

# HOUSE BILL REPORT

## SSB 5357

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**As Passed House:**  
April 7, 2017

**Title:** An act relating to establishing a pilot project to license outdoor early learning and child care programs.

**Brief Description:** Establishing a pilot project to license outdoor early learning and child care programs.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Fain, Billig, Sheldon, Hunt, Palumbo, Zeiger, Hobbs, Rolfes, Pearson, Rivers, Carlyle, Saldaña, Walsh, Liias, Conway, Kuderer and Hasegawa).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 3/15/17, 3/28/17 [DP];  
Appropriations: 4/3/17, 4/4/17 [DP].

**Floor Activity:**

Passed House: 4/7/17, 74-23.

**Brief Summary of Substitute Bill**

- Establishes a 4-year pilot project to license outdoor, nature-based early learning and child care programs.
- Requires the Department of Early Learning to explore options for a quality rating and improvement system for outdoor preschools and provide recommendations to the Governor and the Legislature.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, McCaslin, Muri and Ortiz-Self.

**Staff:** Dawn Eychaner (786-7135).

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### HOUSE COMMITTEE ON APPROPRIATIONS

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass. Signed by 21 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Cody, Fitzgibbon, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

**Minority Report:** Do not pass. Signed by 9 members: Representatives MacEwen, Assistant Ranking Minority Member; Buys, Condotta, Haler, Schmick, Taylor, Vick, Volz and Wilcox.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Manweller and Nealey.

**Staff:** Kelci Karl-Robinson (786-7116).

### **Background:**

#### Child Care and Early Learning Licensing.

Agencies providing care for young children must be licensed by the Department of Early Learning (DEL). Certain care providers are exempt from the definition of "agency" for this purpose, such as nursery schools providing early childhood education to preschool children in which no child is enrolled on a regular basis for more than four hours per day. A provider who is exempt from licensing may request the DEL to investigate and certify the center as meeting licensing and other pertinent requirements.

The Early Start Act of 2015 requires the DEL to implement a single set of licensing standards for child care and the Early Childhood Education and Assistance Program. The DEL has published draft standards for public comment and estimates this project will be complete by November 2017. The licensing standards must:

- provide minimum health and safety standards for child care and preschool programs;
- rely on standards established in the Early Achievers program to address quality issues;
- account for the separate needs of family care providers and child care centers; and
- promote the continued safety of child care settings.

#### Early Achievers Quality Rating and Improvement System.

The Early Achievers quality rating and improvement system is a common set of standards used by the DEL to measure and improve the quality of early learning and child care. Participants advance through program levels based on criteria that include child outcomes, facility curriculum and learning environment, professional development, and family engagement and partnership.

Providers who serve non-school-age children and receive state subsidy are required to participate in Early Achievers. For child care and early learning programs operated by a federally recognized tribe and receiving state funds, the tribe's participation in Early Achievers may be established through an interlocal agreement between the tribe and the DEL which reflects the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty.

## **Summary of Bill:**

### Licensing Outdoor Early Learning and Child Care Programs.

By August 31, 2017, the DEL must establish a pilot project to license outdoor, nature-based early learning and child care programs operating primarily outdoors and enrolling children on a regular basis for three or more hours per day. The DEL must adopt rules to implement the pilot project and may waive or adapt licensing requirements to allow for the operation of outdoor classrooms.

In the first year of the pilot project, the DEL must select up to 10 pilot project locations. Beginning in August 2018, additional outdoor programs may apply to participate. When selecting and approving pilot project locations, the DEL must aim to select a mix of rural, urban, and suburban locations and may give priority to:

- areas where there are few or limited licensed early learning programs;
- areas of need where licensed early learning programs are at or near full capacity, and where access may be restricted by one or more enrollment wait lists; and
- areas where an outdoor early learning program would provide more family choice.

A child care or early learning program operated by a federally recognized tribe may participate in the pilot through an interlocal agreement between the tribe and the DEL. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe and must recognize tribal sovereignty.

Subject to available funds, the DEL may convene an advisory group of outdoor, nature-based early learning practitioners to inform and support the implementation of the pilot project. The DEL may receive funds from philanthropic organizations to support the advisory group.

The pilot project must conclude by June 30, 2021.

### Quality Rating and Improvement System.

The DEL must explore options for developing a quality rating and improvement system for outdoor preschools and may adapt the existing Early Achievers program for this purpose. The DEL must include recommendations related to developing such a system in the final report to the Governor and the Legislature on the pilot project. The DEL may receive funds from philanthropic organizations to support these activities.

### Other.

Beginning January 15, 2018, and annually through January 15, 2020, the DEL must submit a brief status report to the Governor and the Legislature describing the implementation of the pilot project. The DEL must provide a full report on pilot project findings and recommendations to the Governor and the Legislature by November 30, 2020. The final report must include a discussion of options to mitigate the uncertainty for families and participating providers during the final six months of the pilot project.

All provisions are subject to appropriation. The act expires August 1, 2021.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Early Learning & Human Services):**

(In support) Outdoor preschools provide a safe and healthy learning experience that puts kids on a positive trajectory for the future. If we don't do something to create this licensing program within the DEL, these programs are unlikely to succeed in the future. These programs are safe, wonderful experiences for children and preserve the sense of wonder that children experience in the natural world. The natural environment is the ideal classroom for cultivating the mind, body, and spirit of every child. Kids have the opportunity to work through physical risks in the natural world and develop resilience as a result. Similar programs in Germany and the United Kingdom have been successful. Access to nature in education improves students' attentiveness, and parents report huge improvements in children's behavior and physical abilities. These programs should be available to working families who need full-day care. Opportunities exist to partner with businesses, such as Microsoft, to provide indoor space as needed. A pilot licensing program will enhance the accessibility to the forest school model and will recognize them as a critical component of early learning. Preschool is expensive, and in Seattle costs can range from \$12,000 to \$19,000 per year. By not spending money on bricks and mortar, outdoor preschools are able to offer families lower tuition and invest in their teachers. The Office of the Superintendent of Public Instruction estimates it costs about \$350,000 to build one early learning classroom. Outdoor classrooms can be provided at a lower cost. Licensing rules from the DEL assume there is a building, and outdoor preschools cannot be licensed under current rules. The pilot in the original bill was scaled back to keep costs manageable and to be respectful of the state's budget needs. Child care costs are high, but even so, child care providers and teachers are leaving the field because they cannot afford to stay. Making child care more affordable while paying teachers more should be a priority for our state, and keeping care affordable while both parents work is important.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Many families and children testified in the policy committee about their wonderful experiences in outdoor preschools, including hands-on learning and physical activity. The children loved being outside in all kinds of weather. Most providers have a shelter for inclement weather and will close if it is not safe for the children to be outside. Current licensing standards require a building structure and are geared towards being indoors. This bill would allow the Department of Early Learning to create the first licensing program in the country to consider safety, health, and classroom structure in outdoor settings. The legislation is fully funded in the Senate budget. There are about 40 providers in the state that operate up to 4 hours per day. Without a license, they are unable to operate more than 4 hours. Many outdoor preschools would like to operate all day and are eager to participate in the pilot program with the goal of becoming state licensed.

(Opposed) None.

**Persons Testifying** (Early Learning & Human Services): Senator Ranker, prime sponsor; Heidi Bruce, Orcas Island Forest School; Erin Soper and Trisha Kozu, Tiny Trees Preschool; Sibyl Maer-Fillo and Jennifer Lipton, Washington Outdoor School; Kyle Wood, Fiddleheads Forest School; and Mary Faucher.

**Persons Testifying** (Appropriations): Craig Engelking, Tiny Trees Preschool.

**Persons Signed In To Testify But Not Testifying** (Early Learning & Human Services): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.