

E2SHB 1491 - H AMD 535

By Representative Kagi

NOT CONSIDERED 6/28/2015

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

3 "NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that
4 quality early care and education builds the foundation for a child's
5 success in school and in life. The legislature acknowledges that a
6 quality framework is necessary for the early care and education
7 system in Washington. The legislature recognizes that empirical
8 evidence supports the conclusion that high quality programs
9 consistently yield more positive outcomes for children, with the
10 strongest positive impacts on the most vulnerable children. The
11 legislature acknowledges that critical developmental windows exist in
12 early childhood, and low quality child care has damaging effects for
13 children. The legislature further understands that the proper dosage,
14 duration of programming, and stability of care are critical to
15 enhancing program quality and improving child outcomes. The
16 legislature acknowledges that the early care and education system
17 should strive to address the needs of Washington's culturally and
18 linguistically diverse populations. The legislature understands that
19 parental choice and provider diversity are guiding principles for
20 early learning programs.

21 (2) The legislature intends to prioritize the integration of
22 child care and preschool in an effort to promote full day
23 programming. The legislature further intends to reward quality and
24 create incentives for providers to participate in a quality rating
25 and improvement system that will also provide valuable information to
26 parents regarding the quality of care available in their communities.

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

29 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)
30 (~~Subject to the availability of amounts appropriated for this~~
31 ~~specific purpose,~~) The department, in collaboration with tribal

1 governments and community and statewide partners, shall implement a
2 ((voluntary)) quality rating and improvement system, called the early
3 achievers program((,that)). The early achievers program provides a
4 foundation of quality for the early care and education system. The
5 early achievers program is applicable to licensed or certified child
6 care centers and homes and early ((education)) learning programs such
7 as working connections child care and early childhood education and
8 assistance programs.

9 (2) The ((purpose)) objectives of the early achievers program
10 ((is)) are to:

11 (a) ((To)) Improve short-term and long-term educational outcomes
12 for children as measured by assessments including, but not limited
13 to, the Washington kindergarten inventory of developing skills in RCW
14 28A.655.080;

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

17 (c) Support improvement in early learning and child care programs
18 throughout the state((,));

19 (d) Increase the readiness of children for school((,and));

20 (e) Close the ((disparity)) disparities in access to quality
21 care;

22 (f) Provide professional development and coaching opportunities
23 to early child care and education providers; and ((,b-to))

24 (g) Establish a common set of expectations and standards that
25 define, measure, and improve the quality of early learning and child
26 care settings.

27 (3)(a) Licensed or certified child care centers and homes serving
28 nonschool age children and receiving state subsidy payments must
29 participate in the early achievers program by the required deadlines
30 established in RCW 43.215.135.

31 (b) Approved early childhood education and assistance program
32 providers receiving state-funded support must participate in the
33 early achievers program by the required deadlines established in RCW
34 43.215.415.

35 (c) Participation in the early achievers program is voluntary
36 for:

37 (i) Licensed or certified child care centers and homes not
38 receiving state subsidy payments; and

39 (ii) Early learning programs not receiving state funds.

1 (d) School age child care providers are exempt from participating
2 in the early achievers program. By July 1, 2017, the department and
3 the office of the superintendent of public instruction shall jointly
4 design a plan to incorporate school age child care providers into the
5 early achievers program or other appropriate quality improvement
6 system. To test implementation of the early achievers system for
7 school age child care providers the department and the office of the
8 superintendent of public instruction shall implement a pilot program.

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

12 ~~(5) Before final implementation of the early achievers program,~~
13 ~~the department shall report on program progress, as defined within~~
14 ~~the race to the top federal grant award, and expenditures to the~~
15 ~~appropriate policy and fiscal committees of the legislature.)) There~~
16 are five levels in the early achievers program. Participants are
17 expected to actively engage and continually advance within the
18 program.

19 (5) The department has the authority to determine the rating
20 cycle for the early achievers program. The department shall
21 streamline and eliminate duplication between early achievers
22 standards and state child care rules in order to reduce costs
23 associated with the early achievers rating cycle and child care
24 licensing.

25 (a) Early achievers program participants may request to be rated
26 at any time after the completion of all level 2 activities.

27 (b) The department shall provide an early achievers program
28 participant an update on the participant's progress toward completing
29 level 2 activities after the participant has been enrolled in the
30 early achievers program for fifteen months.

31 (c) The first rating is free for early achievers program
32 participants.

33 (d) Each subsequent rating within the established rating cycle is
34 free for early achievers program participants.

35 (6)(a) Early achievers program participants may request to be
36 rerated outside the established rating cycle.

37 (b) The department may charge a fee for optional rerating
38 requests made by program participants that are outside the
39 established rating cycle.

1 (c) Fees charged are based on, but may not exceed, the cost to
2 the department for activities associated with the early achievers
3 program.

4 (7)(a) The department must create a single source of information
5 for parents and caregivers to access details on a provider's early
6 achievers program rating level, licensing history, and other
7 indicators of quality and safety that will help parents and
8 caregivers make informed choices.

9 (b) The department shall publish to the department's web site, or
10 offer a link on its web site to, the following information:

11 (i) By November 1, 2015, early achievers program rating levels 1
12 through 5 for all child care programs that receive state subsidy,
13 early childhood education and assistance programs, and federal head
14 start programs in Washington; and

15 (ii) New early achievers program ratings within thirty days after
16 a program becomes licensed or certified, or receives a rating.

17 (c) The early achievers program rating levels shall be published
18 in a manner that is easily accessible to parents and caregivers and
19 takes into account the linguistic needs of parents and caregivers.

20 (d) The department must publish early achievers program rating
21 levels for child care programs that do not receive state subsidy but
22 have voluntarily joined the early achievers program.

23 (e) Early achievers program participants who have published
24 rating levels on the department's web site or on a link on the
25 department's web site may include a brief description of their
26 program, contingent upon the review and approval by the department,
27 as determined by established marketing standards.

28 (8)(a) The department shall create a professional development
29 pathway for early achievers program participants to obtain a high
30 school diploma or equivalency or higher education credential in early
31 childhood education, early childhood studies, child development, or
32 an academic field related to early care and education.

33 (b) The professional development pathway must include
34 opportunities for scholarships and grants to assist early achievers
35 program participants with the costs associated with obtaining an
36 educational degree.

37 (c) The department shall address cultural and linguistic
38 diversity when developing the professional development pathway.

39 (9) The early achievers quality improvement awards shall be
40 reserved for participants offering programs to an enrollment

1 population consisting of at least five percent of children receiving
2 a state subsidy.

3 (10) In collaboration with tribal governments, community and
4 statewide partners, and the early achievers review subcommittee
5 created in RCW 43.215.090, the department shall develop a protocol
6 for granting early achievers program participants an extension in
7 meeting rating level requirement timelines outlined for the working
8 connections child care program and the early childhood education and
9 assistance program.

10 (a) The department may grant extensions only under exceptional
11 circumstances, such as when early achievers program participants
12 experience an unexpected life circumstance.

13 (b) Extensions shall not exceed six months, and early achievers
14 program participants are only eligible for one extension in meeting
15 rating level requirement timelines.

16 (c) Extensions may only be granted to early achievers program
17 participants who have demonstrated engagement in the early achievers
18 program.

19 (11)(a) The department shall accept national accreditation that
20 meets the requirements of this subsection (11) as a qualification for
21 the early achievers program ratings.

22 (b) Each national accreditation agency will be allowed to submit
23 its most current standards of accreditation to establish potential
24 credit earned in the early achievers program. The department shall
25 grant credit to accreditation bodies that can demonstrate that their
26 standards meet or exceed the current early achievers program
27 standards.

28 (c) Licensed child care centers and child care home providers
29 must meet national accreditation standards approved by the department
30 for the early achievers program in order to be granted credit for the
31 early achievers program standards. Eligibility for the early
32 achievers program is not subject to bargaining, mediation, or
33 interest arbitration under RCW 41.56.028, consistent with the
34 legislative reservation of rights under RCW 41.56.028(4)(d).

35 (12) The department shall explore the use of alternative quality
36 assessment tools that meet the culturally specific needs of the
37 federally recognized tribes in the state of Washington.

38 (13) A child care or early learning program that is operated by a
39 federally recognized tribe and receives state funds shall participate
40 in the early achievers program. The tribe may choose to participate

1 through an interlocal agreement between the tribe and the department.
2 The interlocal agreement must reflect the government-to-government
3 relationship between the state and the tribe, including recognition
4 of tribal sovereignty. The interlocal agreement must provide that:

5 (a) Tribal child care facilities and early learning programs may
6 volunteer, but are not required, to be licensed by the department;

7 (b) Tribal child care facilities and early learning programs are
8 not required to have their early achievers program rating level
9 published to the department's web site or through a link on the
10 department's web site; and

11 (c) Tribal child care facilities and early learning programs must
12 provide notification to parents or guardians who apply for or have
13 been admitted into their program that early achievers program rating
14 level information is available and provide the parents or guardians
15 with the program's early achievers program rating level upon request.

16 (14) The department shall consult with the early achievers review
17 subcommittee on all substantial policy changes to the early achievers
18 program.

19 (15) Nothing in this section changes the department's
20 responsibility to collectively bargain over mandatory subjects or
21 limits the legislature's authority to make programmatic modifications
22 to licensed child care and early learning programs under RCW
23 41.56.028(4)(d).

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

26 SINGLE SET OF LICENSING STANDARDS. (1) No later than November 1,
27 2016, the department shall implement a single set of licensing
28 standards for child care and the early childhood education and
29 assistance program. The department shall produce the single set of
30 licensing standards within the department's available appropriations.
31 The new licensing standards must:

32 (a) Provide minimum health and safety standards for child care
33 and preschool programs;

34 (b) Rely on the standards established in the early achievers
35 program to address quality issues in participating early childhood
36 programs;

37 (c) Take into account the separate needs of family care providers
38 and child care centers; and

39 (d) Promote the continued safety of child care settings.

1 (2) Private schools that operate early learning programs and do
2 not receive state subsidy payments shall be subject only to the
3 minimum health and safety standards in subsection (1)(a) of this
4 section and the requirements necessary to assure a sufficient early
5 childhood education to meet usual requirements needed for transition
6 into elementary school. The state, and any agency thereof, shall not
7 restrict or dictate any specific educational or other programs for
8 early learning programs operated by private schools except for
9 programs that receive state subsidy payments.

10 **Sec. 4.** RCW 43.215.200 and 2011 c 359 s 2 and 2011 c 253 s 3 are
11 each reenacted and amended to read as follows:

12 DIRECTOR'S LICENSING DUTIES. It shall be the director's duty with
13 regard to licensing:

14 (1) In consultation and with the advice and assistance of persons
15 representative of the various type agencies to be licensed, to
16 designate categories of child care facilities for which separate or
17 different requirements shall be developed as may be appropriate
18 whether because of variations in the ages and other characteristics
19 of the children served, variations in the purposes and services
20 offered or size or structure of the agencies to be licensed, or
21 because of any other factor relevant thereto;

22 (2)(a) In consultation with the state fire marshal's office, the
23 director shall use an interagency process to address health and
24 safety requirements for child care programs that serve school age
25 children and are operated in buildings that contain public or private
26 schools that safely serve children during times in which school is in
27 session;

28 (b) Any requirements in (a) of this subsection as they relate to
29 the physical facility, including outdoor playgrounds, do not apply to
30 before-school and after-school programs that serve only school age
31 children and operate in the same facilities used by public or private
32 schools;

33 (3) In consultation and with the advice and assistance of parents
34 or guardians, and persons representative of the various type agencies
35 to be licensed, to adopt and publish minimum requirements for
36 licensing applicable to each of the various categories of agencies to
37 be licensed under this chapter;

38 (4) In consultation with law enforcement personnel, the director
39 shall investigate the conviction record or pending charges of each

1 agency and its staff seeking licensure or relicensure, and other
2 persons having unsupervised access to children in care;

3 (5) To satisfy the shared background check requirements provided
4 for in RCW 43.215.215 and 43.20A.710, the department of early
5 learning and the department of social and health services shall share
6 federal fingerprint-based background check results as permitted under
7 the law. The purpose of this provision is to allow both departments
8 to fulfill their joint background check responsibility of checking
9 any individual who may have unsupervised access to vulnerable adults,
10 children, or juveniles. Neither department may share the federal
11 background check results with any other state agency or person;

12 (6) To issue, revoke, or deny licenses to agencies pursuant to
13 this chapter. Licenses shall specify the category of care that an
14 agency is authorized to render and the ages and number of children to
15 be served;

16 (7) To prescribe the procedures and the form and contents of
17 reports necessary for the administration of this chapter and to
18 require regular reports from each licensee;

19 (8) To inspect agencies periodically to determine whether or not
20 there is compliance with this chapter and the requirements adopted
21 under this chapter;

22 (9) To review requirements adopted under this chapter at least
23 every two years and to adopt appropriate changes after consultation
24 with affected groups for child day care requirements; and

25 (10) To consult with public and private agencies in order to help
26 them improve their methods and facilities for the care and early
27 learning of children.

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

30 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
31 ACHIEVERS. (1)(a) The department shall, in collaboration with tribal
32 governments and community and statewide partners, implement a
33 protocol to maximize and encourage participation in the early
34 achievers program for culturally diverse and low-income center and
35 family home child care providers. Amounts appropriated for the
36 encouragement of culturally diverse and low-income center and family
37 home child care provider participation shall be appropriated
38 separately from the other funds appropriated for the department, are
39 the only funds that may be used for the protocol, and may not be used

1 for any other purposes. Funds appropriated for the protocol shall be
2 considered an ongoing program for purposes of future departmental
3 budget requests.

4 (b) During the first thirty months of implementation of the early
5 achievers program the department shall prioritize the resources
6 authorized in this section to assist providers rating at a level 2 in
7 the early achievers program to help them reach a level 3 rating
8 wherever access to subsidized care is at risk.

9 (2) The protocol should address barriers to early achievers
10 program participation and include at a minimum the following:

11 (a) The creation of a substitute pool;

12 (b) The development of needs-based grants for providers at level
13 2 in the early achievers program to assist with purchasing curriculum
14 development, instructional materials, supplies, and equipment to
15 improve program quality. Priority for the needs-based grants shall be
16 given to culturally diverse and low-income providers;

17 (c) The development of materials and assessments in a timely
18 manner, and to the extent feasible, in the provider and family home
19 languages; and

20 (d) The development of flexibility in technical assistance and
21 coaching structures to provide differentiated types and amounts of
22 support to providers based on individual need and cultural context.

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

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

35 (2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public
36 Law 113-186, authorizations for the working connections child care
37 subsidy shall be effective for twelve months ~~((unless a change in~~
38 ~~circumstances necessitates reauthorization sooner than twelve months.~~
39 ~~The twelve month certification applies only if the enrollments in the~~

1 ~~child care subsidy or working connections child care program are~~
2 ~~capped.~~

3 ~~(3) Subject to the availability of amounts appropriated for this~~
4 ~~specific purpose, beginning September 1, 2013, working connections~~
5 ~~child care providers shall receive a five percent increase in the~~
6 ~~subsidy rate for enrolling in level 2 in the early achievers~~
7 ~~programs. Providers must complete level 2 and advance to level 3~~
8 ~~within thirty months in order to maintain this increase)) beginning~~
9 ~~June 30, 2016, unless an earlier date is provided in the omnibus~~
10 ~~appropriations act.~~

11 (3) Existing child care providers serving nonschool age children
12 and receiving state subsidy payments must complete the following
13 requirements to be eligible for a state subsidy under this section:

14 (a) Enroll in the early achievers program by August 1, 2016;

15 (b) Complete level 2 activities in the early achievers program by
16 August 1, 2017; and

17 (c) Rate at a level 3 or higher in the early achievers program by
18 December 31, 2019. If a child care provider rates below a level 3 by
19 December 31, 2019, the provider must complete remedial activities
20 with the department, and rate at a level 3 or higher no later than
21 June 30, 2020.

22 (4) Effective July 1, 2016, a new child care provider serving
23 nonschool age children and receiving state subsidy payments must
24 complete the following activities to be eligible to receive a state
25 subsidy under this section:

26 (a) Enroll in the early achievers program within thirty days of
27 receiving the initial state subsidy payment;

28 (b) Complete level 2 activities in the early achievers program
29 within twelve months of enrollment; and

30 (c) Rate at a level 3 or higher in the early achievers program
31 within thirty months of enrollment. If a child care provider rates
32 below a level 3 within thirty months from enrollment into the early
33 achievers program, the provider must complete remedial activities
34 with the department, and rate at a level 3 or higher within six
35 months of beginning remedial activities.

36 (5) If a child care provider does not rate at a level 3 or higher
37 following the remedial period, the provider is no longer eligible to
38 receive state subsidy under this section.

39 (6) If a child care provider serving nonschool age children and
40 receiving state subsidy payments has successfully completed all level

1 2 activities and is waiting to be rated by the deadline provided in
2 this section, the provider may continue to receive a state subsidy
3 pending the successful completion of the level 3 rating activity.

4 (7) The department shall implement tiered reimbursement for early
5 achievers program participants in the working connections child care
6 program rating at level 3, 4, or 5.

7 (8) The department shall account for a child care copayment
8 collected by the provider from the family for each contracted slot
9 and establish the copayment fee by rule.

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

12 WORKING CONNECTIONS CHILD CARE. Beginning June 30, 2016, or
13 earlier if a different date is provided in the omnibus appropriations
14 act, when an applicant or recipient applies for or receives working
15 connections child care benefits, ((he or she)) the applicant or
16 recipient is required to((+

17 (+)) notify the department of social and health services, within
18 five days, of any change in providers((+and

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

23 **Sec. 8.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
24 read as follows:

25 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
26 department shall adopt rules under chapter 34.05 RCW for the
27 administration of the early childhood education and assistance
28 program. Approved early childhood education and assistance programs
29 shall conduct needs assessments of their service area((+)) and
30 identify any targeted groups of children, to include but not be
31 limited to children of seasonal and migrant farmworkers and native
32 American populations living either on or off reservation((+,and))
33 Approved early childhood education and assistance programs shall
34 provide to the department a service delivery plan, to the extent
35 practicable, that addresses these targeted populations.

36 (2) The department, in developing rules for the early childhood
37 education and assistance program, shall consult with the early
38 learning advisory ((committee)) council, and shall consider such

1 factors as coordination with existing head start and other early
2 childhood programs, the preparation necessary for instructors,
3 qualifications of instructors, adequate space and equipment, and
4 special transportation needs. The rules shall specifically require
5 the early childhood programs to provide for parental involvement in
6 participation with their child's program, in local program policy
7 decisions, in development and revision of service delivery systems,
8 and in parent education and training.

9 (3) By January 1, 2016, the department shall adopt rules
10 requiring early childhood education and assistance program employees
11 who have access to children to submit to a fingerprint background
12 check. Fingerprint background check procedures for the early
13 childhood education and assistance program shall be the same as the
14 background check procedures in RCW 43.215.215.

15 **Sec. 9.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
16 read as follows:

17 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
18 early childhood education and assistance programs shall receive
19 state-funded support through the department. Public or private
20 (~~nonsectarian~~) organizations, including, but not limited to school
21 districts, educational service districts, community and technical
22 colleges, local governments, or nonprofit organizations, are eligible
23 to participate as providers of the state early childhood education
24 and assistance program. (~~Funds appropriated for the state program~~
25 ~~shall be used to continue to operate existing programs or to~~
26 ~~establish new or expanded early childhood programs, and shall not be~~
27 ~~used to supplant federally supported head start programs.))~~

28 (2) Funds obtained by providers through voluntary grants or
29 contributions from individuals, agencies, corporations, or
30 organizations may be used to expand or enhance preschool programs so
31 long as program standards established by the department are
32 maintained(~~, but shall not be used to supplant federally supported~~
33 ~~head start programs or state supported early childhood programs)).~~

34 (3) Persons applying to conduct the early childhood education and
35 assistance program shall identify targeted groups and the number of
36 children to be served, program components, the qualifications of
37 instructional and special staff, the source and amount of grants or
38 contributions from sources other than state funds, facilities and
39 equipment support, and transportation and personal care arrangements.

1 (4) Existing early childhood education and assistance program
2 providers must complete the following requirements to be eligible to
3 receive state-funded support under the early childhood education and
4 assistance program:

5 (a) Enroll in the early achievers program by October 1, 2015;

6 (b) Rate at a level 4 or 5 in the early achievers program by
7 March 1, 2016. If an early childhood education and assistance program
8 provider rates below a level 4 by March 1, 2016, the provider must
9 complete remedial activities with the department, and rate at a level
10 4 or 5 within six months of beginning remedial activities.

11 (5) Effective October 1, 2015, a new early childhood education
12 and assistance program provider must complete the requirements in
13 this subsection (5) to be eligible to receive state-funded support
14 under the early childhood education and assistance program:

15 (a) Enroll in the early achievers program within thirty days of
16 the start date of the early childhood education and assistance
17 program contract;

18 (b)(i) Except as provided in (b)(ii) of this subsection, rate at
19 a level 4 or 5 in the early achievers program within twelve months of
20 enrollment. If an early childhood education and assistance program
21 provider rates below a level 4 within twelve months of enrollment,
22 the provider must complete remedial activities with the department,
23 and rate at a level 4 or 5 within six months of beginning remedial
24 activities.

25 (ii) Licensed or certified child care centers and homes that
26 administer an early childhood education and assistance program shall
27 rate at a level 4 or 5 in the early achievers program within eighteen
28 months of the start date of the early childhood education and
29 assistance program contract. If an early childhood education and
30 assistance program provider rates below a level 4 within eighteen
31 months, the provider must complete remedial activities with the
32 department, and rate at a level 4 or 5 within six months of beginning
33 remedial activities.

34 (6)(a) If an early childhood education and assistance program
35 provider has successfully completed all of the required early
36 achievers program activities and is waiting to be rated by the
37 deadline provided in this section, the provider may continue to
38 participate in the early achievers program as an approved early
39 childhood education and assistance program provider and receive state
40 subsidy pending the successful completion of a level 4 or 5 rating.

1 (b) To avoid disruption, the department may allow for early
2 childhood education and assistance program providers who have rated
3 below a level 4 after completion of the six-month remedial period to
4 continue to provide services until the current school year is
5 finished.

6 (7) The department shall collect data periodically to determine
7 the demand for full-day programming for early childhood education and
8 assistance program providers. The department shall analyze this
9 demand by geographic region and shall include the findings in the
10 annual report required under section 17 of this act.

11 (8) By December 1, 2015, the department shall develop a pathway
12 for licensed or certified child care centers and homes to administer
13 an early childhood education and assistance program. The pathway
14 shall include an accommodation for these providers to rate at a level
15 4 or 5 in the early achievers program according to the timelines and
16 standards established in subsection (5)(b)(ii) of this section.

17 **Sec. 10.** RCW 43.215.430 and 2013 c 323 s 7 are each amended to
18 read as follows:

19 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. The department
20 shall review applications from public or private (~~(nonsectarian)~~)
21 organizations for state funding of early childhood education and
22 assistance programs. The department shall consider local community
23 needs, demonstrated capacity, and the need to support a mixed
24 delivery system of early learning that includes alternative models
25 for delivery including licensed centers and licensed family child
26 care providers when reviewing applications.

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

29 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
30 September 1, 2011, an early learning program to provide voluntary
31 preschool opportunities for children three and four years of age
32 shall be implemented according to the funding and implementation plan
33 in RCW (~~(43.215.142)~~) 43.215.456. The program must (~~(be)~~) offer a
34 comprehensive program (~~(providing)~~) of early childhood education and
35 family support, (~~(options for)~~) including parental involvement(~~(r)~~)
36 and health information, screening, and referral services, (~~(as)~~)
37 based on family need (~~(is determined)~~). Participation in the program
38 is voluntary. On a space available basis, the program may allow

1 enrollment of children who are not otherwise eligible by assessing a
2 fee.

3 (2) The (~~first phase of the~~) program shall be implemented by
4 utilizing the program standards and eligibility criteria in the early
5 childhood education and assistance program in RCW 43.215.400 through
6 43.215.450.

7 (3)(a) Beginning in the 2015-16 school year, the program
8 implementation in this section shall prioritize early childhood
9 education and assistance programs located in low-income neighborhoods
10 within high-need geographical areas.

11 (b) Following the priority in (a) of this subsection, preference
12 shall be given to programs meeting at least one of the following
13 characteristics:

14 (i) Programs offering an extended day program for early care and
15 education;

16 (ii) Programs offering services to children diagnosed with a
17 special need; or

18 (iii) Programs offering services to children involved in the
19 child welfare system.

20 (4) The director shall adopt rules for the following program
21 components, as appropriate and necessary during the phased
22 implementation of the program, consistent with early achievers
23 program standards established in RCW 43.215.100:

24 (a) Minimum program standards(~~(, including lead teacher,~~
25 ~~assistant teacher, and staff qualifications));~~

26 (b) Approval of program providers; and

27 (c) Accountability and adherence to performance standards.

28 (~~(4)~~) (5) The department has administrative responsibility for:

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

31 (b) In partnership with school districts, monitoring program
32 quality and assuring the program is responsive to the needs of
33 eligible children;

34 (c) Assuring that program providers work cooperatively with
35 school districts to coordinate the transition from preschool to
36 kindergarten so that children and their families are well-prepared
37 and supported; and

38 (d) Providing technical assistance to contracted providers.

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

3 PROGRAM DATA COLLECTION AND EVALUATION. (1) The education data
4 center established in RCW 43.41.400 must collect longitudinal,
5 student-level data on all children attending an early childhood
6 education and assistance program. Upon completion of an electronic
7 time and attendance record system, the education data center must
8 collect longitudinal, student-level data on all children attending a
9 working connections child care program. Data collected should capture
10 at a minimum the following 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;

16 (f) Developmental results from the Washington kindergarten
17 inventory of developing skills in RCW 28A.655.080; and

18 (g) To the extent data is available, the distinct ethnic
19 categories within racial subgroups of children and providers that
20 align with categories recognized by the education data center.

21 (2) The department shall provide early learning providers
22 student-level data collected pursuant to this section that are
23 specific to the early learning provider's program. Upon completion of
24 an electronic time and attendance record system identified in
25 subsection (1) of this section, the department shall provide child
26 care providers student-level data that are specific to the child care
27 provider's program.

28 (3)(a) The department shall review available research and best
29 practices literature on cultural competency in early learning
30 settings. The department shall review the K-12 components for
31 cultural competency developed by the professional educator standards
32 board and identify components appropriate for early learning
33 professional development.

34 (b) By July 31, 2016, the department shall provide
35 recommendations to the appropriate committees of the legislature and
36 the early learning advisory council on research-based cultural
37 competency standards for early learning professional training.

38 (4)(a) The Washington state institute for public policy shall
39 conduct a longitudinal analysis examining relationships between the
40 early achievers program quality ratings levels and outcomes for

1 children participating in subsidized early care and education
2 programs.

3 (b) The institute shall submit the first report to the
4 appropriate committees of the legislature and the early learning
5 advisory council by December 31, 2019. The institute shall submit
6 subsequent reports annually to the appropriate committees of the
7 legislature and the early learning advisory council by December 31st,
8 with the final report due December 31, 2022. The final report shall
9 include a cost-benefit analysis.

10 (5)(a) By December 1, 2015, the department shall provide
11 recommendations to the appropriate committees of the legislature on
12 child attendance policies pertaining to the working connections child
13 care program and the early childhood education and assistance
14 program. The recommendations shall include the following:

- 15 (i) Allowable periods of child absences;
- 16 (ii) Required contact with parents or caregivers to discuss child
17 absences and encourage regular program attendance; and
- 18 (iii) A de-enrollment procedure when allowable child absences are
19 exceeded.

20 (b) The department shall develop recommendations on child
21 absences and attendance within the department's appropriations.

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

24 **CONTRACTED CHILD CARE SLOTS AND VOUCHERS.** (1) The department may
25 employ a combination of vouchers and contracted slots for the
26 subsidized child care programs in RCW 43.215.135. Child care vouchers
27 preserve parental choice. Child care contracted slots promote access
28 to continuous quality care for children, provide parents and
29 caregivers stable child care that supports employment, and allow
30 providers to have predictable funding. Any contracted slots the
31 department may create under this section must meet the requirements
32 in subsections (2) through (6) of this section.

33 (2) Only child care providers who participate in the early
34 achievers program and rate at a level 3, 4, or 5 are eligible to be
35 awarded a contracted slot.

36 (3)(a) The department is required to use data to calculate a set
37 number of targeted contracted slots. In calculating the number, the
38 department must take into account a balance of family home and center
39 child care programs and the overall geographic distribution of child

1 care programs in the state and the distribution of slots between ages
2 zero and five.

3 (b) The targeted contracted slots are reserved for programs
4 meeting both of the following conditions:

5 (i) Programs in low-income neighborhoods; and

6 (ii) Programs that consist of at least fifty percent of children
7 receiving subsidy pursuant to RCW 43.215.135.

8 (c) Until August 1, 2017, the department shall assure an even
9 distribution of contracted slots for children birth to age five.

10 (4) The department shall award the remaining contracted slots via
11 a competitive process and prioritize child care programs with at
12 least one of the following characteristics:

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

14 (b) Programs partnering with elementary schools to offer
15 transitional planning and support to children as they advance to
16 kindergarten;

17 (c) Programs serving children involved in the child welfare
18 system; or

19 (d) Programs serving children diagnosed with a special need.

20 (5) The department shall pay a provider for each contracted slot,
21 unless a contracted slot is not used for thirty days.

22 (6) The department shall include the number of contracted slots
23 that use both early childhood education and assistance program
24 funding and working connections child care program funding in the
25 annual report to the legislature required under section 17 of this
26 act.

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

29 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
30 quality in the early care and education system in Washington is the
31 quality rating and improvement system entitled the early achievers
32 program. In an effort to build on the existing quality framework,
33 enhance access to quality care for children, and strengthen the
34 entire early care and education systems in the state, it is important
35 to integrate the efforts of state and local governments.

36 (2) Local governments are encouraged to collaborate with the
37 department when establishing early learning programs for residents.

38 (3) Local governments may contribute funds to the department for
39 the following purposes:

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

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

4 (4) Funds contributed to the department by local governments must
5 be deposited in the early start account established in section 16 of
6 this act.

7 **Sec. 15.** RCW 43.215.090 and 2012 c 229 s 589 are each amended to
8 read as follows:

9 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
10 council is established to advise the department on statewide early
11 learning issues that would build a comprehensive system of quality
12 early learning programs and services for Washington's children and
13 families by assessing needs and the availability of services,
14 aligning resources, developing plans for data collection and
15 professional development of early childhood educators, and
16 establishing key performance measures.

17 (2) The council shall work in conjunction with the department to
18 develop a statewide early learning plan that guides the department in
19 promoting alignment of private and public sector actions, objectives,
20 and resources, and ensuring school readiness.

21 (3) The council shall include diverse, statewide representation
22 from public, nonprofit, and for-profit entities. Its membership shall
23 reflect regional, racial, and cultural diversity to adequately
24 represent the needs of all children and families in the state.

25 (4) Councilmembers shall serve two-year terms. However, to
26 stagger the terms of the council, the initial appointments for twelve
27 of the members shall be for one year. Once the initial one-year to
28 two-year terms expire, all subsequent terms shall be for two years,
29 with the terms expiring on June 30th of the applicable year. The
30 terms shall be staggered in such a way that, where possible, the
31 terms of members representing a specific group do not expire
32 simultaneously.

33 (5) The council shall consist of not more than twenty-three
34 members, as follows:

35 (a) The governor shall appoint at least one representative from
36 each of the following: The department, the office of financial
37 management, the department of social and health services, the
38 department of health, the student achievement council, and the state
39 board for community and technical colleges;

1 (b) One representative from the office of the superintendent of
2 public instruction, to be appointed by the superintendent of public
3 instruction;

4 (c) The governor shall appoint seven leaders in early childhood
5 education, with at least one representative with experience or
6 expertise in one or more of the areas such as the following: The K-12
7 system, family day care providers, and child care centers with four
8 of the seven governor's appointees made as follows:

9 (i) The head start state collaboration office director or the
10 director's designee;

11 (ii) A representative of a head start, early head start, migrant/
12 seasonal head start, or tribal head start program;

13 (iii) A representative of a local education agency; and

14 (iv) A representative of the state agency responsible for
15 programs under section 619 or part C of the federal individuals with
16 disabilities education act;

17 (d) Two members of the house of representatives, one from each
18 caucus, and two members of the senate, one from each caucus, to be
19 appointed by the speaker of the house of representatives and the
20 president of the senate, respectively;

21 (e) Two parents, one of whom serves on the department's parent
22 advisory group, to be appointed by the governor;

23 (f) One representative of the private-public partnership created
24 in RCW 43.215.070, to be appointed by the partnership board;

25 (g) One representative designated by sovereign tribal
26 governments; and

27 (h) One representative from the Washington federation of
28 independent schools.

29 (6) The council shall be cochaired by one representative of a
30 state agency and one nongovernmental member, to be elected by the
31 council for two-year terms.

32 (7) The council shall appoint two members and stakeholders with
33 expertise in early learning to sit on the technical working group
34 created in section 2, chapter 234, Laws of 2010.

35 (8) Each member of the board shall be compensated in accordance
36 with RCW 43.03.240 and reimbursed for travel expenses incurred in
37 carrying out the duties of the board in accordance with RCW 43.03.050
38 and 43.03.060.

39 (9)(a) The council shall convene an early achievers review
40 subcommittee to provide feedback and guidance on strategies to

1 improve the quality of instruction and environment for early learning
2 and provide input and recommendations on the implementation and
3 refinement of the early achievers program. The review conducted by
4 the subcommittee shall be a part of the annual progress report
5 required in section 17 of this act. At a minimum the review shall
6 address the following:

7 (i) Adequacy of data collection procedures;

8 (ii) Coaching and technical assistance standards;

9 (iii) Progress in reducing barriers to participation for low-
10 income providers and providers from diverse cultural backgrounds,
11 including a review of the early achievers program's rating tools,
12 quality standard areas, and components, and how they are applied;

13 (iv) Strategies in response to data on the effectiveness of early
14 achievers program standards in relation to providers and children
15 from diverse cultural backgrounds;

16 (v) Status of the life circumstance exemption protocols; and

17 (vi) Analysis of early achievers program data trends.

18 (b) The subcommittee must include consideration of cultural
19 linguistic responsiveness when analyzing the areas for review
20 required by (a) of this subsection.

21 (c) The subcommittee shall include representatives from child
22 care centers, family child care, the early childhood education and
23 assistance program, contractors for early achievers program technical
24 assistance and coaching, tribal governments, the organization
25 responsible for conducting early achiever program ratings, and
26 parents of children participating in early learning programs,
27 including working connections child care and early childhood
28 education and assistance programs. The subcommittee shall include
29 representatives from diverse cultural and linguistic backgrounds.

30 (10) The department shall provide staff support to the council.

31 NEW SECTION. Sec. 16. A new section is added to chapter 43.215
32 RCW to read as follows:

33 EARLY START ACCOUNT. The early start account is created in the
34 state treasury. Revenues in the account shall consist of
35 appropriations by the legislature and all other sources deposited
36 into the account. Moneys in the account may only be used after
37 appropriation. Expenditures from the account may be used only to
38 improve the quality of early care and education programming. The
39 department oversees the account.

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

3 ANNUAL PROGRESS REPORT. (1) Beginning December 15, 2015, and each
4 December 15th thereafter, the department, in collaboration with the
5 statewide child care resource and referral organization, and the
6 early achievers review subcommittee of the early learning advisory
7 council, shall submit, in compliance with RCW 43.01.036, a progress
8 report to the governor and the legislature regarding providers'
9 progress in the early achievers program. Each progress report must
10 include the following elements:

11 (a) The number, and relative percentage, of family child care and
12 center providers who have enrolled in the early achievers program and
13 who have:

14 (i) Completed the level 2 activities;

15 (ii) Completed rating readiness consultation and are waiting to
16 be rated;

17 (iii) Achieved the required rating level to remain eligible for
18 state-funded support under the early childhood education and
19 assistance program or a subsidy under the working connections child
20 care program;

21 (iv) Not achieved the required rating level initially but
22 qualified for and are working through intensive targeted support in
23 preparation for a partial rerate outside the standard rating cycle;

24 (v) Not achieved the required rating level initially and engaged
25 in remedial activities before successfully achieving the required
26 rating level;

27 (vi) Not achieved the required rating level after completing
28 remedial activities; or

29 (vii) Received an extension from the department based on
30 exceptional circumstances pursuant to RCW 43.215.100;

31 (b) A review of the services available to providers and children
32 from diverse cultural backgrounds;

33 (c) An examination of the effectiveness of efforts to increase
34 successful participation by providers serving children and families
35 from diverse cultural and linguistic backgrounds and providers who
36 serve children from low-income households;

37 (d) A description of the primary obstacles and challenges faced
38 by providers who have not achieved the required rating level to
39 remain eligible to receive:

- 1 (i) A subsidy under the working connections child care program;
2 or
- 3 (ii) State-funded support under the early childhood education and
4 assistance program;
- 5 (e) A summary of the types of exceptional circumstances for which
6 the department has granted an extension pursuant to RCW 43.215.100;
- 7 (f) The average amount of time required for providers to achieve
8 local level milestones within each level of the early achievers
9 program;
- 10 (g) To the extent data is available, an analysis of the
11 distribution of early achievers program-rated facilities in relation
12 to child and provider demographics, including but not limited to race
13 and ethnicity, home language, and geographical location;
- 14 (h) Recommendations for improving access for children from
15 diverse cultural backgrounds to providers rated at a level 3 or
16 higher in the early achievers program;
- 17 (i) Recommendations for improving the early achievers program
18 standards;
- 19 (j) An analysis of any impact from quality strengthening efforts
20 on the availability and quality of infant and toddler care;
- 21 (k) The number of contracted slots that use both early childhood
22 education and assistance program funding and working connections
23 child care program funding; and
- 24 (l) A description of the early childhood education and assistance
25 program implementation to include the following:
- 26 (i) Progress on early childhood education and assistance program
27 implementation as required pursuant to RCW 43.215.415, 43.215.425,
28 and 43.215.455;
- 29 (ii) An examination of the regional distribution of new preschool
30 programming by zip code;
- 31 (iii) An analysis of the impact of preschool expansion on low-
32 income neighborhoods and communities;
- 33 (iv) Recommendations to address any identified barriers to access
34 to quality preschool for children living in low-income neighborhoods;
- 35 (v) An analysis of any impact of extended day early care and
36 education opportunities directives;
- 37 (vi) An examination of any identified barriers for providers to
38 offer extended day early care and education opportunities;

1 (vii) An analysis of the demand for full-day programming for
2 early childhood education and assistance program providers required
3 under RCW 43.215.415; and

4 (viii) To the extent data is available, an analysis of the
5 cultural diversity of early childhood education and assistance
6 program providers and participants.

7 (2) The first annual report due under subsection (1) of this
8 section also shall include a description of the early achievers
9 program extension protocol required under RCW 43.215.100.

10 (3) The elements required to be reported under subsection (1)(a)
11 of this section must be reported at the county level, and for those
12 counties with a population of five hundred thousand and higher, the
13 data must be reported at the zip code level.

14 (4) If, based on information in an annual report submitted in
15 2018 or later under this section, fifteen percent or more of the
16 licensed or contracted providers who are participating in the early
17 achievers program in a county or in a single zip code have not
18 achieved the rating levels under RCW 43.215.135 and 43.215.415, the
19 department must:

20 (a) Analyze the reasons providers in the affected counties or zip
21 codes have not attained the required rating levels; and

22 (b) Develop a plan to mitigate the effect on the children and
23 families served by these providers. The plan must be submitted to the
24 legislature as part of the annual progress report along with any
25 recommendations for legislative action to address the needs of the
26 providers and the children and families they serve.

27 **Sec. 18.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1
28 are each reenacted and amended to read as follows:

29 DEFINITIONS. The definitions in this section apply throughout
30 this chapter unless the context clearly requires otherwise.

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

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

38 (b) "Early learning" includes but is not limited to programs and
39 services for child care; state, federal, private, and nonprofit

1 preschool; child care subsidies; child care resource and referral;
2 parental education and support; and training and professional
3 development for early learning professionals;

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

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

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

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

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

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

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

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

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

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

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

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

36 (e) Nursery schools that are engaged primarily in early childhood
37 education with preschool children and in which no child is enrolled
38 on a regular basis for more than four hours per day;

39 (f) Schools, including boarding schools, that are engaged
40 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, accept only school((-))age
2 children, and do not accept custody of children;

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

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

9 (i) Activities other than employment; or

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

14 (i) Any entity that provides recreational or educational
15 programming for school((-))age((d)) children only and the entity
16 meets all of the following requirements:

17 (i) The entity utilizes a drop-in model for programming, where
18 children are able to attend during any or all program hours without a
19 formal reservation;

20 (ii) The entity does not assume responsibility in lieu of the
21 parent, unless for coordinated transportation;

22 (iii) The entity is a local affiliate of a national nonprofit;
23 and

24 (iv) The entity is in compliance with all safety and quality
25 standards set by the associated national agency;

26 (j) A program operated by any unit of local, state, or federal
27 government or an agency, located within the boundaries of a federally
28 recognized Indian reservation, licensed by the Indian tribe;

29 (k) A program located on a federal military reservation, except
30 where the military authorities request that such agency be subject to
31 the licensing requirements of this chapter;

32 (l) A program that offers early learning and support services,
33 such as parent education, and does not provide child care services on
34 a regular basis.

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

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

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

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

2 (7) "Early achievers" means a program that improves the quality
3 of early learning programs and supports and rewards providers for
4 their participation.

5 (8) "Early childhood education and assistance program contractor"
6 means an organization that provides early childhood education and
7 assistance program services under a signed contract with the
8 department.

9 (9) "Early childhood education and assistance program provider"
10 means an organization that provides site level, direct, and high
11 quality early childhood education and assistance program services
12 under the direction of an early childhood education and assistance
13 program contractor.

14 (10) "Early start" means an integrated high quality continuum of
15 early learning programs for children birth-to-five years of age.
16 Components of early start include, but are not limited to, the
17 following:

18 (a) Home visiting and parent education and support programs;
19 (b) The early achievers program described in RCW 43.215.100;
20 (c) Integrated full-day and part-day high quality early learning
21 programs; and
22 (d) High quality preschool for children whose family income is at
23 or below one hundred ten percent of the federal poverty level.

24 ~~((9))~~ (11) "Education data center" means the education data
25 center established in RCW 43.41.400, commonly referred to as the
26 education research and data center.

27 (12) "Employer" means a person or business that engages the
28 services of one or more people, especially for wages or salary to
29 work in an agency.

30 ~~((10))~~ (13) "Enforcement action" means denial, suspension,
31 revocation, modification, or nonrenewal of a license pursuant to RCW
32 43.215.300(1) or assessment of civil monetary penalties pursuant to
33 RCW 43.215.300(3).

34 ~~((11))~~ (14) "Extended day program" means an early childhood
35 education and assistance program that offers early learning education
36 for at least ten hours per day, a minimum of two thousand hours per
37 year, at least four days per week, and operates year round.

38 (15) "Full day program" means an early childhood education and
39 assistance program that offers early learning education for a minimum
40 of one thousand hours per year.

1 (16) "Low-income child care provider" means a person who
2 administers a child care program that consists of at least eighty
3 percent of children receiving working connections child care subsidy.

4 (17) "Low-income neighborhood" means a district or community
5 where more than twenty percent of households are below the federal
6 poverty level.

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

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

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

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

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

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

23 ~~((12))~~ (19) "Nonconviction information" means arrest, founded
24 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
25 or other negative action adverse to the applicant.

26 ~~((13))~~ (20) "Nonschool age child" means a child who is age six
27 years or younger and who is not enrolled in a public or private
28 school.

29 (21) "Part day program" means an early childhood education and
30 assistance program that offers early learning education for at least
31 two and one-half hours per class session, at least three hundred
32 twenty hours per year, for a minimum of thirty weeks per year.

33 (22) "Private school" means a private school approved by the
34 state under chapter 28A.195 RCW.

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

38 ~~((14))~~ (24) "Requirement" means any rule, regulation, or
39 standard of care to be maintained by an agency.

1 ~~((15))~~ (25) "School age child" means a child who is between the
2 ages of five years and twelve years and is attending a public or
3 private school or is receiving home-based instruction under chapter
4 28A.200 RCW.

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

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

11 JOINT SELECT COMMITTEE ON THE EARLY ACHIEVERS PROGRAM. (1)(a) A
12 joint select committee on the early achievers program is established
13 with members as provided in this subsection.

14 (i) Chair and ranking minority member of the house of
15 representatives appropriations committee, or his or her designee who
16 must be a member of the house of representatives appropriations
17 committee;

18 (ii) Chair and ranking minority member of the senate ways and
19 means committee, or his or her designee who must be a member of the
20 senate ways and means committee;

21 (iii) Chair and ranking minority member of the house of
22 representatives early learning and human services committee, or his
23 or her designee who must be a member of the house of representatives
24 early learning and human services committee; and

25 (iv) Chair and ranking minority member of the senate early
26 learning and K-12 education committee, or his or her designee who
27 must be a member of the senate early learning and K-12 education
28 committee.

29 (b) The committee shall choose its chair or cochairs from among
30 its legislative membership. The chair of the house of representatives
31 early learning and human services committee, or his or her designee,
32 and the chair of the senate early learning and K-12 education
33 committee, or his or her designee, shall convene the initial meeting
34 of the committee.

35 (2) Between July 1, 2018, and December 1, 2018, the early
36 achievers joint select committee shall review the demand and
37 availability of licensed or certified child care family homes and
38 centers, approved early childhood education and assistance programs,
39 head start programs, and family, friend, and neighbor caregivers by

1 geographic region, including rural and low-income neighborhoods. This
2 review shall specifically look at the following:

3 (a) The geographic distribution of these child care programs by
4 type of program, programs that accept state subsidy, enrollment in
5 the early achievers program, and early achievers rating levels; and

6 (b) The demand and availability of these child care programs for
7 major ethnic populations.

8 (3) By December 1, 2018, the early achievers joint select
9 committee shall make recommendations to the legislature on the
10 following:

11 (a) The sufficiency of funding provided for the early achievers
12 program;

13 (b) The need for targeted funding for specific geographic regions
14 or major ethnic populations; and

15 (c) Whether to modify the deadlines established in RCW 43.215.135
16 for purposes of the early achievers program mandate established in
17 RCW 43.215.100.

18 (4) Staff support for the committee must be provided by the
19 senate committee services and the house of representatives office of
20 program research.

21 (5) Legislative members of the committee must be reimbursed for
22 travel expenses in accordance with RCW 44.04.120.

23 (6) The expenses of the committee must be paid jointly by the
24 senate and the house of representatives. Committee expenditures are
25 subject to approval by the senate facilities and operations committee
26 and the house of representatives executive rules committee, or their
27 successor committees.

28 (7) The committee shall report its findings and recommendations
29 to the appropriate committees of the legislature by December 1, 2018.

30 (8) This section expires December 1, 2019.

31 NEW SECTION. **Sec. 20.** REPEALER. 2013 2nd sp.s. c 16 s 2
32 (uncodified) is repealed.

33 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.215
34 RCW to read as follows:

35 SHORT TITLE. Chapter . . ., Laws of 2015 2nd sp. sess. (this act)
36 may be known and cited as the early start act.

1 NEW SECTION. **Sec. 22.** EFFECTIVE DATE. Section 4 of this act
2 takes effect July 1, 2016.

3 NEW SECTION. **Sec. 23.** NULL AND VOID. If specific funding for
4 the purposes of this act, referencing this act by bill or chapter
5 number, is not provided by June 30, 2015, in the omnibus
6 appropriations act, this act is null and void."

7 Correct the title.

EFFECT: Retains the provisions of the underlying Engrossed Second Substitute House Bill with the following changes:

Clarifies that participation in the Early Achievers program is voluntary for: Licensed or certified child care centers and homes not receiving state subsidy payments; and early learning programs not receiving state funds.

Requires the Office of the Superintendent of Public Instruction (OSPI) and the Department of Early Learning (DEL) to jointly design a plan to incorporate school-age child care providers into the Early Achievers program or other appropriate quality improvement system.

Requires the DEL and the OSPI to jointly implement a pilot program for school age child care providers.

Delays the implementation date for the DEL to publish provider rating levels from August 1, 2015, to November 1, 2015.

Requires the DEL to explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

Requires the DEL to streamline and eliminate duplication between Early Achievers standards and state child care rules in order to reduce costs associated with the Early Achievers rating cycle and child care licensing.

Requires the DEL to produce the single set of licensing standards by November 1, 2016, within the Department's available appropriations.

Clarifies that by November 1, 2016, private schools that operate early learning programs and do not receive state subsidy payments shall be subject only to the minimum health and safety standards developed by the DEL and the requirements necessary to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school.

Specifies that the state, and any agency thereof, must not restrict or dictate any specific educational or other programs for early learning programs operated by private schools except for programs that receive state subsidy payments.

Exempts before-school and after-school programs that serve only school age children and operate in the same facilities used by public or private schools from any requirements related to the physical facility, including outdoor playgrounds, developed under the authority granted to the DEL in RCW 43.215.200(2)(a). Effective July 1, 2016.

Clarifies that for new child care providers receiving Working Connections Child Care (WCCC) subsidy the enrollment deadline for the Early Achievers program is within thirty days of receiving the initial state subsidy payment.

Removes the requirement that the DEL adopt child attendance rules pertaining to the Early Childhood Education and Assistance Program (ECEAP) and the WCCC program for contracted slots.

Requires the DEL to provide recommendations to the Legislature on child attendance policies pertaining to the WCCC program and the ECEAP by December 1, 2015.

Requires the DEL to adopt the attendance rules for the ECEAP within the Department's appropriations.

Delays the implementation date for the DEL to develop rules regarding the fingerprint background check system for ECEAP providers from August 1, 2015, to January 1, 2016.

Clarifies that for new ECEAP providers the enrollment deadline for the Early Achievers program is within thirty days of the ECEAP contract start date.

Requires that by December 1, 2015, the DEL must develop a pathway for licensed or certified child care centers and homes to administer an ECEAP.

Requires that licensed or certified child care centers and homes that administer an ECEAP must rate at a level 4 or 5 in the Early Achievers program within eighteen months of the start date of the ECEAP contract. If the provider rates below a level 4 or 5 at this time, the provider must complete remedial activities with the DEL, and rate at a level 4 or 5 within six months of beginning remedial activities.

Specifies that the DEL must periodically collect data to determine the demand for full day programming for ECEAP and include the findings in the annual progress report.

Removes the application requirement that public or private organizations be nonsectarian in order to apply for ECEAP state funding.

Delays the collection of longitudinal, student-level data on all children attending a WCCC program until the completion of an electronic time and attendance record system.

Consolidates reporting requirements regarding providers' progress in the Early Achievers program, including the early learning program implementation report, into the annual progress report. The annual progress report must be conducted by the DEL in collaboration with the statewide child care resource and referral organization, and the Early Achievers Review Subcommittee (Subcommittee) and submitted to the Governor and the Legislature. The first report is due December 15, 2015.

Requires the review conducted by the Subcommittee to be applied to the annual progress report.

Extends the Washington State Institute for Public Policy report deadlines by one year.

Makes it voluntary for the DEL to employ vouchers and contracted slots for the WCCC program.

Requires that if the DEL elects to employ contracted slots for WCCC they must assure an even distribution of slots for children birth to age five.

Removes the requirement that DEL must conduct a market-rate study on early learning and child care programs that serve children ages birth to three.

Specifies that the Subcommittee must include a representative from tribal governments and parents of children participating in a WCCC program and an ECEAP.

Adds a definition for "early childhood education and assistance program contractor" to mean an organization that provides ECEAP services under a signed contract with the DEL.

Adds a definition for "early childhood education and assistance program provider" to mean an organization that provides site level, direct, and high quality ECEAP services under the direction of an ECEAP contractor.

Modifies the definition for "extended day program" to mean an ECEAP that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year round.

Modifies the definition of "full day program" to mean an ECEAP that offers early learning education for a minimum of one thousand hours per year.

Modifies the definition of "nonschool age child" to mean a child who is age six years or younger and who is not enrolled in a public or private school.

Defines "private school" to mean a private school approved by the state under chapter 28A.195 RCW.

Modifies the definition of "school age child" to mean a child who is between the ages of five years and twelve years and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

Clarifies that if a legislative member of the Joint Select Committee on Early Achievers appoints a designee, that designee must also be a member of the specified legislative committee.

Delays the implementation dates for the Joint Select Committee by one year.

Requires the chair of the House of Representatives Early Learning and Human Services Committee, or his or her designee, and the chair of the Senate Early Learning and K-12 Education Committee, or his or her designee, to convene the initial meeting of the Joint Select Committee on Early Achievers.

Delays all August 1, 2015, implementation dates to October 1, 2015, in order to allow for 90 days following the end of special session.

Delays the effective date for twelve-month authorizations for WCCC from January 1, 2016, to July 1, 2016, unless an earlier date is provided in the omnibus appropriations act.

Delays the effective date for section 7 of the act to June 30, 2016, or an earlier date if provided in the omnibus appropriations act, to align with the effective date of twelve-month authorizations for WCCC.

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