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**HOUSE BILL 1391**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Senn, Dent, Eslick, Reeves, Pollet, and Ortiz-Self

Read first time 01/21/19. Referred to Committee on Human Services & Early Learning.

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 a new section 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, the legislature intends to raise base subsidy  
10 rates for licensed child care centers and family homes to the  
11 seventy-fifth percentile of market rates and further incentivize the  
12 provision of care for infants and toddlers by considering rates for  
13 providers serving these young children. Further, the legislature  
14 intends to provide adequate funding to increase needs-based grants,  
15 scholarships, and professional development assistance, as well as  
16 reduce early achievers coaching ratios, in order to support providers  
17 in continuous improvement. The legislature further intends to support  
18 the work of the department of children, youth, and families'  
19 professional equivalencies committee and the department's development  
20 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 be  
15 considered a renewal for the purposes of department-required renewal  
16 ratings.

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

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

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

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

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

39 (ii) New early achievers program ratings within thirty days after  
40 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 implement a  
13 robust cross-accreditation process with multiple pathways that allows  
14 a provider to earn equivalent early achievers credit resulting from  
15 accreditation by high quality national organizations.

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

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

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

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

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

39 (c) Tribal child care facilities and early learning programs must  
40 provide notification to parents or guardians who apply for or have

1 been admitted into their program that early achievers program rating  
2 level information is available and provide the parents or guardians  
3 with the program's early achievers program rating level upon request.

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

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

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

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

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

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

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

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

37 ~~(b) Rate at a level 4 or 5 in the early achievers program by  
38 March 1, 2016. If an early childhood education and assistance program  
39 provider rates below a level 4 by March 1, 2016, the provider must~~

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

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

7 (a) Enroll in the early achievers program within thirty days of  
8 the start date of the early childhood education and assistance  
9 program contract;

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

17 (ii) Licensed or certified child care centers and homes that  
18 administer an early childhood education and assistance program shall  
19 rate at a level 4 or 5 in the early achievers program within  
20 ~~((eighteen))~~ twenty-four months of the start date of the early  
21 childhood education and assistance program contract. If an early  
22 childhood education and assistance program provider rates below a  
23 level 4 within ~~((eighteen))~~ twenty-four months, the provider must  
24 complete remedial activities with the department, and rate at a level  
25 4 or 5 within six months of beginning remedial activities.

26 ~~((6))~~ (5) (a) If an early childhood education and assistance  
27 program provider has successfully completed all of the required early  
28 achievers program activities and is waiting to be rated by the  
29 deadline provided in this section, the provider may continue to  
30 participate in the early achievers program as an approved early  
31 childhood education and assistance program provider and receive state  
32 subsidy pending the successful completion of a level 4 or 5 rating.

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

38 (6) When an early childhood education and assistance program in  
39 good standing changes classroom locations to a comparable or improved



1 space within the same facility, a rerating is not required outside of  
2 the regular rerating and renewal cycle.

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

8 (~~(By December 1, 2015,)~~) The department shall develop ((a))  
9 multiple pathways for licensed or certified child care centers and  
10 homes to administer an early childhood education and assistance  
11 program. The pathways shall include an accommodation for these  
12 providers to rate at a level 4 or 5 in the early achievers program  
13 according to the timelines and standards established in subsection  
14 (~~((5))~~) (4)(b)(ii) of this section. The department must consider  
15 using the intermediate level that is between level 3 and level 4 as  
16 described in RCW 43.216.085, incentives, and front-end funding in  
17 order to encourage providers to participate in the pathway.

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

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

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

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

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

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

1 (c) (~~Rate~~) Complete level 2 activities and rate or request to  
2 be rated at a level 3 or higher in the early achievers program by  
3 December 31, 2019. If a child care provider (~~rates below~~) does not  
4 complete level 2 activities and rate at or request to be rated at a  
5 level 3 by December 31, 2019, the provider must complete remedial  
6 activities with the department, and (~~rate at~~) must complete level 2  
7 activities and rate at or request to be rated at a level 3 or higher  
8 no later than (~~June~~) December 30, 2020.

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

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

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

17 (c) Rate or request to be rated at a level 3 or higher in the  
18 early achievers program within thirty months of enrollment. If a  
19 child care provider (~~rates below~~) does not rate or request to be  
20 rated at a level 3 within thirty months from enrollment into the  
21 early achievers program, the provider must complete remedial  
22 activities with the department, and rate or request to be rated at a  
23 level 3 or higher within six months of beginning remedial activities.

24 (5) If a child care provider does not rate or request to be rated  
25 at a level 3 or higher following the remedial period, the provider is  
26 no 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 early  
33 achievers program the department shall prioritize the resources  
34 authorized in this section to assist providers rating at a level 2 in  
35 the early achievers program to help them reach a level 3 rating  
36 wherever access to subsidized care is at risk.

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

39 (a) The creation of a substitute pool;

1 (b) The development of needs-based grants for providers at level  
2 2 in the early achievers program to assist with physical improvements  
3 of early learning facilities, and purchasing curriculum development,  
4 instructional materials, supplies, and equipment to improve program  
5 quality. Priority for the needs-based grants shall be given to  
6 culturally diverse and low-income providers;

7 (c) The development of materials and assessments in a timely  
8 manner, and to the extent feasible, in the provider and family home  
9 languages; and

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

13 NEW SECTION. **Sec. 6.** (1) The department of children, youth, and  
14 families must analyze consumer income and copay requirements in the  
15 working connections child care program and report recommendations to  
16 the governor and the legislature by December 1, 2019, for mitigating  
17 the "cliff effect" for child care subsidy consumers. Recommendations  
18 must consider:

19 (a) How to further develop and implement a sliding scale or  
20 tiered reimbursement and phase-out model that works for both  
21 consumers and providers and provides incentives for quality child  
22 care across communities;

23 (b) Whether or not increasing or decreasing the eligibility  
24 threshold for working connections child care would allow parents to  
25 grow professionally without losing affordable child care; and

26 (c) Whether further graduation of the copay scale would help  
27 alleviate the cliff that occurs at subsidy cutoff.

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

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

31 (1) The education data center established in RCW 43.41.400 must  
32 collect longitudinal, student-level data on all children attending an  
33 early childhood education and assistance program. Upon completion of  
34 an electronic time and attendance record system, the education data  
35 center must collect longitudinal, student-level data on all children  
36 attending a working connections child care program. Data collected  
37 should capture at a minimum the following characteristics:

38 (a) Daily program attendance;

- 1 (b) Identification of classroom and teacher;  
2 (c) Early achievers program quality level rating;  
3 (d) Program hours;  
4 (e) Program duration;  
5 (f) Developmental results from the Washington kindergarten  
6 inventory of developing skills in RCW 28A.655.080; and  
7 (g) To the extent data is available, the distinct ethnic  
8 categories within racial subgroups of children and providers that  
9 align with categories recognized by the education data center.

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

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

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

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

32 (b) The institute shall submit the first report to the  
33 appropriate committees of the legislature and the early learning  
34 advisory council by December 31, 2019. The institute shall submit  
35 subsequent reports annually to the appropriate committees of the  
36 legislature and the early learning advisory council by December 31st,  
37 with the final report due December 31, 2022. The final report shall  
38 include a cost-benefit analysis.

39 (5) ~~((a) By December 1, 2015, the department shall provide  
40 recommendations to the appropriate committees of the legislature on~~

1 ~~child attendance policies pertaining to the working connections child~~  
2 ~~care program and the early childhood education and assistance~~  
3 ~~program. The recommendations shall include the following:~~

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

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

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

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

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

23 The department must adopt administrative policies in the early  
24 achievers program to:

25 (1) Consider child care provider schedules and needs and allow  
26 flexibility when scheduling data collection and rating visits at a  
27 facility;

28 (2) Eliminate rating scale barriers and weight early achievers  
29 points to incentivize providers to serve infants and toddlers;

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

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

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

36 (6) Require trauma-informed care training for raters and coaches;  
37 and

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

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

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

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

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

14        **Sec. 11.**    RCW 43.216.089 and 2015 3rd sp.s. c 7 s 18 are each  
15 amended to read as follows:

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

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

27        (i) Completed the level 2 activities;

28        (ii) Completed rating readiness consultation and are waiting to  
29 be rated;

30        (iii) Achieved the required rating level to remain eligible for  
31 state-funded support under the early childhood education and  
32 assistance program or a subsidy under the working connections child  
33 care program;

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

1 (v) Not achieved the required rating level initially and engaged  
2 in remedial activities before successfully achieving the required  
3 rating level;

4 (vi) Not achieved the required rating level after completing  
5 remedial activities; or

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

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

10 (c) An examination of the effectiveness of efforts to increase  
11 successful participation by providers serving children and families  
12 from diverse cultural and linguistic backgrounds and providers who  
13 serve children from low-income households;

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

17 (i) A subsidy under the working connections child care program;  
18 or

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

21 (e) A summary of the types of exceptional circumstances for which  
22 the department has granted an extension pursuant to RCW  
23 (~~(43.215.100)~~) 43.216.085;

24 (f) The average amount of time required for providers to achieve  
25 local level milestones within each level of the early achievers  
26 program;

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

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

34 (i) Recommendations for improving the early achievers program  
35 standards;

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

38 (k) The number of contracted slots that use both early childhood  
39 education and assistance program funding and working connections  
40 child care program funding; and



1 (1) A description of the early childhood education and assistance  
2 program implementation to include the following:

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

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

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

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

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

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

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

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

22 (2) The first annual report due under subsection (1) of this  
23 section also shall include a description of the early achievers  
24 program extension protocol required under RCW (~~43.215.100~~)  
25 43.216.085.

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

30 (4) If, based on information in an annual report submitted in  
31 2018 or later under this section, fifteen percent or more of the  
32 licensed or contracted providers who are participating in the early  
33 achievers program in a county or in a single zip code have not  
34 achieved the rating levels under RCW (~~43.215.135~~) 43.216.135 and  
35 (~~43.215.415~~) 43.216.515, the department must:

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

38 (b) Develop a plan to mitigate the effect on the children and  
39 families served by these providers. The plan must be submitted to the  
40 legislature as part of the annual progress report along with any

1 recommendations for legislative action to address the needs of the  
2 providers and the children and families they serve.

3       **Sec. 12.** RCW 43.216.100 and 2016 c 72 s 701 are each amended to  
4 read as follows:

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

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