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SENATE BILL 5247

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State of Washington

65th Legislature

2017 Regular Session

By Senators Zeiger, Mullet, Fain, Billig, Chase, and Kuderer; by request of Department of Early Learning

Read first time 01/18/17. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to updating certain department of early learning  
2 advising and contracting mechanisms to reflect federal requirements,  
3 legislative mandates, and planned system improvements; and amending  
4 RCW 43.215.090 and 43.215.130.

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

6 **Sec. 1.** RCW 43.215.090 and 2015 3rd sp.s. c 7 s 16 are each  
7 amended to read as follows:

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

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

1 (3) The council shall include diverse, statewide representation  
2 from public, nonprofit, and for-profit entities. Its membership shall  
3 include critical partners in service delivery and reflect regional,  
4 racial, and cultural diversity to adequately represent the needs of  
5 all children and families in the state.

6 (4) Councilmembers shall serve two-year terms. However, to  
7 stagger the terms of the council, the initial appointments for twelve  
8 of the members shall be for one year. Once the initial one-year to  
9 two-year terms expire, all subsequent terms shall be for two years,  
10 with the terms expiring on June 30th of the applicable year. The  
11 terms shall be staggered in such a way that, where possible, the  
12 terms of members representing a specific group do not expire  
13 simultaneously.

14 (5) The council shall consist of ~~((not more than twenty three))~~  
15 members essential to coordinating services statewide prenatal through  
16 age five, as follows:

17 (a) In addition to being staffed and supported by the department,  
18 the governor shall appoint ~~((at least))~~ one representative from each  
19 of the following: ~~The~~ ~~((department, the office of financial~~  
20 ~~management, the department of social and health services, the))~~  
21 department of health, the student achievement council, and the state  
22 board for community and technical colleges;

23 (b) One representative from the office of the superintendent of  
24 public instruction, to be appointed by the superintendent of public  
25 instruction;

26 (c) The governor shall appoint ~~((seven))~~ leaders in early  
27 childhood education to represent critical service delivery and  
28 support sectors, with at least one ~~((representative with experience~~  
29 ~~or expertise in one or more of the areas such as))~~ individual  
30 representing each of the following: ~~((The K-12 system, family day~~  
31 ~~care providers, and child care centers with four of the seven~~  
32 ~~governor's appointees made as follows:))~~

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

35 (ii) A representative of a head start, early head start, or  
36 migrant/seasonal head start~~((, or tribal head start))~~ program;

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

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

1 (v) A representative of the early childhood education and  
2 assistance program;

3 (vi) A representative of licensed family day care providers;

4 (vii) A representative of child day care centers; and

5 (viii) A representative from the home visiting advisory committee  
6 established in RCW 43.215.130;

7 (d) Two members of the house of representatives, one from each  
8 caucus, and two members of the senate, one from each caucus, to be  
9 appointed by the speaker of the house of representatives and the  
10 president of the senate, respectively;

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

13 (f) ~~((One representative of the private-public partnership~~  
14 ~~created in RCW 43.215.070, to be appointed by the partnership~~  
15 ~~board;)) Representatives of underserved communities who have a  
16 special expertise or interest in high quality early learning, one to  
17 be appointed by each of the following commissions:~~

18 (i) The Washington state commission on Asian Pacific American  
19 affairs;

20 (ii) The Washington state commission on African-American affairs;  
21 and

22 (iii) The Washington state commission on Hispanic affairs;

23 (g) ~~((One))~~ Two representatives designated by sovereign tribal  
24 governments, one of whom must be a representative of a tribal early  
25 childhood education assistance program or head start program; ((and))

26 (h) One representative from the Washington federation of  
27 independent schools; and

28 (i) One representative from the Washington library association.

29 (6) The council shall be cochaired by ~~((one representative of a~~  
30 ~~state agency and one nongovernmental))~~ two members, to be elected by  
31 the 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 RCW 43.215.102. At a minimum the review shall address the  
6 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[s]~~) achievers program  
26 ratings, and parents of children participating in early learning  
27 programs, including working connections child care and early  
28 childhood education and assistance programs. The subcommittee shall  
29 include representatives from diverse cultural and linguistic  
30 backgrounds.

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

32 **Sec. 2.** RCW 43.215.130 and 2013 c 165 s 1 are each amended to  
33 read as follows:

34 (1)(a) The home visiting services account is created in the state  
35 treasury. Revenues to the account shall consist of appropriations by  
36 the legislature and all other sources deposited in the account. All  
37 federal funds received by the department for home visiting activities  
38 must be deposited into the account.

1 (b)(i) Expenditures from the account shall be used for state  
2 matching funds for the purposes of the program established in this  
3 section and federally funded activities for the home visiting  
4 program, including administrative expenses.

5 (ii) The department oversees the account and is the lead state  
6 agency for home visiting system development. The nongovernmental  
7 private-public partnership (~~(administers)~~) supports the home visiting  
8 service delivery system and provides (~~(implementation)~~) support  
9 functions to funded programs.

10 (iii) It is the intent of the legislature that state funds  
11 invested in the account be matched at fifty percent by the  
12 private-public partnership each fiscal year. However, state funds in  
13 the account may be accessed in the event that the private-public  
14 partnership fails to meet the fifty percent match target. Should the  
15 private-public partnership not meet the fifty percent match target by  
16 the conclusion of the fiscal year ending on June 30th, the department  
17 and the private-public partnership(~~(7)~~) shall jointly submit a report  
18 to the relevant legislative committees detailing the reasons why the  
19 fifty percent match target was not met, the actual match rate  
20 achieved, and a plan to achieve fifty percent match in the subsequent  
21 fiscal year. This report shall be submitted as promptly as  
22 practicable, but the lack of receipt of this report shall not prevent  
23 state funds in the account from being accessed.

24 (iv) Amounts used for program administration by the department  
25 may not exceed an average of (~~(four)~~) ten percent in any two  
26 consecutive fiscal years.

27 (v) Authorizations for expenditures may be given only after  
28 private funds are committed. The nongovernmental private-public  
29 partnership must report to the department quarterly to demonstrate  
30 sufficient investment of private match funds.

31 (c) Expenditures from the account are subject to appropriation  
32 and the allotment provisions of chapter 43.88 RCW.

33 (2) The department must expend moneys from the account to provide  
34 state matching funds for partnership activities to implement home  
35 visiting services and administer the infrastructure necessary to  
36 develop, support, and evaluate evidence-based, research-based, and  
37 promising home visiting programs.

38 (3) Activities eligible for funding through the account include,  
39 but are not limited to:

1 (a) Home visiting services that achieve one or more of the  
2 following: (i) Enhancing child development and well-being by  
3 alleviating the effects on child development of poverty and other  
4 known risk factors; (ii) reducing the incidence of child abuse and  
5 neglect; or (iii) promoting school readiness for young children and  
6 their families; and  
7 (b) Development and maintenance of the infrastructure for home  
8 visiting programs, including training, quality improvement, and  
9 evaluation.

10 (4) Beginning July 1, 2010, the department shall contract with  
11 the nongovernmental private-public partnership designated in RCW  
12 43.215.070 to (~~administer~~) support programs funded through the home  
13 visiting services account. The department shall monitor performance  
14 and provide periodic reports on the use outcomes of the home visiting  
15 services account.

16 (5) The (~~nongovernmental private-public partnership~~) department  
17 shall, in the administration of the programs:

18 (a) Fund programs through a competitive bid process or in  
19 compliance with the regulations of the funding source; and  
20 (b) Convene an advisory committee of early learning and home  
21 visiting experts, including one representative from the department,  
22 to advise the partnership regarding research and the distribution of  
23 funds from the account to eligible programs.

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