H-1064.1

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**HOUSE BILL 1638**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Ortiz-Self, Frame, Kagi, and Goodman

AN ACT Relating to the provision of trauma-informed child care; reenacting and amending RCW 43.215.010; adding new sections to chapter 43.215 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that all children deserve the opportunity to learn and thrive. Further, the legislature finds that children who experience trauma and children with developmental disabilities are more likely to exhibit severe emotional and behavioral problems. These problems may result in expulsion from early learning and child care programs, excluding these children from the very early learning opportunities they need.

The legislature further finds that children with social, emotional, and behavioral differences may develop self-management and other life skills with the help of intervention and habilitative care. However, without effective behavior assessment and support, underlying trauma, disabilities, or other conditions may go unaddressed and lead to underdeveloped intellectual functioning and adaptive behavior, including more extreme behavioral differences from their peers. The legislature further finds that brain science on developing brains has shown that earlier intervention is more effective for children who require additional support.

Therefore, the legislature intends to provide training in trauma identification and positive behavior supports for early learning providers in order to improve outcomes for young children.

**Sec.**  RCW 43.215.010 and 2016 c 231 s 1 and 2016 c 169 s 3 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

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

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

(i) Activities other than employment; or

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

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

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

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

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

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

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

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

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

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

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

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

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

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

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

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

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

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.215.100;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

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

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

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

(14) "Extended day program" means an early childhood education and assistance program 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.

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

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

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

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

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

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

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

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

(e) A final decision of a disciplinary board.

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

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

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

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

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

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

(25) "School age child" means a child who is five years of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(26) "Trauma-informed care" means child care in which providers:

(a) Recognize the signs and symptoms of trauma in children;

(b) Incorporate an understanding of both the impact of trauma and the potential paths for recovery; and

(c) Respond by fully integrating knowledge about trauma into policies, procedures, and practices while actively seeking to avoid retraumatization.

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

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

(1) The department must convene an advisory group of stakeholders to review the early achievers rating system under RCW 43.215.100 and make recommendations for modifications to the rating system criteria. When recommending criteria changes, the advisory group must consider the following goals:

(a) Provide flexibility within the rating system in order to avoid a penalty or disincentive for child care providers serving high-needs children, including but not limited to children:

(i) Living with the effects of homelessness;

(ii) Who are involved in the child welfare system;

(iii) Who have a developmental delay or disability; or

(iv) Who have experienced an adverse childhood experience as defined in RCW 70.305.010;

(b) Encourage child retention within individual programs and discourage child expulsions;

(c) Establish a method for tracking the number of expulsions and the reasons for those expulsions; and

(d) Provide parents with information about which programs have expertise in universal design for learning, including multitiered behavior support and trauma-informed care.

(2) Members of the advisory group must include:

(a) One or more child psychologists;

(b) A child care provider specializing in working with traumatized children;

(c) A child care provider specializing in working with children with developmental disabilities;

(d) An expert in research on adverse childhood experiences and its impact on child development;

(e) A child care provider who operates a facility in which at least fifty percent of the children served are children of color; and

(f) An expert in racial bias in education.

(3) The department must complete the review of the early achievers rating system and implement changes based on the results of the review by September 1, 2018.

(4) This section expires December 31, 2018.

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

The department must provide voluntary training on trauma-informed care to child care providers and administrators participating in the early achievers program under RCW 43.215.100. The training must include the following components:

(1) An overview of the impact of experience on brain development and on the current scientific understanding of trauma;

(2) An understanding of how the experience of trauma impacts children's behavior in an early learning environment;

(3) Basic principles for responding to children and caregivers in a trauma-informed way;

(4) Training for administrators on how to integrate trauma-informed care principles into center policies, procedures, and service delivery;

(5) How to develop and support programs to respond to children and caregivers who are struggling in the classroom or center due to a history of trauma; and

(6) Information about implicit bias and its role in student discipline.

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