
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1391

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Senn, Dent, Eslick, Reeves, Pollet, and Ortiz-Self)

READ FIRST TIME 02/28/19.

1 AN ACT Relating to implementing improvements to the early
2 achievers program as reviewed and recommended by the joint select
3 committee on the early achievers program; amending RCW 43.216.085,
4 43.216.515, 43.216.135, 43.216.087, 43.216.655, 43.216.089, and
5 43.216.100; adding new sections to chapter 43.216 RCW; creating new
6 sections; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that a
9 commitment to early learning quality was established through the
10 passage of the early start act and creation of the early achievers
11 program. The legislature recognizes that achieving the desired child
12 outcomes from high quality early learning and child care requires
13 additional financial support, including the payment of living wages
14 to providers, and that the success of the early achievers system must
15 continue to be supported through adequate funding. Further, the
16 legislature finds that the federal administration of children and
17 families advises states to set child care subsidy rates at the
18 seventy-fifth percentile of private market rates in order to ensure
19 equal access to high quality child care. The legislature further
20 finds that objectives of the early achievers program include
21 providing professional development and robust training and coaching

1 opportunities that are available in geographically diverse areas to
2 child care and early education providers who are often small business
3 owners and as such play a critical role in our state's economy.

4 (2) The legislature further finds that the department of
5 children, youth, and families has undertaken efforts to identify
6 professional equivalencies for early learning providers that
7 recognize the commitment and years of experience that much of the
8 workforce demonstrates.

9 (3) Therefore, as recommended by the joint select committee on
10 the early achievers program, the legislature intends to work toward
11 raising base subsidy rates for licensed child care centers and family
12 homes and further incentivize the provision of care for infants and
13 toddlers by considering rates for providers serving these young
14 children. Further, the legislature intends to look to increase needs-
15 based grants, scholarships, and professional development assistance,
16 as well as reduce early achievers coaching ratios, in order to
17 support providers in continuous improvement. The legislature further
18 intends to support the work of the department of children, youth, and
19 families' professional equivalencies committee and the department's
20 development of the proficiency review process.

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

23 (1) The department, in collaboration with tribal governments and
24 community and statewide partners, shall implement a quality rating
25 and improvement system, called the early achievers program. The early
26 achievers program provides a foundation of quality for the early care
27 and education system. The early achievers program is applicable to
28 licensed or certified child care centers and homes and early learning
29 programs such as working connections child care and early childhood
30 education and assistance programs.

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

32 (a) Improve short-term and long-term educational outcomes for
33 children as measured by assessments including, but not limited to,
34 the Washington kindergarten inventory of developing skills in RCW
35 28A.655.080;

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

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

- 1 (d) Increase the readiness of children for school;
2 (e) Close the disparities in access to quality care;
3 (f) Provide professional development and coaching opportunities
4 to early child care and education providers; and
5 (g) Establish a common set of expectations and standards that
6 define, measure, and improve the quality of early learning and child
7 care settings.

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

12 (b) Approved early childhood education and assistance program
13 providers receiving state-funded support must participate in the
14 early achievers program by the required deadlines established in RCW
15 43.216.515.

16 (c) Participation in the early achievers program is voluntary
17 for:

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

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

21 (d) School-age child care providers are exempt from participating
22 in the early achievers program. By July 1, 2017, the department and
23 the office of the superintendent of public instruction shall jointly
24 design a plan to incorporate school-age child care providers into the
25 early achievers program or other appropriate quality improvement
26 system. To test implementation of the early achievers system for
27 school-age child care providers the department and the office of the
28 superintendent of public instruction shall implement a pilot program.

29 (4) (a) There are five primary levels in the early achievers
30 program.

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

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

36 (5) The department has the authority to determine the rating
37 cycle for the early achievers program. The department shall
38 streamline and eliminate duplication between early achievers
39 standards and state child care rules in order to reduce costs

1 associated with the early achievers rating cycle and child care
2 licensing.

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

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

9 (c) The first rating is free for early achievers program
10 participants.

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

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

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

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

22 (7)(a) The department must create a single source of information
23 for parents and caregivers to access details on a provider's early
24 achievers program rating level, licensing history, and other
25 indicators of quality and safety that will help parents and
26 caregivers make informed choices. The licensing history that the
27 department must provide for parents and caregivers pursuant to this
28 subsection shall only include license suspension, surrender,
29 revocation, denial, stayed suspension, or reinstatement. No unfounded
30 child abuse or neglect reports may be provided to parents and
31 caregivers pursuant to this subsection.

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

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

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

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

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

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

12 (8)(a) The department shall create a professional development
13 pathway for early achievers program participants to obtain a high
14 school diploma or equivalency or higher education credential in early
15 childhood education, early childhood studies, child development, or
16 an academic field related to early care and education.

17 (b) The professional development pathway must include
18 opportunities for scholarships and grants to assist early achievers
19 program participants with the costs associated with obtaining an
20 educational degree.

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

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

27 (10) In collaboration with tribal governments, community and
28 statewide partners, and the early achievers review subcommittee
29 created in RCW 43.216.075, the department shall develop a protocol
30 for granting early achievers program participants an extension in
31 meeting rating level requirement timelines outlined for the working
32 connections child care program and the early childhood education and
33 assistance program.

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

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

1 (c) Extensions may only be granted to early achievers program
2 participants who have demonstrated engagement in the early achievers
3 program.

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

7 (b) Each national accreditation agency will be allowed to submit
8 its most current standards of accreditation to establish potential
9 credit earned in the early achievers program. The department shall
10 grant credit to accreditation bodies that can demonstrate that their
11 standards meet or exceed the current early achievers program
12 standards. By December 1, 2019, the department must submit a detailed
13 plan to the governor and the legislature to implement a robust cross-
14 accreditation process with multiple pathways that allows a provider
15 to earn equivalent early achievers credit resulting from
16 accreditation by high quality national organizations.

17 (c) Licensed child care centers and child care home providers
18 must meet national accreditation standards approved by the department
19 for the early achievers program in order to be granted credit for the
20 early achievers program standards. Eligibility for the early
21 achievers program is not subject to bargaining, mediation, or
22 interest arbitration under RCW 41.56.028, consistent with the
23 legislative reservation of rights under RCW 41.56.028(4)(d).

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

27 (13) A child care or early learning program that is operated by a
28 federally recognized tribe and receives state funds shall participate
29 in the early achievers program. The tribe may choose to participate
30 through an interlocal agreement between the tribe and the department.
31 The interlocal agreement must reflect the government-to-government
32 relationship between the state and the tribe, including recognition
33 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

6 (14) The department shall consult with the early achievers review
7 subcommittee on all substantial policy changes to the early achievers
8 program.

9 (15) Nothing in this section changes the department's
10 responsibility to collectively bargain over mandatory subjects or
11 limits the legislature's authority to make programmatic modifications
12 to licensed child care and early learning programs under RCW
13 41.56.028(4)(d).

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

16 (1) Approved early childhood education and assistance programs
17 shall receive state-funded support through the department. Public or
18 private organizations((7)) including, but not limited to, school
19 districts, educational service districts, community and technical
20 colleges, local governments, or nonprofit organizations, are eligible
21 to participate as providers of the state early childhood education
22 and assistance program.

23 (2) Funds obtained by providers through voluntary grants or
24 contributions from individuals, agencies, corporations, or
25 organizations may be used to expand or enhance preschool programs so
26 long as program standards established by the department are
27 maintained.

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

34 ~~(4) ((Existing early childhood education and assistance program~~
35 ~~providers must complete the following requirements to be eligible to~~
36 ~~receive state-funded support under the early childhood education and~~
37 ~~assistance program:~~

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

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

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

10 (a) Enroll in the early achievers program within thirty days of
11 the start date of the early childhood education and assistance
12 program contract;

13 (b) (i) Except as provided in (b) (ii) of this subsection, rate at
14 a level 4 or 5 in the early achievers program within ~~((twelve))~~
15 twenty-four months of enrollment. If an early childhood education and
16 assistance program provider rates below a level 4 within ~~((twelve))~~
17 twenty-four months of enrollment, the provider must complete remedial
18 activities with the department, and rate at a level 4 or 5 within six
19 months of beginning remedial activities.

20 (ii) Licensed or certified child care centers and homes that
21 administer an early childhood education and assistance program shall
22 rate at a level 4 or 5 in the early achievers program within
23 ~~((eighteen))~~ twenty-four months of the start date of the early
24 childhood education and assistance program contract. If an early
25 childhood education and assistance program provider rates below a
26 level 4 within ~~((eighteen))~~ twenty-four months, 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 ~~((6))~~ (5) (a) If an early childhood education and assistance
30 program provider has successfully completed all of the required early
31 achievers program activities and is waiting to be rated by the
32 deadline provided in this section, the provider may continue to
33 participate in the early achievers program as an approved early
34 childhood education and assistance program provider and receive state
35 subsidy pending the successful completion of a level 4 or 5 rating.

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

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

5 (b) When an early childhood education and assistance program in
6 good standing moves to a new facility, the provider must notify the
7 department of the move within six months of changing locations in
8 order to retain their existing rating. The early achievers program
9 must conduct an observational visit to ensure the new classroom space
10 is of comparable or improved environmental quality. If a provider
11 fails to notify the department within six months of a move, the early
12 achievers rating must be changed from the posted rated level to
13 "Participating, Not Yet Rated" and the provider will cease to receive
14 tiered reimbursement incentives until a new rating is completed.

15 (7) The department shall collect data periodically to determine
16 the demand for full-day programming for early childhood education and
17 assistance program providers. The department shall analyze this
18 demand by geographic region and shall include the findings in the
19 annual report required under RCW (~~(43.215.102)~~) 43.216.089.

20 ~~((By December 1, 2015,))~~ The department shall develop ((a))
21 multiple pathways for licensed or certified child care centers and
22 homes to administer an early childhood education and assistance
23 program. The pathways shall include an accommodation for these
24 providers to rate at a level 4 or 5 in the early achievers program
25 according to the timelines and standards established in subsection
26 ~~((5))~~ (4)(b)(ii) of this section. The department must consider
27 using the intermediate level that is between level 3 and level 4 as
28 described in RCW 43.216.085, incentives, and front-end funding in
29 order to encourage providers to participate in the pathway.

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

32 (1) The department shall establish and implement policies in the
33 working connections child care program to promote stability and
34 quality of care for children from low-income households. These
35 policies shall focus on supporting school readiness for young
36 learners. Policies for the expenditure of funds constituting the
37 working connections child care program must be consistent with the
38 outcome measures established by the department and the standards

1 established in this section intended to promote stability, quality,
2 and continuity of early care and education programming.

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

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

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

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

13 (c) Rate or request to be rated at a level 3 or higher in the
14 early achievers program by December 31, 2019. If a child care
15 provider (~~(rates below)~~) does not rate at or request to be rated at a
16 level 3 by December 31, 2019, 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 at~~) must rate at or request to be
20 rated at a level 3 or higher no later than ((June)) December 30,
21 2020.

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

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

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

30 (c) Rate or request to be rated at a level 3 or higher in the
31 early achievers program within thirty months of enrollment. If a
32 child care provider (~~(rates below)~~) does not rate or request to be
33 rated at a level 3 within thirty months from enrollment into the
34 early achievers program, the provider is no longer eligible to
35 receive state subsidy. If the provider rates below a level 3 when the
36 rating is released, the provider must complete remedial activities
37 with the department, and rate or request to be rated at a level 3 or
38 higher within ((six)) twelve months of beginning remedial activities.

39 (5) If a child care provider does not rate or request to be rated
40 at a level 3 or higher following the remedial period, the provider is

1 no longer eligible to receive state subsidy under this section. If a
2 child care provider does not rate at a level 3 or higher when the
3 rating is released following the remedial period, the provider is no
4 longer eligible to receive state subsidy under this section.

5 (6) If a child care provider serving nonschool-age children and
6 receiving state subsidy payments has successfully completed all level
7 2 activities and is waiting to be rated by the deadline provided in
8 this section, the provider may continue to receive a state subsidy
9 pending the successful completion of the level 3 rating activity.

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

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

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

19 (i) In the last six months have:

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

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

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

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

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

29 (b) Children who are eligible for working connections child care
30 pursuant to this subsection do not have to keep receiving services
31 identified in this subsection to maintain twelve-month authorization.
32 The department of social and health services' involvement with the
33 family referred for working connections child care ends when the
34 family's child protective services, child welfare services, or family
35 assessment response case is closed.

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

38 (1)(a) The department shall, in collaboration with tribal
39 governments and community and statewide partners, implement a

1 protocol to maximize and encourage participation in the early
2 achievers program for culturally diverse and low-income center and
3 family home child care providers. Amounts appropriated for the
4 encouragement of culturally diverse and low-income center and family
5 home child care provider participation shall be appropriated
6 separately from the other funds appropriated for the department, are
7 the only funds that may be used for the protocol, and may not be used
8 for any other purposes. Funds appropriated for the protocol shall be
9 considered an ongoing program for purposes of future departmental
10 budget requests.

11 (b) (~~During the first thirty months of implementation of the~~
12 ~~early achievers program~~) The department shall prioritize the
13 resources authorized in this section to assist providers (~~(rating at~~
14 ~~a level 2)~~) in the early achievers program to help them reach a
15 ~~((level 3))~~ rating of level 3 or higher wherever access to subsidized
16 care is at risk.

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

19 (a) The creation of a substitute pool;

20 (b) The development of needs-based grants for providers (~~(at~~
21 ~~level 2)~~) in the early achievers program (~~(to assist with)~~) who
22 demonstrate a need for assistance to improve program quality. Needs-
23 based grants may be used for environmental improvements of early
24 learning facilities; purchasing curriculum development, instructional
25 materials, supplies, and equipment ((to improve program quality));
26 and focused infant-toddler improvements. Priority for the needs-based
27 grants shall be given to culturally diverse and low-income providers;

28 (c) The development of materials and assessments in a timely
29 manner, and to the extent feasible, in the provider and family home
30 languages; and

31 (d) The development of flexibility in technical assistance and
32 coaching structures to provide differentiated types and amounts of
33 support to providers based on individual need and cultural context.

34 NEW SECTION. Sec. 6. (1) The department of children, youth, and
35 families must deliver a report to the governor and the legislature by
36 September 1, 2019, that includes:

37 (a) An analysis of consumer income and copay requirements in the
38 working connections child care program and develop recommendations

1 for mitigating the "cliff effect" for child care subsidy consumers.

2 Recommendations must consider:

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

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

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

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

14 (b) Recommendations related to differential slot rates for the
15 early childhood education and assistance program based on variable
16 factors that may contribute to costs for providers when working to
17 achieve positive child outcomes. When developing the recommendations,
18 the department must:

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

21 (ii) Evaluate advantages and disadvantages of linking early
22 childhood education and assistance program rates and other child care
23 subsidy rates; and

24 (iii) Review the department-designated subsidy regions and adjust
25 regional boundaries as necessary to reflect regional economic
26 conditions; and

27 (c) A plan for blending child care development funds and early
28 childhood education and assistance program funds to provide extended
29 day slots in the early childhood education and assistance program.
30 The plan must include consideration of administrative efficiencies
31 gained resulting from fully transferring the working connections
32 child care program into the department.

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

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

36 (1) The education data center established in RCW 43.41.400 must
37 collect longitudinal, student-level data on all children attending an
38 early childhood education and assistance program. Upon completion of
39 an electronic time and attendance record system, the education data

1 center must collect longitudinal, student-level data on all children
2 attending a working connections child care program. Data collected
3 should capture at a minimum the following characteristics:

4 (a) Daily program attendance;

5 (b) Identification of classroom and teacher;

6 (c) Early achievers program quality level rating;

7 (d) Program hours;

8 (e) Program duration;

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

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

14 (2) The department shall provide early learning providers
15 student-level data collected pursuant to this section that are
16 specific to the early learning provider's program. Upon completion of
17 an electronic time and attendance record system identified in
18 subsection (1) of this section, the department shall provide child
19 care providers student-level data that are specific to the child care
20 provider's program.

21 (3) ~~((a))~~ The department shall review available research and
22 best practices literature on cultural competency in early learning
23 settings. The department shall review the K-12 components for
24 cultural competency developed by the professional educator standards
25 board and identify components appropriate for early learning
26 professional development.

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

31 (4) (a) The Washington state institute for public policy shall
32 conduct a longitudinal analysis examining relationships between the
33 early achievers program quality ratings levels and outcomes for
34 children participating in subsidized early care and education
35 programs.

36 (b) The institute shall submit the first report to the
37 appropriate committees of the legislature and the early learning
38 advisory council by December 31, 2019. The institute shall submit
39 subsequent reports annually to the appropriate committees of the
40 legislature and the early learning advisory council by December 31st,

1 with the final report due December 31, 2022. The final report shall
2 include a cost-benefit analysis.

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

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

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

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

13 ~~(b) The department shall develop recommendations on child~~
14 ~~absences and attendance within the department's appropriations.)~~ By
15 December 31, 2021, the Washington state institute for public policy
16 shall update the outcome evaluation of the early childhood education
17 and assistance program required by chapter 16, Laws of 2013 and
18 report to the governor and the legislature on the outcomes of program
19 participants. The evaluation must examine short and long-term impacts
20 on program participants, including high school graduation rates for
21 up to two cohorts. When conducting the evaluation, the institute must
22 consider, to the extent that data is available, the education levels
23 of early childhood education and assistance program staff and the
24 effects of full-day programming and half-day programming on outcomes.

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

27 The department must adopt administrative policies in the early
28 achievers program to:

29 (1) Consider child care provider schedules and needs and allow
30 flexibility when scheduling data collection and rating visits at a
31 facility;

32 (2) 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 (3) Remove barriers to timely approvals for one-on-one behavioral
37 support assistants when requested by a provider;

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

1 (5) Prioritize reratings for providers rated at a level 3 who are
2 seeking to become early childhood education and assistance program
3 providers;

4 (6) Require trauma-informed care training for raters and coaches;
5 and

6 (7) Provide continuous and robust post-rating feedback to
7 providers.

8 NEW SECTION. **Sec. 9.** (1) By December 1, 2019, the department of
9 children, youth, and families must submit to the governor and the
10 legislature a plan to pay providers an enhanced rate, award
11 additional early achievers points, and create a corresponding trauma-
12 informed care designation for providers serving behaviorally
13 challenged children.

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

15 NEW SECTION. **Sec. 10.** (1) By December 1, 2019, the department
16 of children, youth, and families must evaluate options and propose
17 recommendations to the governor and legislature related to paying
18 child care subsidy providers a set monthly rate rather than a daily
19 rate.

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

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.216
22 RCW to read as follows:

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

1 (2) (a) The secretary of the department or his or her designee
2 shall convene the first meeting of the work group by August 1, 2019.
3 The work group must meet at least five times between August 1, 2019,
4 and November 30, 2019, and must convene at least two meetings of
5 those meetings in locations east of the crest of the Cascade
6 mountains.

7 (b) The work group must consist of the following twelve voting
8 members:

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

15 (ii) Three licensed child care center providers selected by a
16 statewide organization representing the interests of licensed child
17 care centers. At least one child care center provider must provide
18 child care for children of agricultural workers, speak Spanish as a
19 first language, or be located east of the crest of the Cascade
20 mountains;

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

24 (iv) Four legislators, consisting of two members of the house of
25 representatives and two members of the senate. The speaker of the
26 house of representatives shall appoint one member to the work group
27 from each of the two largest caucuses in the house of
28 representatives. The president of the senate shall appoint one member
29 to the work group from each of the two largest caucuses in the
30 senate.

31 (3) The work group shall elect its cochair, one from among the
32 legislative members and one from among the citizen members.

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

39 (5) Legislative members of the work group are reimbursed for
40 travel expenses in accordance with RCW 44.04.120. Nonlegislative

1 members must be reimbursed for travel expenses according to chapter
2 43.03 RCW.

3 (6) Staff support for the work group shall be provided by the
4 department.

5 (7) By December 31, 2019, the work group must submit its findings
6 and recommendations to the governor and the appropriate committees of
7 the legislature.

8 (8) This section expires January 10, 2020.

9 **Sec. 12.** RCW 43.216.089 and 2015 3rd sp.s. c 7 s 18 are each
10 amended to read as follows:

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

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

22 (i) Completed the level 2 activities;

23 (ii) Completed rating readiness consultation and are waiting to
24 be rated;

25 (iii) Achieved the required rating level to remain eligible for
26 state-funded support under the early childhood education and
27 assistance program or a subsidy under the working connections child
28 care program;

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

32 (v) Not achieved the required rating level initially and engaged
33 in remedial activities before successfully achieving the required
34 rating level;

35 (vi) Not achieved the required rating level after completing
36 remedial activities; or

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

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

3 (c) An examination of the effectiveness of efforts to increase
4 successful participation by providers serving children and families
5 from diverse cultural and linguistic backgrounds and providers who
6 serve children from low-income households;

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

10 (i) A subsidy under the working connections child care program;
11 or

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

14 (e) A summary of the types of exceptional circumstances for which
15 the department has granted an extension pursuant to RCW
16 (~~43.215.100~~) 43.216.085;

17 (f) The average amount of time required for providers to achieve
18 local level milestones within each level of the early achievers
19 program;

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

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

27 (i) Recommendations for improving the early achievers program
28 standards;

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

31 (k) The number of contracted slots that use both early childhood
32 education and assistance program funding and working connections
33 child care program funding; and

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

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

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

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

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

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

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

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

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

15 (2) The first annual report due under subsection (1) of this
16 section also shall include a description of the early achievers
17 program extension protocol required under RCW (~~(43.215.100)~~)
18 43.216.085.

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

23 (4) If, based on information in an annual report submitted in
24 2018 or later under this section, fifteen percent or more of the
25 licensed or contracted providers who are participating in the early
26 achievers program in a county or in a single zip code have not
27 achieved the rating levels under RCW (~~(43.215.135)~~) 43.216.135 and
28 (~~(43.215.415)~~) 43.216.515, the department must:

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

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

36 **Sec. 13.** RCW 43.216.100 and 2016 c 72 s 701 are each amended to
37 read as follows:

38 The department, in collaboration with the office of the
39 superintendent of public instruction, shall create a community

1 information and involvement plan to inform home-based, tribal, and
2 family early learning providers of the early achievers program under
3 RCW ((~~43.215.100~~)) 43.216.085.

4 NEW SECTION. **Sec. 14.** If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2019, in the omnibus appropriations act, this
7 act is null and void.

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