

E2SHB 1391 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/13/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that a
4 commitment to early learning quality was established through the
5 passage of the early start act and creation of the early achievers
6 program. The legislature recognizes that achieving the desired child
7 outcomes from high quality early learning and child care requires
8 additional financial support, including the payment of living wages
9 to providers, and that the success of the early achievers system must
10 continue to be supported through adequate funding. Further, the
11 legislature finds that the federal administration of children and
12 families advises states to set child care subsidy rates at the
13 seventy-fifth percentile of private market rates in order to ensure
14 equal access to high quality child care. The legislature further
15 finds that objectives of the early achievers program include
16 providing professional development and robust training and coaching
17 opportunities that are available in geographically diverse areas to
18 child care and early education providers who are often small business
19 owners and as such play a critical role in our state's economy.

20 (2) The legislature further finds that the department of
21 children, youth, and families has undertaken efforts to identify
22 professional equivalencies for early learning providers that
23 recognize the commitment and years of experience that much of the
24 workforce demonstrates.

25 (3) Therefore, as recommended by the joint select committee on
26 the early achievers program, the legislature intends to work toward
27 raising base subsidy rates for licensed child care centers and family
28 homes and further incentivize the provision of care for infants and
29 toddlers by considering rates for providers serving these young
30 children. Further, the legislature intends to look to increase needs-
31 based grants, scholarships, and professional development assistance,

1 as well as reduce early achievers coaching ratios, in order to
2 support providers in continuous improvement. The legislature further
3 intends to support the work of the department of children, youth, and
4 families' professional equivalencies committee and the department's
5 development of the proficiency review process.

6 **Sec. 2.** RCW 43.216.085 and 2017 3rd sp.s. c 6 s 113 are each
7 amended to read as follows:

8 (1) The department, in collaboration with tribal governments and
9 community and statewide partners, shall implement a quality rating
10 and improvement system, called the early achievers program. The early
11 achievers program provides a foundation of quality for the early care
12 and education system. The early achievers program is applicable to
13 licensed or certified child care centers and homes and early learning
14 programs such as working connections child care and early childhood
15 education and assistance programs.

16 (2) The objectives of the early achievers program are to:

17 (a) Improve short-term and long-term educational outcomes for
18 children as measured by assessments including, but not limited to,
19 the Washington kindergarten inventory of developing skills in RCW
20 28A.655.080;

21 (b) Give parents clear and easily accessible information about
22 the quality of child care and early education programs;

23 (c) Support improvement in early learning and child care programs
24 throughout the state;

25 (d) Increase the readiness of children for school;

26 (e) Close the disparities in access to quality care;

27 (f) Provide professional development and coaching opportunities
28 to early child care and education providers; and

29 (g) Establish a common set of expectations and standards that
30 define, measure, and improve the quality of early learning and child
31 care settings.

32 (3) (a) Licensed or certified child care centers and homes serving
33 nonschool-age children and receiving state subsidy payments must
34 participate in the early achievers program by the required deadlines
35 established in RCW 43.216.135.

36 (b) Approved early childhood education and assistance program
37 providers receiving state-funded support must participate in the
38 early achievers program by the required deadlines established in RCW
39 43.216.515.

1 (c) Participation in the early achievers program is voluntary
2 for:

3 (i) Licensed or certified child care centers and homes not
4 receiving state subsidy payments; and

5 (ii) Early learning programs not receiving state funds.

6 (d) School-age child care providers are exempt from participating
7 in the early achievers program. By July 1, 2017, the department and
8 the office of the superintendent of public instruction shall jointly
9 design a plan to incorporate school-age child care providers into the
10 early achievers program or other appropriate quality improvement
11 system. To test implementation of the early achievers system for
12 school-age child care providers the department and the office of the
13 superintendent of public instruction shall implement a pilot program.

14 (4) (a) There are five primary levels in the early achievers
15 program.

16 (b) In addition to the primary levels, the department must
17 establish an intermediate level that is between level 3 and level 4
18 and serves to assist participants in transitioning to level 4.

19 (c) Participants are expected to actively engage and continually
20 advance within the program.

21 (5) The department has the authority to determine the rating
22 cycle for the early achievers program. The department shall
23 streamline and eliminate duplication between early achievers
24 standards and state child care rules in order to reduce costs
25 associated with the early achievers rating cycle and child care
26 licensing.

27 (a) Early achievers program participants may request to be rated
28 at any time after the completion of all level 2 activities.

29 (b) The department shall provide an early achievers program
30 participant an update on the participant's progress toward completing
31 level 2 activities after the participant has been enrolled in the
32 early achievers program for fifteen months.

33 (c) The first rating is free for early achievers program
34 participants.

35 (d) Each subsequent rating within the established rating cycle is
36 free for early achievers program participants.

37 (6) (a) Early achievers program participants may request to be
38 rerated outside the established rating cycle. A rerating shall reset
39 the rating cycle timeline for participants.

1 (b) The department may charge a fee for optional rerating
2 requests made by program participants that are outside the
3 established rating cycle.

4 (c) Fees charged are based on, but may not exceed, the cost to
5 the department for activities associated with the early achievers
6 program.

7 (7) (a) The department must create a single source of information
8 for parents and caregivers to access details on a provider's early
9 achievers program rating level, licensing history, and other
10 indicators of quality and safety that will help parents and
11 caregivers make informed choices. The licensing history that the
12 department must provide for parents and caregivers pursuant to this
13 subsection shall only include license suspension, surrender,
14 revocation, denial, stayed suspension, or reinstatement. No unfounded
15 child abuse or neglect reports may be provided to parents and
16 caregivers pursuant to this subsection.

17 (b) The department shall publish to the department's web site, or
18 offer a link on its web site to, the following information:

19 (i) (~~By November 1, 2015,~~) Early achievers program rating
20 levels 1 through 5 for all child care programs that receive state
21 subsidy, early childhood education and assistance programs, and
22 federal head start programs in Washington; and

23 (ii) New early achievers program ratings within thirty days after
24 a program becomes licensed or certified, or receives a rating.

25 (c) The early achievers program rating levels shall be published
26 in a manner that is easily accessible to parents and caregivers and
27 takes into account the linguistic needs of parents and caregivers.

28 (d) The department must publish early achievers program rating
29 levels for child care programs that do not receive state subsidy but
30 have voluntarily joined the early achievers program.

31 (e) Early achievers program participants who have published
32 rating levels on the department's web site or on a link on the
33 department's web site may include a brief description of their
34 program, contingent upon the review and approval by the department,
35 as determined by established marketing standards.

36 (8) (a) The department shall create a professional development
37 pathway for early achievers program participants to obtain a high
38 school diploma or equivalency or higher education credential in early
39 childhood education, early childhood studies, child development, or
40 an academic field related to early care and education.

1 (b) The professional development pathway must include
2 opportunities for scholarships and grants to assist early achievers
3 program participants with the costs associated with obtaining an
4 educational degree.

5 (c) The department shall address cultural and linguistic
6 diversity when developing the professional development pathway.

7 (9) The early achievers quality improvement awards shall be
8 reserved for participants offering programs to an enrollment
9 population consisting of at least five percent of children receiving
10 a state subsidy.

11 (10) In collaboration with tribal governments, community and
12 statewide partners, and the early achievers review subcommittee
13 created in RCW 43.216.075, the department shall develop a protocol
14 for granting early achievers program participants an extension in
15 meeting rating level requirement timelines outlined for the working
16 connections child care program and the early childhood education and
17 assistance program.

18 (a) The department may grant extensions only under exceptional
19 circumstances, such as when early achievers program participants
20 experience an unexpected life circumstance.

21 (b) Extensions shall not exceed six months, and early achievers
22 program participants are only eligible for one extension in meeting
23 rating level requirement timelines.

24 (c) Extensions may only be granted to early achievers program
25 participants who have demonstrated engagement in the early achievers
26 program.

27 (11)(a) The department shall accept national accreditation that
28 meets the requirements of this subsection (11) as a qualification for
29 the early achievers program ratings.

30 (b) Each national accreditation agency will be allowed to submit
31 its most current standards of accreditation to establish potential
32 credit earned in the early achievers program. The department shall
33 grant credit to accreditation bodies that can demonstrate that their
34 standards meet or exceed the current early achievers program
35 standards. By December 1, 2019, and subject to the availability of
36 amounts appropriated for this specific purpose, the department must
37 submit a detailed plan to the governor and the legislature to
38 implement a robust cross-accreditation process with multiple pathways
39 that allows a provider to earn equivalent early achievers credit
40 resulting from accreditation by high quality national organizations.

1 (c) Licensed child care centers and child care home providers
2 must meet national accreditation standards approved by the department
3 for the early achievers program in order to be granted credit for the
4 early achievers program standards. Eligibility for the early
5 achievers program is not subject to bargaining, mediation, or
6 interest arbitration under RCW 41.56.028, consistent with the
7 legislative reservation of rights under RCW 41.56.028(4)(d).

8 (12) The department shall explore the use of alternative quality
9 assessment tools that meet the culturally specific needs of the
10 federally recognized tribes in the state of Washington.

11 (13) A child care or early learning program that is operated by a
12 federally recognized tribe and receives state funds shall participate
13 in the early achievers program. The tribe may choose to participate
14 through an interlocal agreement between the tribe and the department.
15 The interlocal agreement must reflect the government-to-government
16 relationship between the state and the tribe, including recognition
17 of tribal sovereignty. The interlocal agreement must provide that:

18 (a) Tribal child care facilities and early learning programs may
19 volunteer, but are not required, to be licensed by the department;

20 (b) Tribal child care facilities and early learning programs are
21 not required to have their early achievers program rating level
22 published to the department's web site or through a link on the
23 department's web site; and

24 (c) Tribal child care facilities and early learning programs must
25 provide notification to parents or guardians who apply for or have
26 been admitted into their program that early achievers program rating
27 level information is available and provide the parents or guardians
28 with the program's early achievers program rating level upon request.

29 (14) The department shall consult with the early achievers review
30 subcommittee on all substantial policy changes to the early achievers
31 program.

32 (15) Nothing in this section changes the department's
33 responsibility to collectively bargain over mandatory subjects or
34 limits the legislature's authority to make programmatic modifications
35 to licensed child care and early learning programs under RCW
36 41.56.028(4)(d).

37 **Sec. 3.** RCW 43.216.515 and 2015 3rd sp.s. c 7 s 9 are each
38 amended to read as follows:

1 (1) Approved early childhood education and assistance programs
2 shall receive state-funded support through the department. Public or
3 private organizations(~~(7)~~) including, but not limited to, school
4 districts, educational service districts, community and technical
5 colleges, local governments, or nonprofit organizations, are eligible
6 to participate as providers of the state early childhood education
7 and assistance program.

8 (2) Funds obtained by providers through voluntary grants or
9 contributions from individuals, agencies, corporations, or
10 organizations may be used to expand or enhance preschool programs so
11 long as program standards established by the department are
12 maintained.

13 (3) Persons applying to conduct the early childhood education and
14 assistance program shall identify targeted groups and the number of
15 children to be served, program components, the qualifications of
16 instructional and special staff, the source and amount of grants or
17 contributions from sources other than state funds, facilities and
18 equipment support, and transportation and personal care arrangements.

19 ~~(4) ((Existing early childhood education and assistance program
20 providers must complete the following requirements to be eligible to
21 receive state-funded support under the early childhood education and
22 assistance program:~~

23 ~~(a) Enroll in the early achievers program by October 1, 2015;~~

24 ~~(b) Rate at a level 4 or 5 in the early achievers program by
25 March 1, 2016. If an early childhood education and assistance program
26 provider rates below a level 4 by March 1, 2016, the provider must
27 complete remedial activities with the department, and rate at a level
28 4 or 5 within six months of beginning remedial activities.~~

29 ~~(5) Effective October 1, 2015,)~~ A new early childhood education
30 and assistance program provider must complete the requirements in
31 this subsection (~~((5))~~) to be eligible to receive state-funded
32 support under the early childhood education and assistance program:

33 (a) Enroll in the early achievers program within thirty days of
34 the start date of the early childhood education and assistance
35 program contract;

36 (b) (i) Except as provided in (b) (ii) of this subsection, rate at
37 a level 4 or 5 in the early achievers program within ~~((twelve))~~
38 twenty-four months of enrollment. If an early childhood education and
39 assistance program provider rates below a level 4 within ~~((twelve))~~
40 twenty-four months of enrollment, the provider must complete remedial

1 activities with the department, and rate at a level 4 or 5 within six
2 months of beginning remedial activities.

3 (ii) Licensed or certified child care centers and homes that
4 administer an early childhood education and assistance program shall
5 rate at a level 4 or 5 in the early achievers program within
6 (~~eighteen~~) twenty-four months of the start date of the early
7 childhood education and assistance program contract. If an early
8 childhood education and assistance program provider rates below a
9 level 4 within (~~eighteen~~) twenty-four months, the provider must
10 complete remedial activities with the department, and rate at a level
11 4 or 5 within six months of beginning remedial activities.

12 (~~(+6)~~) (5)(a) If an early childhood education and assistance
13 program provider has successfully completed all of the required early
14 achievers program activities and is waiting to be rated by the
15 deadline provided in this section, the provider may continue to
16 participate in the early achievers program as an approved early
17 childhood education and assistance program provider and receive state
18 subsidy pending the successful completion of a level 4 or 5 rating.

19 (b) To avoid disruption, the department may allow for early
20 childhood education and assistance program providers who have rated
21 below a level 4 after completion of the six-month remedial period to
22 continue to provide services until the current school year is
23 finished.

24 (6) (a) When an early childhood education and assistance program
25 in good standing changes classroom locations to a comparable or
26 improved space within the same facility, a rerating is not required
27 outside of the regular rerating and renewal cycle.

28 (b) When an early childhood education and assistance program in
29 good standing moves to a new facility, the provider must notify the
30 department of the move within six months of changing locations in
31 order to retain their existing rating. The early achievers program
32 must conduct an observational visit to ensure the new classroom space
33 is of comparable or improved environmental quality. If a provider
34 fails to notify the department within six months of a move, the early
35 achievers rating must be changed from the posted rated level to
36 "Participating, Not Yet Rated" and the provider will cease to receive
37 tiered reimbursement incentives until a new rating is completed.

38 (7) The department shall collect data periodically to determine
39 the demand for full-day programming for early childhood education and
40 assistance program providers. The department shall analyze this

1 demand by geographic region and shall include the findings in the
2 annual report required under RCW ((43.215.102)) 43.216.089.

3 (8) ((By December 1, 2015,)) The department shall develop ((a))
4 multiple pathways for licensed or certified child care centers and
5 homes to administer an early childhood education and assistance
6 program. The pathways shall include an accommodation for these
7 providers to rate at a level 4 or 5 in the early achievers program
8 according to the timelines and standards established in subsection
9 ((5)) (4)(b)(ii) of this section. The department must consider
10 using the intermediate level that is between level 3 and level 4 as
11 described in RCW 43.216.085, incentives, and front-end funding in
12 order to encourage providers to participate in the pathway.

13 **Sec. 4.** RCW 43.216.135 and 2018 c 52 s 6 are each amended to
14 read as follows:

15 (1) The department shall establish and implement policies in the
16 working connections child care program to promote stability and
17 quality of care for children from low-income households. These
18 policies shall focus on supporting school readiness for young
19 learners. Policies for the expenditure of funds constituting the
20 working connections child care program must be consistent with the
21 outcome measures established by the department and the standards
22 established in this section intended to promote stability, quality,
23 and continuity of early care and education programming.

24 (2) As recommended by Public Law 113-186, authorizations for the
25 working connections child care subsidy shall be effective for twelve
26 months beginning July 1, 2016, unless an earlier date is provided in
27 the omnibus appropriations act.

28 (3) Existing child care providers serving nonschool-age children
29 and receiving state subsidy payments must complete the following
30 requirements to be eligible for a state subsidy under this section:

31 (a) Enroll in the early achievers program by August 1, 2016;

32 (b) Complete level 2 activities in the early achievers program by
33 August 1, 2017; and

34 (c) Rate or request to be rated at a level 3 or higher in the
35 early achievers program by December 31, 2019. If a child care
36 provider ((rates below)) does not rate at or request to be rated at a
37 level 3 by December 31, 2019, the provider is no longer eligible to
38 receive state subsidy. If the provider rates below a level 3 when the
39 rating is released, the provider must complete remedial activities

1 with the department, and (~~rate at~~) must rate at or request to be
2 rated at a level 3 or higher no later than (~~June~~) December 30,
3 2020.

4 (4) (~~Effective July 1, 2016,~~) A new child care provider serving
5 nonschool-age children and receiving state subsidy payments must
6 complete the following activities to be eligible to receive a state
7 subsidy under this section:

8 (a) Enroll in the early achievers program within thirty days of
9 receiving the initial state subsidy payment;

10 (b) Complete level 2 activities in the early achievers program
11 within twelve months of enrollment; and

12 (c) Rate or request to be rated at a level 3 or higher in the
13 early achievers program within thirty months of enrollment. If a
14 child care provider (~~rates below~~) does not rate or request to be
15 rated at a level 3 within thirty months from enrollment into the
16 early achievers program, the provider is no longer eligible to
17 receive state subsidy. If the provider rates below a level 3 when the
18 rating is released, the provider must complete remedial activities
19 with the department, and rate or request to be rated at a level 3 or
20 higher within (~~six~~) twelve months of beginning remedial activities.

21 (5) If a child care provider does not rate or request to be rated
22 at a level 3 or higher following the remedial period, the provider is
23 no longer eligible to receive state subsidy under this section. If a
24 child care provider does not rate at a level 3 or higher when the
25 rating is released following the remedial period, the provider is no
26 longer eligible to receive state subsidy under this section.

27 (6) If a child care provider serving nonschool-age children and
28 receiving state subsidy payments has successfully completed all level
29 2 activities and is waiting to be rated by the deadline provided in
30 this section, the provider may continue to receive a state subsidy
31 pending the successful completion of the level 3 rating activity.

32 (7) The department shall implement tiered reimbursement for early
33 achievers program participants in the working connections child care
34 program rating at level 3, 4, or 5.

35 (8) The department shall account for a child care copayment
36 collected by the provider from the family for each contracted slot
37 and establish the copayment fee by rule.

38 (9)(a) The department shall establish and implement policies in
39 the working connections child care program to allow eligibility for
40 families with children who:

1 (i) In the last six months have:

2 (A) Received child protective services as defined and used by
3 chapters 26.44 and 74.13 RCW;

4 (B) Received child welfare services as defined and used by
5 chapter 74.13 RCW; or

6 (C) Received services through a family assessment response as
7 defined and used by chapter 26.44 RCW;

8 (ii) Have been referred for child care as part of the family's
9 case management as defined by RCW 74.13.020; and

10 (iii) Are residing with a biological parent or guardian.

11 (b) Children who are eligible for working connections child care
12 pursuant to this subsection do not have to keep receiving services
13 identified in this subsection to maintain twelve-month authorization.
14 The department of social and health services' involvement with the
15 family referred for working connections child care ends when the
16 family's child protective services, child welfare services, or family
17 assessment response case is closed.

18 **Sec. 5.** RCW 43.216.087 and 2015 3rd sp.s. c 7 s 5 are each
19 amended to read as follows:

20 (1)(a) The department shall, in collaboration with tribal
21 governments and community and statewide partners, implement a
22 protocol to maximize and encourage participation in the early
23 achievers program for culturally diverse and low-income center and
24 family home child care providers. Amounts appropriated for the
25 encouragement of culturally diverse and low-income center and family
26 home child care provider participation shall be appropriated
27 separately from the other funds appropriated for the department, are
28 the only funds that may be used for the protocol, and may not be used
29 for any other purposes. Funds appropriated for the protocol shall be
30 considered an ongoing program for purposes of future departmental
31 budget requests.

32 (b) (~~During the first thirty months of implementation of the~~
33 ~~early achievers program~~) The department shall prioritize the
34 resources authorized in this section to assist providers (~~rating at~~
35 ~~a level 2~~) in the early achievers program to help them reach a
36 (~~level 3~~) rating of level 3 or higher wherever access to subsidized
37 care is at risk.

38 (2) The protocol should address barriers to early achievers
39 program participation and include at a minimum the following:

- 1 (a) The creation of a substitute pool;
- 2 (b) The development of needs-based grants for providers ((at
3 level—2)) in the early achievers program ((to assist with)) who
4 demonstrate a need for assistance to improve program quality. Needs-
5 based grants may be used for environmental improvements of early
6 learning facilities; purchasing curriculum development, instructional
7 materials, supplies, and equipment ((to improve program quality));
8 and focused infant-toddler improvements. Priority for the needs-based
9 grants shall be given to culturally diverse and low-income providers;
- 10 (c) The development of materials and assessments in a timely
11 manner, and to the extent feasible, in the provider and family home
12 languages; and
- 13 (d) The development of flexibility in technical assistance and
14 coaching structures to provide differentiated types and amounts of
15 support to providers based on individual need and cultural context.

16 NEW SECTION. Sec. 6. (1) Subject to the availability of amounts
17 appropriated for this specific purpose, the department of children,
18 youth, and families must deliver a progress report to the governor
19 and the legislature by July 1, 2020, and a final report by July 1,
20 2021, that includes:

21 (a) An analysis of consumer income and copay requirements in the
22 working connections child care program and recommendations for
23 mitigating the "cliff effect" for child care subsidy consumers.
24 Recommendations must consider:

25 (i) How to further develop and implement a sliding scale or
26 tiered reimbursement and phase-out model that works for both
27 consumers and providers and provides incentives for quality child
28 care across communities;

29 (ii) Whether or not increasing or decreasing the eligibility
30 threshold for working connections child care would allow parents to
31 grow professionally without losing affordable child care;

32 (iii) Whether further graduation of the copay scale would help
33 alleviate the cliff that occurs at subsidy cutoff; and

34 (iv) Capping family child care expenses at seven percent of a
35 family's income;

36 (b) Recommendations related to differential slot rates for the
37 early childhood education and assistance program based on variable
38 factors that may contribute to costs for providers when working to

1 achieve positive child outcomes. When developing the recommendations,
2 the department must:

3 (i) Consider, at a minimum, variations by geographic region,
4 contractor type, child risk factors, and teacher credentials;

5 (ii) Evaluate advantages and disadvantages of linking early
6 childhood education and assistance program rates and other child care
7 subsidy rates; and

8 (iii) Review the department-designated subsidy regions and adjust
9 regional boundaries as necessary to reflect regional economic
10 conditions; and

11 (c) A plan for blending child care development funds and early
12 childhood education and assistance program funds to provide extended
13 day slots in the early childhood education and assistance program.
14 The plan must include consideration of administrative efficiencies
15 gained resulting from fully transferring the working connections
16 child care program into the department.

17 (2) This section expires January 1, 2020.

18 **Sec. 7.** RCW 43.216.655 and 2015 3rd sp.s. c 7 s 13 are each
19 amended to read as follows:

20 (1) The education data center established in RCW 43.41.400 must
21 collect longitudinal, student-level data on all children attending an
22 early childhood education and assistance program. Upon completion of
23 an electronic time and attendance record system, the education data
24 center must collect longitudinal, student-level data on all children
25 attending a working connections child care program. Data collected
26 should capture at a minimum the following characteristics:

27 (a) Daily program attendance;

28 (b) Identification of classroom and teacher;

29 (c) Early achievers program quality level rating;

30 (d) Program hours;

31 (e) Program duration;

32 (f) Developmental results from the Washington kindergarten
33 inventory of developing skills in RCW 28A.655.080; and

34 (g) To the extent data is available, the distinct ethnic
35 categories within racial subgroups of children and providers that
36 align with categories recognized by the education data center.

37 (2) The department shall provide early learning providers
38 student-level data collected pursuant to this section that are
39 specific to the early learning provider's program. Upon completion of

1 an electronic time and attendance record system identified in
2 subsection (1) of this section, the department shall provide child
3 care providers student-level data that are specific to the child care
4 provider's program.

5 (3) ~~((a))~~ The department shall review available research and
6 best practices literature on cultural competency in early learning
7 settings. The department shall review the K-12 components for
8 cultural competency developed by the professional educator standards
9 board and identify components appropriate for early learning
10 professional development.

11 ~~((b) By July 31, 2016, the department shall provide
12 recommendations to the appropriate committees of the legislature and
13 the early learning advisory council on research-based cultural
14 competency standards for early learning professional training.))~~

15 (4) (a) The Washington state institute for public policy shall
16 conduct a longitudinal analysis examining relationships between the
17 early achievers program quality ratings levels and outcomes for
18 children participating in subsidized early care and education
19 programs.

20 (b) The institute shall submit the first report to the
21 appropriate committees of the legislature and the early learning
22 advisory council by December 31, 2019. The institute shall submit
23 subsequent reports annually to the appropriate committees of the
24 legislature and the early learning advisory council by December 31st,
25 with the final report due December 31, 2022. The final report shall
26 include a cost-benefit analysis.

27 (5) ~~((a) By December 1, 2015, the department shall provide
28 recommendations to the appropriate committees of the legislature on
29 child attendance policies pertaining to the working connections child
30 care program and the early childhood education and assistance
31 program. The recommendations shall include the following:~~

32 ~~(i) Allowable periods of child absences;~~

33 ~~(ii) Required contact with parents or caregivers to discuss child
34 absences and encourage regular program attendance; and~~

35 ~~(iii) A de-enrollment procedure when allowable child absences are
36 exceeded.~~

37 ~~(b) The department shall develop recommendations on child
38 absences and attendance within the department's appropriations.))~~ By
39 December 31, 2021, and subject to the availability of amounts
40 appropriated for this specific purpose, the Washington state

1 institute for public policy shall update the outcome evaluation of
2 the early childhood education and assistance program required by
3 chapter 16, Laws of 2013 and report to the governor and the
4 legislature on the outcomes of program participants. The evaluation
5 must include the demographics of program participants including race,
6 ethnicity, and socioeconomic status. The evaluation must examine
7 short and long-term impacts on program participants, including high
8 school graduation rates for up to two cohorts. When conducting the
9 evaluation, the institute must consider, to the extent that data is
10 available, the education levels and demographics, including race,
11 ethnicity, and socioeconomic status, of early childhood education and
12 assistance program staff and the effects of full-day programming and
13 half-day programming on outcomes.

14 NEW SECTION. Sec. 8. A new section is added to chapter 43.216
15 RCW to read as follows:

16 The department must adopt administrative policies in the early
17 achievers program, within the department's appropriations, to:

18 (1) Consider child care provider schedules and needs and allow
19 flexibility when scheduling data collection and rating visits at a
20 facility;

21 (2) Prioritize reratings for providers rated at a level 2;

22 (3) Prioritize reratings for providers rated at a level 3 who are
23 seeking to become early childhood education and assistance program
24 providers; and

25 (4) Provide continuous and robust post-rating feedback to
26 providers.

27 NEW SECTION. Sec. 9. A new section is added to chapter 43.216
28 RCW to read as follows:

29 Subject to the availability of amounts appropriated for this
30 specific purpose, the department must adopt administrative policies
31 in the early achievers program to:

32 (1) Eliminate rating scale barriers, to the extent possible,
33 within the assessment tools and data collection methodologies used in
34 the early achievers program and weight early achievers points to
35 incentivize providers to serve infants and toddlers;

36 (2) Remove barriers to timely approvals for one-on-one behavioral
37 support assistants when requested by a provider; and

38 (3) Require trauma-informed care training for raters and coaches.

1 NEW SECTION. **Sec. 10.** (1) By December 1, 2019, and subject to
2 the availability of amounts appropriated for this specific purpose,
3 the department of children, youth, and families must submit to the
4 governor and the legislature a plan to pay providers an enhanced
5 rate, award additional early achievers points, and create a
6 corresponding trauma-informed care designation for providers serving
7 behaviorally challenged children.

8 (2) This section expires December 30, 2019.

9 NEW SECTION. **Sec. 11.** (1) By December 1, 2019, and within the
10 department of children, youth, and families' appropriations, the
11 department of children, youth, and families must evaluate options and
12 propose recommendations to the governor and legislature related to
13 paying child care subsidy providers a set monthly rate rather than a
14 daily rate.

15 (2) This section expires December 30, 2019.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.216
17 RCW to read as follows:

18 (1) The cost of child care regulations work group is established
19 to study: (a) The financial impacts of department licensing
20 regulations on child care businesses and benefits of these
21 regulations; (b) direct and indirect financial costs to child care
22 providers that are associated with participation in the early
23 achievers quality rating system; and (c) benefits to providers
24 associated with participation in the early achievers quality rating
25 system. The work group must review available health, safety, and
26 education outcome data for children and families engaged in early
27 achievers programs when analyzing the costs and benefits associated
28 with provider participation in the early achievers quality rating
29 system. The work group must include an analysis of costs associated
30 with licensing and early achievers requirements that may have a
31 disproportionate economic impact on child care businesses located in
32 rural areas of the state.

33 (2)(a) The secretary of the department or his or her designee
34 shall convene the first meeting of the work group by August 1, 2019.
35 The work group must meet at least six times between August 1, 2019,
36 and January 31, 2020, and must convene at least two meetings of those
37 meetings in locations east of the crest of the Cascade mountains.

1 (b) The work group must consist of the following twelve voting
2 members:

3 (i) Three licensed family home child care providers selected by a
4 statewide organization representing the interests of family child
5 care providers. At least one family home child care provider must
6 provide child care for children of agricultural workers, speak
7 Spanish as a first language, or be located east of the crest of the
8 Cascade mountains;

9 (ii) Three licensed child care center providers selected by a
10 statewide organization representing the interests of licensed child
11 care centers. At least one child care center provider must provide
12 child care for children of agricultural workers, speak Spanish as a
13 first language, or be located east of the crest of the Cascade
14 mountains;

15 (iii) Two foster parents selected by a statewide organization
16 solely focused on supporting foster parents. At least one foster
17 parent must reside east of the crest of the Cascade mountains; and

18 (iv) Four legislators, consisting of two members of the house of
19 representatives and two members of the senate. The speaker of the
20 house of representatives shall appoint one member to the work group
21 from each of the two largest caucuses in the house of
22 representatives. The president of the senate shall appoint one member
23 to the work group from each of the two largest caucuses in the
24 senate.

25 (3) The work group shall elect its cochairs, one from among the
26 legislative members and one from among the citizen members.

27 (4) The work group may seek input or collaborate with other
28 parties as it deems necessary. The work group may contract with
29 additional persons who have specific technical expertise if such
30 expertise is necessary to carry out the mandates of the study. The
31 work group may enter into such a contract only if an appropriation is
32 specifically provided for this purpose.

33 (5) Legislative members of the work group are reimbursed for
34 travel expenses in accordance with RCW 44.04.120. Nonlegislative
35 members must be reimbursed for travel expenses according to chapter
36 43.03 RCW.

37 (6) Staff support for the work group shall be provided by the
38 department.

1 (7) By May 31, 2020, the work group must submit its findings and
2 recommendations to the governor and the appropriate committees of the
3 legislature.

4 (8) This section expires July 1, 2020.

5 **Sec. 13.** RCW 43.216.089 and 2015 3rd sp.s. c 7 s 18 are each
6 amended to read as follows:

7 (1) Beginning December 15, 2015, and each December 15th
8 thereafter, the department, in collaboration with the statewide child
9 care resource and referral organization, and the early achievers
10 review subcommittee of the early learning advisory council, shall
11 submit, in compliance with RCW 43.01.036, a progress report to the
12 governor and the legislature regarding providers' progress in the
13 early achievers program. Each progress report must include the
14 following elements:

15 (a) The number, and relative percentage, of family child care and
16 center providers who have enrolled in the early achievers program and
17 who have:

18 (i) Completed the level 2 activities;

19 (ii) Completed rating readiness consultation and are waiting to
20 be rated;

21 (iii) Achieved the required rating level to remain eligible for
22 state-funded support under the early childhood education and
23 assistance program or a subsidy under the working connections child
24 care program;

25 (iv) Not achieved the required rating level initially but
26 qualified for and are working through intensive targeted support in
27 preparation for a partial rerate outside the standard rating cycle;

28 (v) Not achieved the required rating level initially and engaged
29 in remedial activities before successfully achieving the required
30 rating level;

31 (vi) Not achieved the required rating level after completing
32 remedial activities; or

33 (vii) Received an extension from the department based on
34 exceptional circumstances pursuant to RCW (~~43.215.100~~) 43.216.085;

35 (b) A review of the services available to providers and children
36 from diverse cultural backgrounds;

37 (c) An examination of the effectiveness of efforts to increase
38 successful participation by providers serving children and families

1 from diverse cultural and linguistic backgrounds and providers who
2 serve children from low-income households;

3 (d) A description of the primary obstacles and challenges faced
4 by providers who have not achieved the required rating level to
5 remain eligible to receive:

6 (i) A subsidy under the working connections child care program;
7 or

8 (ii) State-funded support under the early childhood education and
9 assistance program;

10 (e) A summary of the types of exceptional circumstances for which
11 the department has granted an extension pursuant to RCW
12 (~~(43.215.100)~~) 43.216.085;

13 (f) The average amount of time required for providers to achieve
14 local level milestones within each level of the early achievers
15 program;

16 (g) To the extent data is available, an analysis of the
17 distribution of early achievers program-rated facilities in relation
18 to child and provider demographics, including but not limited to race
19 and ethnicity, home language, and geographical location;

20 (h) Recommendations for improving access for children from
21 diverse cultural backgrounds to providers rated at a level 3 or
22 higher in the early achievers program;

23 (i) Recommendations for improving the early achievers program
24 standards;

25 (j) An analysis of any impact from quality strengthening efforts
26 on the availability and quality of infant and toddler care;

27 (k) The number of contracted slots that use both early childhood
28 education and assistance program funding and working connections
29 child care program funding; and

30 (l) A description of the early childhood education and assistance
31 program implementation to include the following:

32 (i) Progress on early childhood education and assistance program
33 implementation as required pursuant to RCW (~~(43.215.415, 43.215.425,~~
34 ~~and 43.215.455)~~) 43.216.515, 43.216.525, and 43.216.555;

35 (ii) An examination of the regional distribution of new preschool
36 programming by zip code;

37 (iii) An analysis of the impact of preschool expansion on low-
38 income neighborhoods and communities;

39 (iv) Recommendations to address any identified barriers to access
40 to quality preschool for children living in low-income neighborhoods;

1 (v) An analysis of any impact of extended day early care and
2 education opportunities directives;

3 (vi) An examination of any identified barriers for providers to
4 offer extended day early care and education opportunities;

5 (vii) An analysis of the demand for full-day programming for
6 early childhood education and assistance program providers required
7 under RCW (~~(43.215.415)~~) 43.216.515; and

8 (viii) To the extent data is available, an analysis of the
9 cultural diversity of early childhood education and assistance
10 program providers and participants.

11 (2) The first annual report due under subsection (1) of this
12 section also shall include a description of the early achievers
13 program extension protocol required under RCW (~~(43.215.100)~~)
14 43.216.085.

15 (3) The elements required to be reported under subsection (1)(a)
16 of this section must be reported at the county level, and for those
17 counties with a population of five hundred thousand and higher, the
18 data must be reported at the zip code level.

19 (4) If, based on information in an annual report submitted in
20 2018 or later under this section, fifteen percent or more of the
21 licensed or contracted providers who are participating in the early
22 achievers program in a county or in a single zip code have not
23 achieved the rating levels under RCW (~~(43.215.135)~~) 43.216.135 and
24 (~~(43.215.415)~~) 43.216.515, the department must:

25 (a) Analyze the reasons providers in the affected counties or zip
26 codes have not attained the required rating levels; and

27 (b) Develop a plan to mitigate the effect on the children and
28 families served by these providers. The plan must be submitted to the
29 legislature as part of the annual progress report along with any
30 recommendations for legislative action to address the needs of the
31 providers and the children and families they serve.

32 **Sec. 14.** RCW 43.216.100 and 2016 c 72 s 701 are each amended to
33 read as follows:

34 The department, in collaboration with the office of the
35 superintendent of public instruction, shall create a community
36 information and involvement plan to inform home-based, tribal, and
37 family early learning providers of the early achievers program under
38 RCW (~~(43.215.100)~~) 43.216.085.

1 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2019, in the omnibus appropriations act, this
4 act is null and void."

E2SHB 1391 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/13/2019

5 On page 1, line 3 of the title, after "program;" strike the
6 remainder of the title and insert "amending RCW 43.216.085,
7 43.216.515, 43.216.135, 43.216.087, 43.216.655, 43.216.089, and
8 43.216.100; adding new sections to chapter 43.216 RCW; creating new
9 sections; and providing expiration dates."

EFFECT: (1) Makes the following requirements of DCYF subject to appropriations:

(a) Submitting a detailed plan to implement a robust cross-accreditation process;

(b) Submitting recommendations for mitigating the cliff effect;

(c) Submitting a plan to pay providers an enhanced rate, award additional early achievers points, and create a trauma-informed care designation for providers serving behaviorally challenged children; and

(d) Adopting administrative policies to eliminate rating scale barriers and weight early achievers points to incentivize service to infants and toddlers, remove barriers to timely approvals for one-on-one behavioral support assistants when requested by a provider, and require trauma-informed care training for raters and coaches.

(2) Requires DCYF, within existing funding, to adopt administrative policies for flexible scheduling of data collecting and rating visits, prioritize reratings for providers rated level 2 or level 3, provide continuous and robust post-rating feedback to providers, and submit recommendations related to paying providers a monthly rather than a daily rate.

(3) Makes the WSIPP update of the ECEAP outcome evaluation subject to appropriation and adds language requiring the outcome evaluation to include the demographics, including race, ethnicity, and socioeconomic status, of program participants and staff.

(4) Adds language requiring the Cost of Child Care Regulations Work Group to review the benefits of regulations on child care businesses as well as the financial impacts.

(5) Requires DCYF to submit a progress report by July 1, 2020, and a final report by July 1, 2021, instead of one report due in 2019, that includes recommendations regarding Working Connections Child Care and the Early Childhood Education and Assistance Program.

(6) Makes changes to the Cost of Child Care Regulations Work Group:

(a) Specifies that the work group must meet six, instead of five, times;

(b) Provides that the meetings must occur by January 31, 2020, instead of November 30, 2019;

(c) Requires the work group to submit a report by May 31, 2020, instead of December 31, 2019; and

(d) Expires the work group on July 1, 2020, instead of January 10, 2020.

--- **END** ---