

# SENATE BILL REPORT

## SSB 5357

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As Passed Senate, February 28, 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, Lias, Conway, Kuderer and Hasegawa).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/02/17, 2/06/17 [DP-WM].  
Ways & Means: 2/16/17, 2/22/17 [DPS, DNP].

**Floor Activity:**

Passed Senate: 2/28/17, 44-5.

### Brief Summary of First Substitute Bill

- Establishes a four-year pilot project to license outdoor, nature-based early learning and child care programs, subject to appropriations.
- Allows the Department of Early Learning to waive or adapt licensing requirements when necessary to allow for the operation of outdoor classrooms.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig, Mullet, Rivers and Warnick.

**Staff:** Ailey Kato (786-7434)

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### SENATE COMMITTEE ON WAYS & MEANS

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*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:** That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass.

Signed by Senators Braun, Chair; Brown, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey, Billig, Carlyle, Conway, Darneille, Fain, Hasegawa, Keiser, Miloscia, Pedersen, Warnick and Zeiger.

**Minority Report:** Do not pass.

Signed by Senators Becker, Padden and Schoesler.

**Staff:** Maria Hovde (786-7474)

**Background:** Early Achievers. This quality rating and improvement system rates the quality of child care and early education programs on a scale of one to five. As providers move up the rating scale, child care and early learning providers receive state-funded coaching, professional development, and monetary awards to help them continue to improve the quality of their programs. In 2015, the Early Start Act required licensed child care and early learning providers serving nonschool-age children and receiving state subsidies to be enrolled in Early Achievers and meet certain rating deadlines.

Licensing of Child Care and Early Learning Providers. Under state law, it is unlawful for any agency to care for children unless the agency is licensed by Department of Early Learning (DEL). 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 certain entities irrespective of whether there is compensation to the agency. The term agency does not include 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.

The Early Start Act, enacted in 2015, requires DEL to implement a single set of licensing standards for child care and the Early Childhood Education and Assistance Program (ECEAP) by November 1, 2016. The new licensing standards must:

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

DEL published proposed aligned standards and is currently seeking community input. This project will be completed November 2017.

Working Connections Child Care (WCCC). This federally and state-funded program offers subsidies to childcare providers serving families with an income at or below 200 percent of the federal poverty level, \$48,600 for a family of four. The state pays part of the cost of childcare when a parent is employed, self-employed, or meets the requirements for Temporary Assistance for Needy Families (TANF) or WorkFirst programs. WCCC requires that child care care providers are licensed, certified, or DEL-contracted unless the care is provided in the child's home or by the child's relative.

**Summary of First Substitute Bill:** Subject to appropriations:

- DEL must establish a four-year pilot project to license outdoor, nature-based early learning and child care programs beginning on August 31, 2017. Outdoor, nature-based early learning and child care program means an agency-offered program operated primarily outdoors in which children are enrolled on a regular basis for three or more hours per day.
- DEL must adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor classrooms. DEL shall explore options for developing a quality rating and improvement system for outdoor preschools and DEL may utilize funds from philanthropic organizations for this purpose.
- DEL shall select up to ten pilot locations during the first year of the pilot project. Beginning August 31, 2018, additional outdoor, nature-based early learning and child care programs may apply to participate in the pilot project. When selecting and approving pilot project locations, 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.
- DEL must submit a brief status report each year of the pilot project describing implementation of the pilot project, including a description of participating providers, and the number of children and families being served. By November 30, 2020, DEL must submit a full report on the findings from the pilot project, including recommendations for modifying or expanding the availability of outdoor, nature-based early learning and child care programs. The final report also must include a discussion of potential options to mitigate the uncertainty for families and participating providers during the final six months of the pilot project when legislation may be pending.
- DEL must convene an advisory group of outdoor, nature-based early learning practitioners to inform and support implementation of the pilot project. DEL may utilize funds from philanthropic organizations for this purpose.

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

The pilot project expires August 1, 2021.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Early Learning & K-12 Education):** PRO: Outdoor early learning classrooms provide an incredible opportunity for children to get outdoors and learn about and connect with the natural world. Outdoor preschool improves the health of children, families, and communities. It provides children a well-rounded education. Access to the outdoors increases children's focus, critical thinking, performance, and ability to cope with stress. Working families need full-day care, which requires these programs to be eligible for licensing. The licensing requirements assume that there is a building and do not apply to outdoor classrooms. Licensing these outdoor programs will make these programs more accessible because they would no longer have to be part-day programs. Part-day programs can be logistically challenging when both parents work. Outdoor programs can be accessible to children with disabilities because the environment can be flexible. This bill creates a pilot program so that questions about making outdoor classrooms safe can be addressed. These challenges are keeping children safe in natural environments, providing child-sized toileting equipment, prepping and serving food, sufficient napping environments, protecting children from other people in the environment, accessing emergency and medical resources, communicating between staff members, storing and cleaning equipment, and making sure children have warm and dry clothing. Some preliminary analysis shows that children in nature preschools do not have an increase risk of illness or injury. Outdoor classrooms can decrease the cost of preschool because it reduces the cost of facilities and maintenance as well as other start-up costs. More money can go toward high quality teachers and providing financial support to families who need it. Outdoor preschool programs provide a creative solution to the current shortage of preschools that exists in some communities. This model has been successful in other countries.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Senator Kevin Ranker, Prime Sponsor; Brenda Martinez, Dept. of Early Learning; Frank Ordway, Dept. of Early Learning; Andrew Jay, Tiny Trees; Sibyl Maer-Fillo, Washington Outdoor School Roslyn; Heidi Bruce, Orcas Island School; Hannah Frankel; Ahna Soli, Washington Outdoor School; Katie Johnson; Kyle Wood, Fiddleheads; Bridget Feriss; Trisha Kozu; Adrienne Mays, Fiddleheads.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** No one.

**Staff Summary of Public Testimony on Proposed Substitute (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: These types of preschools are prevalent in Europe and throughout the United States and have recently begun developing in Washington State. Children learn in different ways and these sites offer unique settings. The outdoor model makes preschool more affordable for families. These schools are a fraction of the cost of an indoor facility. The Office of Superintendent for Public Instruction found that a typical indoor preschool classroom costs \$350,000; Tiny Trees built six outdoor sites at a cost of \$320,000 which is \$1.8 million less than comparable indoor facilities. Working families need full day care and families need to know that their school is safe and healthy, which is what licensing will provide. DEL is working very closely with the advocates and sponsors on this bill. Licensing outdoor preschools will be a challenge and we want to set up a process that will be successful and affordable.

**Persons Testifying (Ways & Means):** PRO: Andrew Jay, Tiny Trees; Frank Ordway, Dept. of Early Learning.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.