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**HOUSE BILL 1144**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Reeves, Sells, and Stanford

Read first time 01/15/19. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to establishing the military families' access to  
2 child care and early learning supports program; amending RCW  
3 43.216.085; adding new sections to chapter 43.216 RCW; and creating a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.216  
7 RCW to read as follows:

8 (1) The military families' access to child care and early  
9 learning supports program is established to provide child care for  
10 children of enlisted service members of any branch of the armed  
11 forces of the United States. By October 1, 2019, the department must  
12 adopt rules to implement the military families' access to child care  
13 and early learning supports program. At a minimum, program rules  
14 must:

15 (a) Allow for eligibility of a service member to receive child  
16 care subsidy through the program when the service member:

17 (i) Is an enlisted member of any branch of the armed forces of  
18 the United States and is not a commissioned officer;

19 (ii) Is the parent of a child in need of child care who is:

20 (A) Under the age of thirteen years; or

1 (B) Under the age of nineteen years and has a verified physical,  
2 mental, emotional, or behavioral condition that requires a higher  
3 level of care needed in a child care setting or is under court  
4 supervision; and

5 (iii) Has a household income that does not exceed eighty-five  
6 percent of the state median income;

7 (b) Allow for the collection of a family copayment from the  
8 service member that does not exceed sixty-five dollars per month;

9 (c) Identify priority criteria for a waitlist in the event that  
10 demand for the program exceeds available capacity. At a minimum, the  
11 department must consider the length of the service member's military  
12 service and prioritize longer-serving service members when  
13 authorizing care;

14 (d) Designate eligible providers under the program as licensed  
15 and certified child care centers and family home providers who are  
16 not located on the premises of a military installation; and

17 (e) Disallow simultaneous use by a household of the program and  
18 the working connections child care program or substantively similar  
19 successor program.

20 (2) Eligible child care providers are not required to participate  
21 in the early achievers program in order to accept subsidy under this  
22 section.

23 (3) Funds authorized under this section may not supplant federal  
24 child care subsidy funds available to the service member through the  
25 department of defense child care assistance fee program authorized by  
26 P.L. 115-232 as it existed on January 1, 2019, or substantively  
27 similar successor program. Funds appropriated in the omnibus  
28 operating appropriations act for this specific purpose may be used to  
29 pay the difference, with the exception of any required copayment by  
30 the service member, between the federal subsidy and the cost of care  
31 if the federal funds available through the department of defense  
32 child care assistance fee program are not sufficient to cover the  
33 entire cost of care.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216  
35 RCW to read as follows:

36 The department shall collaborate with the employment security  
37 department and branches of the United States military to design and  
38 conduct an annual survey of the child care needs of military  
39 families. By December 1, 2020, and annually thereafter, the

1 department shall report the results of the survey and associated  
2 recommendations to the governor and the legislature.

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

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

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

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

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

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

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

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

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

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

29 (3) (a) Except as provided in section 1 of this act, licensed or  
30 certified child care centers and homes serving nonschool-age children  
31 and receiving state subsidy payments must participate in the early  
32 achievers program by the required deadlines established in RCW  
33 43.216.135.

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

38 (c) Participation in the early achievers program is voluntary  
39 for:

1 (i) Licensed or certified child care centers and homes not  
2 receiving state subsidy payments; (~~and~~)

3 (ii) Licensed or certified child care centers and homes providing  
4 care under the military families' access to child care and early  
5 learning supports program; and

6 (iii) Early learning programs not receiving state funds.

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

15 (4) There are five levels in the early achievers program.  
16 Participants are expected to actively engage and continually advance  
17 within the program.

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

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

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

30 (c) The first rating is free for early achievers program  
31 participants.

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

34 (6)(a) Early achievers program participants may request to be  
35 rerated outside the established rating cycle.

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

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

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

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

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

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

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

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

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

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

38 (b) The professional development pathway must include  
39 opportunities for scholarships and grants to assist early achievers

1 program participants with the costs associated with obtaining an  
2 educational degree.

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

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

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

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

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

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

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

28 (b) Each national accreditation agency will be allowed to submit  
29 its most current standards of accreditation to establish potential  
30 credit earned in the early achievers program. The department shall  
31 grant credit to accreditation bodies that can demonstrate that their  
32 standards meet or exceed the current early achievers program  
33 standards.

34 (c) Licensed child care centers and child care home providers  
35 must meet national accreditation standards approved by the department  
36 for the early achievers program in order to be granted credit for the  
37 early achievers program standards. Eligibility for the early  
38 achievers program is not subject to bargaining, mediation, or  
39 interest arbitration under RCW 41.56.028, consistent with the  
40 legislative reservation of rights under RCW 41.56.028(4)(d).

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

4 (13) A child care or early learning program that is operated by a  
5 federally recognized tribe and receives state funds shall participate  
6 in the early achievers program. The tribe may choose to participate  
7 through an interlocal agreement between the tribe and the department.  
8 The interlocal agreement must reflect the government-to-government  
9 relationship between the state and the tribe, including recognition  
10 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

22 (14) The department shall consult with the early achievers review  
23 subcommittee on all substantial policy changes to the early achievers  
24 program.

25 (15) Nothing in this section changes the department's  
26 responsibility to collectively bargain over mandatory subjects or  
27 limits the legislature's authority to make programmatic modifications  
28 to licensed child care and early learning programs under RCW  
29 41.56.028(4)(d).

30 NEW SECTION. **Sec. 4.** This act may be known and cited as the  
31 military families' ACCELS act.

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