
HOUSE BILL 2790

State of Washington

66th Legislature

2020 Regular Session

By Representatives Dent, Blake, Klippert, Corry, Frame, Eslick, Dye, and Kilduff

Read first time 01/22/20. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to license compliance agreements issued by the
2 department of children, youth, and families; amending RCW 43.216.015
3 and 43.216.395; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) When the legislature passed chapter 6,
6 Laws of 2017 3rd sp. sess., creating the department of children,
7 youth, and families, the legislature assumed that this department
8 would implement the requirements included in that law.
9 Unfortunately, the department of children, youth, and families has
10 not implemented the internal review process for child care facility
11 licensing compliance agreements required by law as documented by the
12 2019 department of children, youth, and families oversight board
13 legislative report.

14 (2) The legislature reiterates its intention that the department
15 of children, youth, and families implement the internal review
16 process for licensing compliance agreements and intends to expand
17 this process to include review of foster care licensing compliance
18 agreements.

19 **Sec. 2.** RCW 43.216.015 and 2019 c 429 s 1 are each amended to
20 read as follows:

1 (1) (a) The department of children, youth, and families is created
2 as an executive branch agency. The department is vested with all
3 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
4 sp. sess. and such other powers and duties as may be authorized by
5 law. The vision for the department is that Washington state's
6 children and youth grow up safe and healthy—thriving physically,
7 emotionally, and academically, nurtured by family and community.

8 (b) The department, in partnership with state and local agencies,
9 tribes, and communities, shall protect children and youth from harm
10 and promote healthy development with effective, high quality
11 prevention, intervention, and early education services delivered in
12 an equitable manner. An important role for the department shall be to
13 provide preventative services to help secure and preserve families in
14 crisis. The department shall partner with the federally recognized
15 Indian tribes to develop effective services for youth and families
16 while respecting the sovereignty of those tribes and the government-
17 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
18 sp. sess. alters the duties, requirements, and policies of the
19 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
20 as amended, or the Indian child welfare act, chapter 13.38 RCW.

21 (2) Beginning July 1, 2018, the department must develop
22 definitions for, work plans to address, and metrics to measure the
23 outcomes for children, youth, and families served by the department
24 and must work with state agencies to ensure services for children,
25 youth, and families are science-based, outcome-driven, data-informed,
26 and collaborative.

27 (3) (a) Beginning July 1, 2018, the department must establish
28 short and long-term population level outcome measure goals, including
29 metrics regarding reducing disparities by family income, race, and
30 ethnicity in each outcome.

31 (b) The department must report to the legislature on outcome
32 measures, actions taken, progress toward these goals, and plans for
33 the future year, no less than annually, beginning December 1, 2018.

34 (c) The outcome measures must include, but are not limited to:

35 (i) Improving child development and school readiness through
36 voluntary, high quality early learning opportunities as measured by:
37 (A) Increasing the number and proportion of children kindergarten-
38 ready as measured by the Washington kindergarten inventory of
39 developing skills (WAKids) assessment including mathematics; (B)
40 increasing the proportion of children in early learning programs that

1 have achieved the level 3 or higher early achievers quality standard;
2 and (C) increasing the available supply of licensed child care in
3 both child care centers and family homes, including providers not
4 receiving state subsidy;

5 (ii) Preventing child abuse and neglect;

6 (iii) Improving child and youth safety, permanency, and well-
7 being as measured by: (A) Reducing the number of children entering
8 out-of-home care; (B) reducing a child's length of stay in out-of-
9 home care; (C) reducing maltreatment of youth while in out-of-home
10 care; (D) licensing more foster homes than there are children in
11 foster care; (E) reducing the number of children that reenter out-of-
12 home care within twelve months; (F) increasing the stability of
13 placements for children in out-of-home care; and (G) developing
14 strategies to demonstrate to foster families that their service and
15 involvement is highly valued by the department, as demonstrated by
16 the development of strategies to consult with foster families
17 regarding future placement of a foster child currently placed with a
18 foster family;

19 (iv) Improving reconciliation of children and youth with their
20 families as measured by: (A) Increasing family reunification; and (B)
21 increasing the number of youth who are reunified with their family of
22 origin;

23 (v) In collaboration with county juvenile justice programs,
24 improving adolescent outcomes including reducing multisystem
25 involvement and homelessness; and increasing school graduation rates
26 and successful transitions to adulthood for youth involved in the
27 child welfare and juvenile justice systems;

28 (vi) Reducing future demand for mental health and substance use
29 disorder treatment for youth involved in the child welfare and
30 juvenile justice systems;

31 (vii) In collaboration with county juvenile justice programs,
32 reducing criminal justice involvement and recidivism as measured by:
33 (A) An increase in the number of youth who successfully complete the
34 terms of diversion or alternative sentencing options; (B) a decrease
35 in the number of youth who commit subsequent crimes; and (C)
36 eliminating the discharge of youth from institutional settings into
37 homelessness; and

38 (viii) Reducing racial and ethnic disproportionality and
39 disparities in system involvement and across child and youth outcomes
40 in collaboration with other state agencies.

1 (4) Beginning July 1, 2018, the department must:

2 (a) Lead ongoing collaborative work to minimize or eliminate

3 systemic barriers to effective, integrated services in collaboration

4 with state agencies serving children, youth, and families;

5 (b) Identify necessary improvements and updates to statutes

6 relevant to their responsibilities and proposing legislative changes

7 to the governor no less than biennially;

8 (c) Help create a data-focused environment in which there are

9 aligned outcomes and shared accountability for achieving those

10 outcomes, with shared, real-time data that is accessible to

11 authorized persons interacting with the family, child, or youth to

12 identify what is needed and which services would be effective;

13 (d) Lead the provision of state services to adolescents, focusing

14 on key transition points for youth, including exiting foster care and

15 institutions, and coordinating with the office of homeless youth

16 prevention and protection programs to address the unique needs of

17 homeless youth; and

18 (e) Create and annually update a list of the rights and

19 responsibilities of foster parents in partnership with foster parent

20 representatives. The list of foster parent rights and

21 responsibilities must be posted on the department's web site,

22 provided to individuals participating in a foster parent orientation

23 before licensure, provided to foster parents in writing at the time

24 of licensure, and provided to foster parents applying for license

25 renewal.

26 (5) The department is accountable to the public. To ensure

27 transparency, beginning December 30, 2018, agency performance data

28 for the services provided by the department, including outcome data

29 for contracted services, must be available to the public, consistent

30 with confidentiality laws, federal protections, and individual rights

31 to privacy. Publicly available data must include budget and funding

32 decisions, performance-based contracting data, including data for

33 contracted services, and performance data on metrics identified in

34 this section. The board must work with the secretary and director to

35 develop the most effective and cost-efficient ways to make department

36 data available to the public, including making this data readily

37 available on the department's web site.

38 (6) The department shall ensure that all new and renewed

39 contracts for services are performance-based.

1 (7) The department must execute all new and renewed contracts for
2 services in accordance with this section and consistent with RCW
3 74.13B.020. When contracted services are managed through a network
4 administrator or other third party, the department must execute data-
5 sharing agreements with the entities managing the contracts to track
6 provider performance measures. Contracts with network administrators
7 or other third parties must provide the contract administrator the
8 ability to shift resources from one provider to another, to evaluate
9 individual provider performance, to add or delete services in
10 consultation with the department, and to reinvest savings from
11 increased efficiencies into new or improved services in their
12 catchment area. Whenever possible, contractor performance data must
13 be made available to the public, consistent with confidentiality laws
14 and individual rights to privacy.

15 (8) (a) The board shall begin its work and call the first meeting
16 of the board on or after July 1, 2018. The board shall immediately
17 assume the duties of the legislative children's oversight committee,
18 as provided for in RCW 74.13.570 and assume the full functions of the
19 board as provided for in this section by July 1, 2019. The office of
20 innovation, alignment, and accountability shall provide quarterly
21 updates regarding the implementation of the department to the board
22 between July 1, 2018, and July 1, 2019.

23 (b) The office of the family and children's ombuds shall
24 establish the board. The board is authorized for the purpose of
25 monitoring and ensuring that the department achieves the stated
26 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with
27 administrative acts, relevant statutes, rules, and policies
28 pertaining to early learning, juvenile rehabilitation, juvenile
29 justice, and children and family services.

30 (9) (a) The board shall consist of the following members:

31 (i) Two senators and two representatives from the legislature
32 with one member from each major caucus;

33 (ii) One nonvoting representative from the governor's office;

34 (iii) One subject matter expert in early learning;

35 (iv) One subject matter expert in child welfare;

36 (v) One subject matter expert in juvenile rehabilitation and
37 justice;

38 (vi) One subject matter expert in reducing disparities in child
39 outcomes by family income and race and ethnicity;

1 (vii) One tribal representative from west of the crest of the
2 Cascade mountains;

3 (viii) One tribal representative from east of the crest of the
4 Cascade mountains;

5 (ix) One current or former foster parent representative;

6 (x) One representative of an organization that advocates for the
7 best interest of the child;

8 (xi) One parent stakeholder group representative;

9 (xii) One law enforcement representative;

10 (xiii) One child welfare caseworker representative;

11 (xiv) One early childhood learning program implementation
12 practitioner;

13 (xv) One current or former foster youth under age twenty-five;

14 (xvi) One individual under age twenty-five with current or
15 previous experience with the juvenile justice system;

16 (xvii) One physician with experience working with children or
17 youth; and

18 (xviii) One judicial representative presiding over child welfare
19 court proceedings or other children's matters.

20 (b) The senate members of the board shall be appointed by the
21 leaders of the two major caucuses of the senate. The house of
22 representatives members of the board shall be appointed by the
23 leaders of the two major caucuses of the house of representatives.
24 Members shall be appointed before the close of each regular session
25 of the legislature during an odd-numbered year.

26 (c) The remaining board members shall be nominated by the
27 governor, subject to the approval of the appointed legislators by
28 majority vote, and serve four-year terms. When nominating and
29 approving members after July 28, 2019, the governor and appointed
30 legislators must ensure that at least five of the board members
31 reside east of the crest of the Cascade mountains.

32 (10) The board has the following powers, which may be exercised
33 by majority vote of the board:

34 (a) To receive reports of the office of the family and children's
35 ombuds;

36 (b) To obtain access to all relevant records in the possession of
37 the office of the family and children's ombuds, except as prohibited
38 by law;

39 (c) To select its officers and adoption of rules for orderly
40 procedure;

1 (d) To request investigations by the office of the family and
2 children's ombuds of administrative acts;

3 (e) To request and receive information, outcome data, documents,
4 materials, and records from the department relating to children and
5 family welfare, juvenile rehabilitation, juvenile justice, and early
6 learning;

7 (f) To determine whether the department is achieving the
8 performance measures;

9 (g) If final review is requested by a licensee, to review whether
10 department licensors appropriately and consistently applied agency
11 rules in ((~~child care facility~~)) licensing compliance agreements as
12 defined in RCW 43.216.395 that do not involve a violation of health
13 and safety standards as defined in RCW 43.216.395 in cases that have
14 already been reviewed by the internal review process described in RCW
15 43.216.395 with the authority to overturn, change, or uphold such
16 decisions;

17 (h) To conduct annual reviews of a sample of department contracts
18 for services from a variety of program and service areas to ensure
19 that those contracts are performance-based and to assess the measures
20 included in each contract; and

21 (i) Upon receipt of records or data from the office of the family
22 and children's ombuds or the department, the board is subject to the
23 same confidentiality restrictions as the office of the family and
24 children's ombuds is under RCW 43.06A.050. The provisions of RCW
25 43.06A.060 also apply to the board.

26 (11) The board has general oversight over the performance and
27 policies of the department and shall provide advice and input to the
28 department and the governor.

29 (12) The board must no less than twice per year convene
30 stakeholder meetings to allow feedback to the board regarding
31 contracting with the department, departmental use of local, state,
32 private, and federal funds, and other matters as relating to carrying
33 out the duties of the department.

34 (13) The board shall review existing surveys of providers,
35 customers, parent groups, and external services to assess whether the
36 department is effectively delivering services, and shall conduct
37 additional surveys as needed to assess whether the department is
38 effectively delivering services.

1 (14) The board is subject to the open public meetings act,
2 chapter 42.30 RCW, except to the extent disclosure of records or
3 information is otherwise confidential under state or federal law.

4 (15) Records or information received by the board is confidential
5 to the extent permitted by state or federal law. This subsection does
6 not create an exception for records covered by RCW 13.50.100.

7 (16) The board members shall receive no compensation for their
8 service on the board, but shall be reimbursed for travel expenses
9 incurred while conducting business of the board when authorized by
10 the board and within resources allocated for this purpose, except
11 appointed legislators who shall be reimbursed for travel expenses in
12 accordance with RCW 43.03.050 and 43.03.060.

13 (17) The board shall select, by majority vote, an executive
14 director who shall be the chief administrative officer of the board
15 and shall be responsible for carrying out the policies adopted by the
16 board. The executive director is exempt from the provisions of the
17 state civil service law, chapter 41.06 RCW, and shall serve at the
18 pleasure of the board established in this section.

19 (18) The board shall maintain a staff not to exceed one full-time
20 equivalent employee. The board-selected executive director of the
21 board is responsible for coordinating staff appointments.

22 (19) The board shall issue an annual report to the governor and
23 legislature by December 1st of each year with an initial report
24 delivered by December 1, 2019. The report must review the
25 department's progress towards meeting stated performance measures and
26 desired performance outcomes, and must also include a review of the
27 department's strategic plan, policies, and rules.

28 (20) The definitions in this subsection apply throughout this
29 section unless the context clearly requires otherwise.

30 (a) "Board" means the oversight board for children, youth, and
31 families established in subsection (8) of this section.

32 (b) "Director" means the director of the office of innovation,
33 alignment, and accountability.

34 (c) "Performance-based contract" means results-oriented
35 contracting that focuses on the quality or outcomes that tie at least
36 a portion of the contractor's payment, contract extensions, or
37 contract renewals to the achievement of specific measurable
38 performance standards and requirements.

1 **Sec. 3.** RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each
2 amended to read as follows:

3 (1) The department shall develop an internal review process to
4 determine whether department licensors have appropriately and
5 consistently applied agency rules in (~~child-care-facility~~)
6 licensing compliance agreements that do not involve a violation of
7 health and safety standards. Adverse licensing decisions including
8 license denial, suspension, revocation, modification, or nonrenewal
9 pursuant to RCW 43.216.325 or imposition of civil fines pursuant to
10 RCW 43.216.335 are not subject to the internal review process in this
11 section, but may be appealed using the administrative procedure act,
12 chapter 34.05 RCW.

13 (2) The definitions in this subsection apply throughout this
14 section.

15 (a) "~~(Child-care-facility-licensing)~~ Licensing compliance
16 agreement" means an agreement issued by the department in lieu of the
17 department taking enforcement action against a child care provider or
18 foster-family home as defined in RCW 74.15.020 that contains: (i) A
19 description of the violation and the rule or law that was violated;
20 (ii) a statement from the licensee regarding the proposed plan to
21 comply with the rule or law; (iii) the date the violation must be
22 corrected; (iv) information regarding other licensing action that may
23 be imposed if compliance does not occur by the required date; and (v)
24 the signature of the licensor and licensee.

25 (b) "Health and safety standards" means rules or requirements
26 developed by the department to protect the health and safety of
27 children against substantial risk of bodily injury, illness, or
28 death.

29 (3) The internal review process shall be conducted by the
30 following six individuals:

31 (a) Three department employees who may include child care or
32 foster-family home licensors; and

33 (b) Three child care or foster-family home providers selected by
34 the department from names submitted by the oversight board for
35 children, youth, and families established in RCW 43.216.015.

36 (4) The internal review process established in this section may
37 overturn, change, or uphold a department licensing decision by
38 majority vote. In the event that the six individuals conducting the
39 internal review process are equally divided, the secretary shall make
40 the decision of the internal review process. The internal review

1 process must provide the parties with a written decision of the
2 outcome after completion of the internal review process. A licensee
3 must request a review under the internal review process within ten
4 days of the development of a ((~~child care facility~~)) licensing
5 compliance agreement and the internal review process must be
6 completed within thirty days after the request from the licensee to
7 initiate the internal review process is received.

8 (5) A licensee may request a final review by the oversight board
9 for children, youth, and families after completing the internal
10 review process established in this section by giving notice to the
11 department and the oversight board for children, youth, and families
12 within ten days of receiving the written decision produced by the
13 internal review process.

14 (6) The department shall not develop a ((~~child care facility~~))
15 licensing compliance agreement with a child care provider or foster-
16 family home as defined in RCW 74.15.020 for first-time violations of
17 rules that do not relate to health and safety standards and that can
18 be corrected on the same day that the violation is identified. The
19 department shall develop a procedure for providing a warning and
20 offering technical assistance to providers in response to these
21 first-time violations.

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