a) The department shall create a professional development
23 pathway for early achievers participants to obtain a high school
24 diploma or higher education credential in early childhood education,
25 early childhood studies, child development, or an academic field
26 related to early care and education.

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

30 (8) Before final implementation of the early achievers program, the
31 department shall report on program progress, as defined within the race
32 to the top federal grant award, and expenditures to the appropriate
33 policy and fiscal committees of the legislature. Nothing in this
34 section changes the department's responsibility to collectively bargain
35 over mandatory subjects.

36 NEW SECTION. Sec. 3. A new section is added to chapter 43.215 RCW
37 to read as follows:

1 THE EARLY ACHIEVERS PROGRAM DATA COLLECTION AND EVALUATION. (1)

2 The department shall collect longitudinal, student-level data on all
3 children attending a working connections child care program or an early
4 childhood education and assistance program. Data reported must be
5 disaggregated in the smallest units allowable by law that do not
6 identify an individual student. Data must be disaggregated by distinct
7 ethnic categories within racial subgroups that align with categories
8 established by the education data center established in RCW 43.41.400.
9 Data collected should capture at a minimum the following
10 characteristics:

- 11 (a) Daily program attendance;
- 12 (b) Identification of classroom and teacher;
- 13 (c) Early achievers program quality level rating;
- 14 (d) Program hours;
- 15 (e) Program duration; and
- 16 (f) Child cognitive and developmental gains.

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

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

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

25 (b) The institute shall submit the first report to the appropriate
26 committees of the legislature by December 31, 2017. The institute
27 shall submit subsequent reports annually to the appropriate committees
28 of the legislature by December 31st, with the final report due December
29 31, 2020. The final report shall include a cost-benefit analysis.

30 **Sec. 4.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to read
31 as follows:

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

1 standards established in this section intended to promote quality early
2 care and education programming, and stability and continuity of care
3 for children.

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

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

- 19 (a) A change in family composition;
- 20 (b) A change in a parent's or a caregiver's employment status;
- 21 (c) A change in a parent's or a caregiver's employment status due
22 to health, maternity or paternity leave, or other family leave
23 condition as provided for in chapter 49.78 RCW; or
- 24 (d) A change in a parent's or a caregiver's income.

25 (3) The department shall adopt rules pertaining to the working
26 connections child care program that outline the following:

- 27 (a) Allowable periods of child absences;
- 28 (b) Required contact with parents or caregivers to discuss child
29 absences and encourage regular program attendance; and
- 30 (c) A deenrollment procedure when allowable child absences are
31 exceeded.

32 (4) Child care providers serving nonschool age children and
33 receiving state subsidy payments must enroll in the early achievers
34 program and complete level two activities by July 1, 2017.

35 (5) Child care providers serving nonschool age children and
36 receiving state subsidy payments must be rated at level three in the
37 early achievers program by July 1, 2019.

1 (6) Effective July 1, 2015, a new child care provider serving
2 nonschool age children and receiving state subsidy payments must:

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

4 (b) Complete the early achievers program quality level two
5 activities within twelve months from receiving a state subsidy; and

6 (c) Rate as an early achievers program quality level three within
7 thirty months from receiving a state subsidy payment.

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

10 CONTRACTED CHILD CARE SLOTS. (1) The department shall employ a
11 combination of vouchers and contracted slots for the subsidized child
12 care program in RCW 43.215.135. Child care vouchers preserve parental
13 choice. Child care contracted slots promote access to continuous
14 quality care for children, provide parents and caregivers stable child
15 care that supports employment, and allow providers to have predictable
16 funding.

17 (2) The department's duties relating to child care contracted slots
18 include, but are not limited to:

19 (a) Contracting at least twenty percent of the working connections
20 child care program slots by January 1, 2016;

21 (b) Awarding contracted slots via a competitive process and
22 prioritizing child care programs with at least one of the following
23 characteristics:

24 (i) Programs offering full workday early care and education
25 opportunities;

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

27 (iii) Programs partnering with elementary schools to offer
28 transitional planning and support to children as they advance to
29 kindergarten; or

30 (iv) Programs serving children involved in the child welfare system
31 or children diagnosed with a special need;

32 (c) Paying a provider for each contracted slot, unless a contracted
33 slot is not used for thirty days;

34 (d) Charging a child care copayment for each contracted slot; and

35 (e) Establishing a copayment fee by rule.

36 (3) Only a child care provider who participates in the early

1 achievers program and rates at a level three, four, or five is eligible
2 to be awarded a contracted slot.

3 **Sec. 6.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to read
4 as follows:

5 (1) The department shall adopt rules under chapter 34.05 RCW for
6 the administration of the early childhood education and assistance
7 program. Approved early childhood education and assistance programs
8 shall conduct needs assessments of their service area, identify any
9 targeted groups of children, to include but not be limited to children
10 of seasonal and migrant farmworkers and native American populations
11 living either on or off reservation, and provide to the department a
12 service delivery plan, to the extent practicable, that addresses these
13 targeted populations.

14 (2) The department, in developing rules for the early childhood
15 education and assistance program, shall consult with the advisory
16 committee, and shall consider such factors as coordination with
17 existing head start and other early childhood programs, the preparation
18 necessary for instructors, qualifications of instructors, adequate
19 space and equipment, and special transportation needs. The rules shall
20 specifically require the early childhood programs to provide for
21 parental involvement in participation with their child's program, in
22 local program policy decisions, in development and revision of service
23 delivery systems, and in parent education and training.

24 (3) The department shall adopt rules pertaining to the early
25 childhood education and assistance program that outline allowable
26 periods of child absences, required contact with parents or caregivers
27 to discuss child absences and encourage regular attendance, and a
28 deenrollment procedure when allowable child absences are exceeded.

29 (4) The department shall adopt rules requiring all employees and
30 volunteers of early childhood education and assistance programs to
31 submit to a fingerprint background check. Fingerprint background check
32 procedures for the early childhood education and assistance program
33 shall be the same as the background check procedures in RCW 43.215.215.

34 **Sec. 7.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to read
35 as follows:

36 (1) Approved early childhood programs shall receive state-funded

1 support through the department. Public or private nonsectarian
2 organizations, including, but not limited to school districts,
3 educational service districts, community and technical colleges, local
4 governments, or nonprofit organizations, are eligible to participate as
5 providers of the state early childhood program.

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

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

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

22 (5) Early childhood education and assistance providers must enroll
23 in the early achievers program and be rated at a level three by July 1,
24 2015.

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

27 (7) Effective January 1, 2014, new early childhood education and
28 assistance program slots are only available to early achievers program
29 participants rated at a level three, four, or five.

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

34 **Sec. 8.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to read
35 as follows:

36 (1) Beginning September 1, 2011, an early learning program to
37 provide voluntary preschool opportunities for children three and four

1 years of age shall be implemented according to the funding and
2 implementation plan in RCW (~~(43.215.142)~~) 43.215.456. The program must
3 be a comprehensive program providing early childhood education and
4 family support, options for parental involvement, and health
5 information, screening, and referral services, as family need is
6 determined. Participation in the program is voluntary. On a space
7 available basis, the program may allow enrollment of children who are
8 not otherwise eligible by assessing a fee.

9 (2) The first phase of the program shall be implemented by
10 utilizing the program standards and eligibility criteria in the early
11 childhood education and assistance program in RCW 43.215.400 through
12 43.215.450.

13 (3) The program implementation in this section shall prioritize
14 programs meeting at least one of the following characteristics:

- 15 (a) Programs located in a high-need geographical area;
- 16 (b) Programs offering services to children diagnosed with a special
17 need or children involved in the child welfare system; or
- 18 (c) Programs that receive a working connections child care subsidy
19 pursuant to RCW 43.215.135.

20 (4) Only providers meeting both of the following requirements are
21 eligible for the program implementation in this section:

- 22 (a) Providers participating in the early achievers program and
23 rated at a level 3, 4, or 5; and
- 24 (b) Providers offering full workday early care and education
25 programming.

26 (5) The director shall adopt rules for the following program
27 components, as appropriate and necessary during the phased
28 implementation of the program:

- 29 (a) Minimum program standards, including lead teacher, assistant
30 teacher, and staff qualifications;
- 31 (b) Approval of program providers; and
- 32 (c) Accountability and adherence to performance standards.

33 (~~(4)~~) (6) The department has administrative responsibility for:

- 34 (a) Approving and contracting with providers according to rules
35 developed by the director under this section;
- 36 (b) In partnership with school districts, monitoring program
37 quality and assuring the program is responsive to the needs of eligible
38 children;

1 (c) Assuring that program providers work cooperatively with school
2 districts to coordinate the transition from preschool to kindergarten
3 so that children and their families are well-prepared and supported;
4 and

5 (d) Providing technical assistance to contracted providers.

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

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

12 (1) Use the early achievers program as a foundational framework and
13 eliminate additional burdensome regulations for providers who
14 demonstrate higher levels of quality care;

15 (2) Take into account the separate needs of family care providers
16 and child care centers; and

17 (3) Promote the continued safety of child care settings.

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.215
19 RCW to read as follows:

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

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

29 (3) Local government may contribute funds to the department for the
30 following purposes:

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

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

34 NEW SECTION. **Sec. 11.** 2013 2nd sp.s. c 16 s 2 (uncodified) is
35 repealed.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.215
2 RCW to read as follows:
3 Chapter . . ., Laws of 2014 (this act) may be known and cited as
4 the early start act.

--- END ---