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**SUBSTITUTE HOUSE BILL 1574**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Human Services & Early Learning (originally sponsored by Representatives Callan, Eslick, Senn, Caldier, Frame, Dolan, Fey, Wylie, Lovick, Thai, Shewmake, Valdez, Bergquist, Stanford, Doglio, Reeves, Robinson, Cody, Goodman, Lekanoff, Kloba, Slatter, Davis, and Macri)

READ FIRST TIME 02/07/19.

1 AN ACT Relating to increasing eligibility for child care and  
2 early learning programs for homeless and other vulnerable children;  
3 amending RCW 43.216.505 and 43.216.135; creating a new section; and  
4 providing an expiration date.

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

6 **Sec. 1.** RCW 43.216.505 and 2017 3rd sp.s. c 6 s 210 are each  
7 amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout RCW 43.216.500 through 43.216.559,  
10 43.216.900, and 43.216.901.

11 (1) "Advisory committee" means the advisory committee under RCW  
12 43.216.520.

13 (2) "Approved programs" means those state-supported education and  
14 special assistance programs which are recognized by the department as  
15 meeting the minimum program rules adopted by the department to  
16 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and  
17 43.216.901 and are designated as eligible for funding by the  
18 department under RCW 43.216.530 and 43.216.540.

19 (3) "Comprehensive" means an assistance program that focuses on  
20 the needs of the child and includes education, health, and family  
21 support services.

1 (4) "Eligible child" means a child not eligible for kindergarten  
2 whose family income is at or below one hundred ten percent of the  
3 federal poverty level, as published annually by the federal  
4 department of health and human services, and includes a child whose  
5 family is eligible for public assistance, and who is not a  
6 participant in a federal or state program providing comprehensive  
7 services; a child eligible for special education due to disability  
8 under RCW 28A.155.020; a child who is homeless; an Indian child as  
9 defined in rule by the department after consultation and agreement  
10 with tribes as described in section 2 of this act; and may include  
11 children who are eligible under rules adopted by the department if  
12 the number of such children equals not more than ten percent of the  
13 total enrollment in the early childhood program. Priority for  
14 enrollment shall be given to children from families with the lowest  
15 income, children in foster care, or to eligible children from  
16 families with multiple needs.

17 (5) "Family support services" means providing opportunities for  
18 parents to:

19 (a) Actively participate in their child's early childhood  
20 program;

21 (b) Increase their knowledge of child development and parenting  
22 skills;

23 (c) Further their education and training;

24 (d) Increase their ability to use needed services in the  
25 community;

26 (e) Increase their self-reliance.

27 (6) For purposes of this section, "homeless" means without a  
28 fixed, regular, and adequate nighttime residence as set forth in the  
29 federal McKinney-Vento homeless assistance act, P.L. 100-77, July 22,  
30 1987, 101 Stat. 482, and runaway and homeless youth act, P.L. 93-415,  
31 Title III, September 7, 1974, 88 Stat. 1129.

32 NEW SECTION. Sec. 2. (1) The department of children, youth, and  
33 families must consult with tribal representatives to develop an  
34 agreed-upon definition of Indian child for the purposes of RCW  
35 43.216.505 and, by July 1, 2020, must adopt the definition in rule.

36 (2) This section expires December 1, 2020.

37 **Sec. 3.** RCW 43.216.135 and 2018 c 52 s 6 are each amended to  
38 read as follows:

1 (1) The department shall establish and implement policies in the  
2 working connections child care program to promote stability and  
3 quality of care for children from low-income households. These  
4 policies shall focus on supporting school readiness for young  
5 learners. Policies for the expenditure of funds constituting the  
6 working connections child care program must be consistent with the  
7 outcome measures established by the department and the standards  
8 established in this section intended to promote stability, quality,  
9 and continuity of early care and education programming.

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

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

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

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

20 (c) Rate at a level 3 or higher in the early achievers program by  
21 December 31, 2019. If a child care provider rates below a level 3 by  
22 December 31, 2019, the provider must complete remedial activities  
23 with the department, and rate at a level 3 or higher no later than  
24 June 30, 2020.

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

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

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

33 (c) Rate at a level 3 or higher in the early achievers program  
34 within thirty months of enrollment. If a child care provider rates  
35 below a level 3 within thirty months from enrollment into the early  
36 achievers program, the provider must complete remedial activities  
37 with the department, and rate at a level 3 or higher within six  
38 months of beginning remedial activities.

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

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

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

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

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

18 (i) In the last six months have:

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

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

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

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

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

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

35 (10)(a) The department shall designate homeless children as a  
36 vulnerable population pursuant to 45 C.F.R. Sec. 98.20 as it existed  
37 on January 1, 2019, to allow eligibility and twelve-month  
38 authorizations for working connections child care subsidies for  
39 homeless children.

1       (b) For purposes of this subsection, "homeless" means without a  
2 fixed, regular, and adequate nighttime residence as set forth in the  
3 federal McKinney-Vento homeless assistance act, P.L. 100-77, July 22,  
4 1987, 101 Stat. 482, and runaway and homeless youth act, P.L. 93-415,  
5 Title III, September 7, 1974, 88 Stat. 1129.

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