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**SUBSTITUTE SENATE BILL 5357**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate 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)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to establishing a pilot project to license  
2 outdoor early learning and child care programs; adding a new section  
3 to chapter 43.215 RCW; creating a new section; and providing an  
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that, over the past  
7 decade, more than forty outdoor, nature-based early learning and  
8 child care programs have opened in Washington, several of which are  
9 in high demand based on existing wait-lists. The legislature finds,  
10 however, that these programs currently are unlicensed and thus unable  
11 to offer full-day programs, which many working families are seeking.  
12 Unlicensed outdoor programs also are unable to serve families who are  
13 eligible for assistance through the working connections child care  
14 program. The legislature further finds that the outdoor preschool  
15 model could help expand the number of high quality early learning  
16 opportunities available to families throughout Washington,  
17 particularly in areas where preschool-appropriate indoor space is  
18 unavailable or unaffordable. Additionally, when early learning  
19 programs spend less on their physical facilities, they are able to  
20 spend more on recruiting and retaining teachers and other early  
21 learning professionals. The legislature also finds that research on

1 outdoor preschools operating in Scandinavian countries for decades  
2 has demonstrated a positive impact on children's development,  
3 including improved cognitive and social skills when children  
4 transition to grade school. The legislature, therefore, intends to  
5 establish a pilot project to license outdoor preschools in order to  
6 expand access to affordable, high quality early learning programs,  
7 and to further investigate the benefits of outdoor, nature-based  
8 classrooms for Washington's children and families.

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

11 (1) The department shall establish a pilot project to license  
12 outdoor, nature-based early learning and child care programs. The  
13 pilot project shall commence beginning August 31, 2017, and conclude  
14 June 30, 2021.

15 (2) The department shall adopt rules to implement the pilot  
16 project and may waive or adapt licensing requirements when necessary  
17 to allow for the operation of outdoor classrooms.

18 (3) As part of the pilot project, the department shall explore  
19 options for developing a quality rating and improvement system for  
20 outdoor preschools. Options may include, but are not limited to,  
21 adapting the early achievers program to assess quality in outdoor  
22 learning environments, as well as excluding or replacing the early  
23 achievers indoor environmental rating scale. The department may  
24 receive and expend funds from philanthropic organizations in order to  
25 implement this subsection and subsection (6) of this section. The  
26 department shall include a discussion of options and recommendations  
27 in the final report required under subsection (8) of this section.

28 (4) The department shall select up to ten pilot locations during  
29 the first year of the pilot project. Beginning August 31, 2018,  
30 additional outdoor, nature-based early learning and child care  
31 programs may apply to participate in the pilot project. When  
32 selecting and approving pilot project locations, the department shall  
33 aim to select a mix of rural, urban, and suburban locations, and may  
34 give priority to:

35 (a) Areas where there are few or limited licensed early learning  
36 programs;

37 (b) Areas of need where licensed early learning programs are at  
38 or near full capacity, and where access may be restricted by one or  
39 more enrollment wait-lists; and

1 (c) Areas where an outdoor early learning program would provide  
2 more family choice.

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

9 (6) Subject to the availability of funds, the department may  
10 convene an advisory group of outdoor, nature-based early learning  
11 practitioners to inform and support implementation of the pilot  
12 project.

13 (7) For purposes of this section, "outdoor, nature-based early  
14 learning and child care program" means an agency-offered program  
15 operated primarily outdoors in which children are enrolled on a  
16 regular basis for three or more hours per day.

17 (8) The department shall provide the following reports to the  
18 legislature and the governor:

19 (a) By January 15, 2018, and annually thereafter through January  
20 15, 2020, a brief status report describing implementation of the  
21 pilot project, including a description of participating providers and  
22 the number of children and families being served;

23 (b) By November 30, 2020, a full report on findings from the  
24 pilot project, including recommendations for modifying or expanding  
25 the availability of outdoor, nature-based early learning and child  
26 care programs. The final report also must include a discussion of  
27 potential options to mitigate the uncertainty for families and  
28 participating providers during the final six months of the pilot  
29 project when legislation may be pending.

30 (9) The provisions of this section are subject to appropriation.

31 (10) This section expires August 1, 2021.

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