
HOUSE BILL 2813

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66th Legislature

2020 Regular Session

By Representatives Walsh, Shea, McCaslin, Klippert, Eslick, Corry, Dent, Gildon, and Young

Read first time 01/23/20. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to making the early achievers quality rating and
2 improvement system voluntary; amending RCW 43.216.085, 43.216.110,
3 43.216.255, 43.216.089, 43.216.515, 43.216.555, 26.44.272, 43.31.575,
4 43.216.090, and 43.216.578; and reenacting and amending RCW
5 43.216.135.

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

7 **Sec. 1.** RCW 43.216.085 and 2019 c 369 s 2 are each amended to
8 read as follows:

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

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

18 (a) Improve short-term and long-term educational outcomes for
19 children as measured by assessments including, but not limited to,
20 the Washington kindergarten inventory of developing skills in RCW
21 28A.655.080;

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

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

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

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

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

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

12 ~~(3) ((a) Licensed or certified child care centers and homes~~
13 ~~servicing nonschool-age children and receiving state subsidy payments~~
14 ~~must participate in the early achievers program by the required~~
15 ~~deadlines established in RCW 43.216.135.~~

16 ~~(b) Approved early childhood education and assistance program~~
17 ~~providers receiving state-funded support must participate in the~~
18 ~~early achievers program by the required deadlines established in RCW~~
19 ~~43.216.515.~~

20 ~~(e))~~ Participation in the early achievers program is voluntary
21 ~~((for:~~

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

24 ~~(ii) Early learning programs not receiving state funds.~~

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

34 (4) (a) There are five primary levels in the early achievers
35 program.

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

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

1 (5) The department has the authority to determine the rating
2 cycle for the early achievers program. (~~The department shall~~
3 ~~streamline and eliminate duplication between early achievers~~
4 ~~standards and state child care rules in order to reduce costs~~
5 ~~associated with the early achievers rating cycle and child care~~
6 ~~licensing.~~)

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

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

13 (c) The first rating is free for early achievers program
14 participants.

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

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

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

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

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

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

38 (i) Early achievers program rating levels 1 through 5 for all
39 participating child care programs (~~that receive state subsidy~~),

1 early childhood education and assistance programs, and federal head
2 start programs in Washington; and

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

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

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

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

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

21 (b) The professional development pathway must include
22 opportunities for scholarships and grants to assist early achievers
23 program participants with the costs associated with obtaining an
24 educational degree.

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

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

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

38 ~~(a) The department may grant extensions only under exceptional
39 circumstances, such as when early achievers program participants
40 experience an unexpected life circumstance.~~

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

4 ~~(c) Extensions may only be granted to early achievers program~~
5 ~~participants who have demonstrated engagement in the early achievers~~
6 ~~program.~~

7 ~~((11))~~ (a) The department shall accept national accreditation that
8 meets the requirements of this subsection ~~((11))~~ (10) as a
9 qualification for the early achievers program ratings.

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

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

28 ~~((12))~~ (11) The department shall explore the use of alternative
29 quality assessment tools that meet the culturally specific needs of
30 the federally recognized tribes in the state of Washington.

31 ~~((13))~~ (12) A child care or early learning program that is
32 operated by a federally recognized tribe and receives state funds
33 ~~((shall))~~ may participate in the early achievers program. The tribe
34 may choose to participate through an interlocal agreement between the
35 tribe and the department. The interlocal agreement must reflect the
36 government-to-government relationship between the state and the
37 tribe, including recognition of tribal sovereignty. The interlocal
38 agreement must provide that:

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

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

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

10 ~~((14))~~ (13) The department shall consult with the early
11 achievers review subcommittee on all substantial policy changes to
12 the early achievers program.

13 ~~((15))~~ (14) Nothing in this section changes the department's
14 responsibility to collectively bargain over mandatory subjects or
15 limits the legislature's authority to make programmatic modifications
16 to licensed child care and early learning programs under RCW
17 41.56.028(4)(d).

18 **Sec. 2.** RCW 43.216.110 and 2012 c 149 s 2 are each amended to
19 read as follows:

20 ~~((By December 31, 2012, the))~~ The department shall adopt core
21 competencies for early care and education professionals and ~~((child
22 and youth development professionals and develop an implementation
23 plan. The department shall))~~ incorporate the core competencies into
24 ~~((all appropriate professional development opportunities including,
25 but not limited to,))~~ the quality rating and improvement system~~((
26 the early childhood education and assistance program, child care
27 licensing, and the early support for infants and toddlers program))~~.
28 The purpose of the core competencies is to serve as a foundation for
29 what early care and education professionals ~~((and child and youth
30 development professionals))~~ who are voluntary participants in the
31 quality rating and improvement system need to know and do to provide
32 quality care for children. The core competencies must be reviewed and
33 updated every five years. The department may not apply the core
34 competencies to licensing standards.

35 **Sec. 3.** RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each
36 amended to read as follows:

37 ~~((1) No later than November 1, 2016, the))~~ The department shall
38 implement a single set of licensing standards for child care and the

1 early childhood education and assistance program. The department
2 shall produce the single set of licensing standards within the
3 department's available appropriations. The ~~((new))~~ licensing
4 standards must:

5 ~~((a))~~ (1) Provide minimum health and safety standards for child
6 care and preschool programs;

7 ~~((b) Rely on the standards established in the early achievers
8 program to address quality issues in participating early childhood
9 programs;~~

10 ~~(c))~~ (2) Take into account the separate needs of family care
11 providers and child care centers; and

12 ~~((d))~~ (3) Promote the continued safety of child care settings.

13 ~~((2) Private schools that operate early learning programs and do
14 not receive state subsidy payments shall be subject only to the
15 minimum health and safety standards in subsection (1)(a) of this
16 section and the requirements necessary to assure a sufficient early
17 childhood education to meet usual requirements needed for transition
18 into elementary school. The state, and any agency thereof, shall not
19 restrict or dictate any specific educational or other programs for
20 early learning programs operated by private schools except for
21 programs that receive state subsidy payments.))~~

22 **Sec. 4.** RCW 43.216.089 and 2019 c 369 s 13 are each amended to
23 read as follows:

24 (1) ~~((Beginning December 15, 2015, and each))~~ Every December 15th
25 ~~((thereafter))~~, the department, in collaboration with the statewide
26 child care resource and referral organization, and the early
27 achievers review subcommittee of the early learning advisory council,
28 shall submit, in compliance with RCW 43.01.036, a progress report to
29 the governor and the legislature regarding providers' progress in the
30 early achievers program. Each progress report must include the
31 following elements:

32 (a) The number, and relative percentage, of family child care and
33 center providers who have enrolled in the early achievers program and
34 ~~((who have:~~

35 ~~(i) Completed the level 2 activities;~~

36 ~~(ii) Completed rating readiness consultation and are waiting to
37 be rated;~~

38 ~~(iii) Achieved the required rating level to remain eligible for
39 state-funded support under the early childhood education and~~

1 ~~assistance program or a subsidy under the working connections child~~
2 ~~care program;~~

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

6 ~~(v) Not achieved the required rating level initially and engaged~~
7 ~~in remedial activities before successfully achieving the required~~
8 ~~rating level;~~

9 ~~(vi) Not achieved the required rating level after completing~~
10 ~~remedial activities; or~~

11 ~~(vii) Received an extension from the department based on~~
12 ~~exceptional circumstances pursuant to RCW 43.216.085)) the number of~~
13 ~~providers rated at each rating level;~~

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

16 (c) An examination of the effectiveness of efforts to increase
17 successful participation by providers serving children and families
18 from diverse cultural and linguistic backgrounds and providers who
19 serve children from low-income households;

20 (d) ~~((A description of the primary obstacles and challenges faced~~
21 ~~by providers who have not achieved the required rating level to~~
22 ~~remain eligible to receive:~~

23 ~~(i) A subsidy under the working connections child care program;~~
24 ~~or~~

25 ~~(ii) State-funded support under the early childhood education and~~
26 ~~assistance program;~~

27 ~~(e) A summary of the types of exceptional circumstances for which~~
28 ~~the department has granted an extension pursuant to RCW 43.216.085;~~

29 ~~(f)) The average amount of time required for providers to~~
30 ~~achieve local level milestones within each level of the early~~
31 ~~achievers program;~~

32 ~~((g)) (e) To the extent data is available, an analysis of the~~
33 ~~distribution of early achievers program-rated facilities in relation~~
34 ~~to child and provider demographics, including but not limited to race~~
35 ~~and ethnicity, home language, and geographical location;~~

36 ~~((h)) (f) Recommendations for improving access for children~~
37 ~~from diverse cultural backgrounds to providers rated at a level 3 or~~
38 ~~higher in the early achievers program;~~

39 ~~((i)) (g) Recommendations for improving the early achievers~~
40 ~~program standards;~~

1 ~~((j))~~ (h) An analysis of any impact from quality strengthening
2 efforts on the availability and quality of infant and toddler care;
3 ~~((k))~~ (i) The number of contracted slots that use both early
4 childhood education and assistance program funding and working
5 connections child care program funding; and
6 ~~((l))~~ (j) A description of the early childhood education and
7 assistance program implementation to include the following:
8 (i) Progress on early childhood education and assistance program
9 implementation as required pursuant to RCW ~~((43.216.515,))~~
10 43.216.525~~((,))~~ and 43.216.555;
11 (ii) An examination of the regional distribution of new preschool
12 programming by zip code;
13 (iii) An analysis of the impact of preschool expansion on low-
14 income neighborhoods and communities;
15 (iv) Recommendations to address any identified barriers to access
16 to quality preschool for children living in low-income neighborhoods;
17 (v) An analysis of any impact of extended day early care and
18 education opportunities directives;
19 (vi) An examination of any identified barriers for providers to
20 offer extended day early care and education opportunities;
21 (vii) An analysis of the demand for full-day programming for
22 early childhood education and assistance program providers ~~((required~~
23 ~~under RCW 43.216.515))~~; and
24 (viii) To the extent data is available, an analysis of the
25 cultural diversity of early childhood education and assistance
26 program providers and participants.
27 (2) ~~((The first annual report due under subsection (1) of this~~
28 ~~section also shall include a description of the early achievers~~
29 ~~program extension protocol required under RCW 43.216.085.~~
30 ~~(3))~~ The elements required to be reported under subsection
31 (1)(a) of this section must be reported at the county level, and for
32 those counties with a population of five hundred thousand and higher,
33 the data must be reported at the zip code level.
34 ~~((4) If, based on information in an annual report submitted in~~
35 ~~2018 or later under this section, fifteen percent or more of the~~
36 ~~licensed or contracted providers who are participating in the early~~
37 ~~achievers program in a county or in a single zip code have not~~
38 ~~achieved the rating levels under RCW 43.216.135 and 43.216.515, the~~
39 ~~department must:~~

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

3 ~~(b) Develop a plan to mitigate the effect on the children and~~
4 ~~families served by these providers. The plan must be submitted to the~~
5 ~~legislature as part of the annual progress report along with any~~
6 ~~recommendations for legislative action to address the needs of the~~
7 ~~providers and the children and families they serve.))~~

8 **Sec. 5.** RCW 43.216.135 and 2019 c 406 s 70 and 2019 c 369 s 4
9 are each reenacted and amended to read as follows:

10 (1) The department shall establish and implement policies in the
11 working connections child care program to promote stability and
12 quality of care for children from low-income households. These
13 policies shall focus on supporting school readiness for young
14 learners. Policies for the expenditure of funds constituting the
15 working connections child care program must be consistent with the
16 outcome measures established by the department and the standards
17 established in this section intended to promote stability, quality,
18 and continuity of early care and education programming.

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

23 (3) ~~((Existing child care providers serving nonschool-age~~
24 ~~children and receiving state subsidy payments must complete the~~
25 ~~following requirements to be eligible for a state subsidy under this~~
26 ~~section:~~

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

28 ~~(b) Complete level 2 activities in the early achievers program by~~
29 ~~August 1, 2017; and~~

30 ~~(c) Rate or request to be rated at a level 3 or higher in the~~
31 ~~early achievers program by December 31, 2019. If a child care~~
32 ~~provider does not rate at or request to be rated at a level 3 by~~
33 ~~December 31, 2019, the provider is no longer eligible to receive~~
34 ~~state subsidy. If the provider rates below a level 3 when the rating~~
35 ~~is released, the provider must complete remedial activities with the~~
36 ~~department, and must rate at or request to be rated at a level 3 or~~
37 ~~higher no later than December 30, 2020.~~

38 ~~(4) A new child care provider serving nonschool-age children and~~
39 ~~receiving state subsidy payments must complete the following~~

1 ~~activities to be eligible to receive a state subsidy under this~~
2 ~~section:~~

3 ~~(a) Enroll in the early achievers program within thirty days of~~
4 ~~receiving the initial state subsidy payment;~~

5 ~~(b) Complete level 2 activities in the early achievers program~~
6 ~~within twelve months of enrollment; and~~

7 ~~(c) Rate or request to be rated at a level 3 or higher in the~~
8 ~~early achievers program within thirty months of enrollment. If a~~
9 ~~child care provider does not rate or request to be rated at a level 3~~
10 ~~within thirty months from enrollment into the early achievers~~
11 ~~program, the provider is no longer eligible to receive state subsidy.~~
12 ~~If the provider rates below a level 3 when the rating is released,~~
13 ~~the provider must complete remedial activities with the department,~~
14 ~~and rate or request to be rated at a level 3 or higher within twelve~~
15 ~~months of beginning remedial activities.~~

16 ~~(5) If a child care provider does not rate or request to be rated~~
17 ~~at a level 3 or higher following the remedial period, the provider is~~
18 ~~no longer eligible to receive state subsidy under this section. If a~~
19 ~~child care provider does not rate at a level 3 or higher when the~~
20 ~~rating is released following the remedial period, the provider is no~~
21 ~~longer eligible to receive state subsidy under this section.~~

22 ~~(6) If a child care provider serving nonschool-age children and~~
23 ~~receiving state subsidy payments has successfully completed all level~~
24 ~~2 activities and is waiting to be rated by the deadline provided in~~
25 ~~this section, the provider may continue to receive a state subsidy~~
26 ~~pending the successful completion of the level 3 rating activity.~~

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

30 ~~((8))~~ (4) The department shall account for a child care
31 copayment collected by the provider from the family for each
32 contracted slot and establish the copayment fee by rule.

33 ~~((9))~~ (5)(a) The department shall establish and implement
34 policies in the working connections child care program to allow
35 eligibility for families with children who:

36 (i) In the last six months have:

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

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

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

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

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

6 (b) Children who are eligible for working connections child care
7 pursuant to this subsection do not have to keep receiving services
8 identified in this subsection to maintain twelve-month authorization.

9 ~~((The department of social and health services' involvement with the
10 family referred for working connections child care ends when the
11 family's child protective services, child welfare services, or family
12 assessment response case is closed.~~

13 ~~(10))~~ (6)(a) Beginning August 1, 2020, the department may not
14 require an applicant or consumer to meet work requirements as a
15 condition of receiving working connections child care benefits when
16 the applicant or consumer is:

17 (i) A single parent;

18 (ii) A full-time student of a community, technical, or tribal
19 college; and

20 (iii) Pursuing vocational education that leads to a degree or
21 certificate in a specific occupation, not to result in a bachelor's
22 or advanced degree.

23 (b) An applicant or consumer is a full-time student for the
24 purposes of this subsection if he or she meets the college's
25 definition of a full-time student. The student must maintain passing
26 grades and be in good standing pursuant to college attendance
27 requirements.

28 (c) Nothing in this subsection is intended to change how
29 applicants or consumers are prioritized when applicants or consumers
30 are placed on a wait list for working connections child care
31 benefits.

32 **Sec. 6.** RCW 43.216.515 and 2019 c 369 s 3 are each amended to
33 read as follows:

34 (1) Approved early childhood education and assistance programs
35 shall receive state-funded support through the department. Public or
36 private organizations including, but not limited to, school
37 districts, educational service districts, community and technical
38 colleges, local governments, or nonprofit organizations, are eligible

1 to participate as providers of the state early childhood education
2 and assistance program.

3 (2) Funds obtained by providers through voluntary grants or
4 contributions from individuals, agencies, corporations, or
5 organizations may be used to expand or enhance preschool programs so
6 long as program standards established by the department are
7 maintained.

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

14 ~~(4) ((A new early childhood education and assistance program
15 provider must complete the requirements in this subsection to be
16 eligible to receive state-funded support under the early childhood
17 education and assistance program:~~

18 ~~(a) Enroll in the early achievers program within thirty days of
19 the start date of the early childhood education and assistance
20 program contract;~~

21 ~~(b) (i) Except as provided in (b) (ii) of this subsection, rate at
22 a level 4 or 5 in the early achievers program within twenty-four
23 months of enrollment. If an early childhood education and assistance
24 program provider rates below a level 4 within twenty-four months of
25 enrollment, the provider must complete remedial activities with the
26 department, and rate at a level 4 or 5 within six months of beginning
27 remedial activities.~~

28 ~~(ii) Licensed or certified child care centers and homes that
29 administer an early childhood education and assistance program shall
30 rate at a level 4 or 5 in the early achievers program within twenty-
31 four months of the start date of the early childhood education and
32 assistance program contract. If an early childhood education and
33 assistance program provider rates below a level 4 within twenty-four
34 months, the provider must complete remedial activities with the
35 department, and rate at a level 4 or 5 within six months of beginning
36 remedial activities.~~

37 ~~(5) (a) If an early childhood education and assistance program
38 provider has successfully completed all of the required early
39 achievers program activities and is waiting to be rated by the
40 deadline provided in this section, the provider may continue to~~

1 ~~participate in the early achievers program as an approved early~~
2 ~~childhood education and assistance program provider and receive state~~
3 ~~subsidy pending the successful completion of a level 4 or 5 rating.~~

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

9 ~~(6))~~ (a) An early childhood education and assistance program
10 provider may choose to participate and be rated in the early
11 achievers program.

12 (b) When an early childhood education and assistance program in
13 good standing changes classroom locations to a comparable or improved
14 space within the same facility, a rerating is not required outside of
15 the regular rerating and renewal cycle.

16 ~~((b))~~ (c) When an early childhood education and assistance
17 program in good standing moves to a new facility, the provider must
18 notify the department of the move within six months of changing
19 locations in order to retain their existing rating. The early
20 achievers program must conduct an observational visit to ensure the
21 new classroom space is of comparable or improved environmental
22 quality. If a provider fails to notify the department within six
23 months of a move, the early achievers rating must be changed from the
24 posted rated level to "Participating, Not Yet Rated" ~~((and the~~
25 ~~provider will cease to receive tiered reimbursement incentives until~~
26 ~~a new rating is completed))~~.

27 ~~((7))~~ (5) The department shall collect data periodically to
28 determine the demand for full-day programming for early childhood
29 education and assistance program providers. The department shall
30 analyze this demand by geographic region and shall include the
31 findings in the annual report required under RCW 43.216.089.

32 ~~((8))~~ (6) The department shall develop multiple pathways for
33 licensed or certified child care centers and homes to administer an
34 early childhood education and assistance program. The pathways shall
35 include an accommodation for these providers to rate at a level 4 or
36 5 in the early achievers program ~~((according to the timelines and~~
37 ~~standards established in subsection (4)(b)(ii) of this section))~~. The
38 department must consider using the intermediate level that is between
39 level 3 and level 4 as described in RCW 43.216.085, incentives, and

1 front-end funding in order to encourage providers to participate in
2 the pathway.

3 **Sec. 7.** RCW 43.216.555 and 2019 c 408 s 9 are each amended to
4 read as follows:

5 (1) An early learning program to provide voluntary preschool
6 opportunities for children ages three to five years old who are not
7 age-eligible for kindergarten shall be implemented according to the
8 funding and implementation plan in RCW 43.216.556. The program must
9 offer a comprehensive program of early childhood education and family
10 support, including parental involvement and health information,
11 screening, and referral services, based on family need. Participation
12 in the program is voluntary. On a space available basis, the program
13 may allow enrollment of children who are not otherwise eligible by
14 assessing a fee.

15 (2) The program shall be implemented by utilizing the program
16 standards and eligibility criteria in the early childhood education
17 and assistance program in RCW 43.216.500 through 43.216.550.

18 (3)(a) The program implementation in this section shall
19 prioritize early childhood education and assistance programs located
20 in low-income neighborhoods within high-need geographical areas.

21 (b) Following the priority in (a) of this subsection, preference
22 shall be given to programs meeting at least one of the following
23 characteristics:

24 (i) Programs offering an extended day program for early care and
25 education;

26 (ii) Programs offering services to children diagnosed with a
27 special need; or

28 (iii) Programs offering services to children involved in the
29 child welfare system.

30 (4) The secretary shall adopt rules for the following program
31 components, as appropriate and necessary during the phased
32 implementation of the program(~~(, consistent with early achievers
33 program standards established in RCW 43.216.085)~~):

34 (a) Minimum program standards;

35 (b) Approval of program providers; and

36 (c) Accountability and adherence to performance standards.

37 (5) The department has administrative responsibility for:

38 (a) Approving and contracting with providers according to rules
39 developed by the secretary under this section;

1 (b) In partnership with school districts, monitoring program
2 quality and assuring the program is responsive to the needs of
3 eligible children;

4 (c) Assuring that program providers work cooperatively with
5 school districts to coordinate the transition from preschool to
6 kindergarten so that children and their families are well-prepared
7 and supported; and

8 (d) Providing technical assistance to contracted providers.

9 **Sec. 8.** RCW 26.44.272 and 2014 c 160 s 1 are each amended to
10 read as follows:

11 (1) The family assessment response worker must assess for child
12 safety and child well-being when collaborating with a family to
13 determine the need for child care, preschool, or home visiting
14 services (~~and, as appropriate, the family assessment response worker~~
15 ~~must refer children to preschool programs that are enrolled in the~~
16 ~~early achievers program and rate at a level 3, 4, or 5 unless:~~

17 ~~(a) The family lives in an area with no local preschool programs~~
18 ~~that rate at a level 3, 4, or 5 in the early achievers program;~~

19 ~~(b) The local preschool programs that rate at a level 3, 4, or 5~~
20 ~~in the early achievers program are not able to meet the needs of the~~
21 ~~child; or~~

22 ~~(c) The child is attending a preschool program prior to~~
23 ~~participating in family assessment response and the parent or~~
24 ~~caregiver does not want the child to change preschool programs.~~

25 ~~(2) The family assessment response worker may make child care~~
26 ~~referrals for nonschool-aged children to licensed child care programs~~
27 ~~that rate at a level 3, 4, or 5 in the early achievers program~~
28 ~~described in RCW 43.215.100 unless:~~

29 ~~(a) The family lives in an area with no local programs that rate~~
30 ~~at level 3, 4, or 5 in the early achievers program;~~

31 ~~(b) The local child care programs that rate at a level 3, 4, or 5~~
32 ~~in the early achievers program are not able to meet the needs of the~~
33 ~~child; or~~

34 ~~(c) The child is attending a child care program prior to~~
35 ~~participating in family assessment response and the parent or~~
36 ~~caregiver does not want the child to change child care programs)).~~

37 ~~((3))~~ (2) The family assessment response worker shall, when
38 appropriate, provide referrals to ~~((high-quality))~~ certified and
39 licensed child care and early learning programs.

1 ~~((4) The family assessment response worker shall, when~~
2 ~~appropriate, provide referrals to state and federally subsidized~~
3 ~~programs such as, but not limited to, licensed child care programs~~
4 ~~that receive state subsidy pursuant to RCW 43.215.135; early~~
5 ~~childhood education and assistance programs; head start programs; and~~
6 ~~early head start programs.~~

7 ~~(5))~~ (3) Prior to closing the family assessment response case,
8 the family assessment response worker must, when appropriate, discuss
9 child care and early learning services with the child's parent or
10 caregiver.

11 (4) If the family plans to use child care or early learning
12 services, the family assessment response worker must work with the
13 family to facilitate enrollment.

14 **Sec. 9.** RCW 43.31.575 and 2018 c 58 s 18 are each amended to
15 read as follows:

16 (1) Organizations eligible to receive funding from the early
17 learning facilities grant and loan program include:

18 (a) Early childhood education and assistance program providers;

19 (b) Working connections child care providers who are eligible to
20 receive state subsidies;

21 (c) Licensed early learning centers not currently participating
22 in the early childhood education and assistance program, but
23 intending to do so;

24 (d) Developers of housing and community facilities;

25 (e) Community and technical colleges;

26 (f) Educational service districts;

27 (g) Local governments;

28 (h) Federally recognized tribes in the state; and

29 (i) Religiously affiliated entities.

30 (2) To be eligible to receive funding from the early learning
31 facilities grant and loan program for activities described in RCW
32 43.31.577 (1) (b) and (c) and (2), eligible organizations and school
33 districts must:

34 ~~(a) ((Commit to being an active participant in good standing with~~
35 ~~the early achievers program as defined by chapter 43.216 RCW;~~

36 ~~(b))~~ Demonstrate that projects receiving construction, purchase,
37 or renovation grants or loans less than two hundred thousand dollars
38 must also:

1 (i) Demonstrate that the project site is under the applicant's
2 control for a minimum of ten years, either through ownership or a
3 long-term lease; and

4 (ii) Commit to using the facility funded by the grant or loan for
5 the purposes of providing preschool or child care for a minimum of
6 ten years;

7 ~~((e))~~ (b) Demonstrate that projects receiving construction,
8 purchase, or renovation grants or loans of two hundred thousand
9 dollars or more must also:

10 (i) Demonstrate that the project site is under the applicant's
11 control for a minimum of twenty years, either through ownership or a
12 long-term lease; and

13 (ii) Commit to using the facility funded by the grant or loan for
14 the purposes of providing preschool or child care for a minimum of
15 twenty years.

16 ~~(3) ((To be eligible to receive funding from the early learning
17 facilities grant and loan program for activities described in RCW
18 43.31.577 (1) (b) and (c) and (2), religiously affiliated entities
19 must use the facility to provide child care and education services
20 consistent with subsection (4) (a) of this section.~~

21 ~~(4) (a) Upon receiving a grant or loan, the recipient must
22 continue to be an active participant and in good standing with the
23 early achievers program.~~

24 ~~(b) If the recipient does not meet the conditions specified in
25 (a) of this subsection, the grants shall be repaid to the early
26 learning facilities revolving account or the early learning
27 facilities development account, as directed by the department. So))~~

28 (a) As long as an eligible organization continues to provide an early
29 learning program in the facility~~((r))~~ and the facility is used as
30 authorized, ~~((and the eligible organization continues to be an active
31 participant and in good standing with the early achievers program,r))~~
32 the grant repayment is waived.

33 ~~((e))~~ (b) The department, in consultation with the department
34 of children, youth, and families, must adopt rules to implement this
35 section.

36 **Sec. 10.** RCW 43.216.090 and 2019 c 360 s 7 are each amended to
37 read as follows:

38 The department of children, youth, and families must enter into a
39 contractual agreement with an organization providing coaching

1 services to early achievers program participants to hire one
2 qualified mental health consultant for each of the six department-
3 designated regions. The consultants must support early achievers
4 program coaches and all certified and licensed child care providers,
5 regardless of early achievers participation or rating level, by
6 providing resources, information, and guidance regarding challenging
7 behavior and expulsions ((and)). Mental health consultants may travel
8 to assist providers in serving families and children with severe
9 behavioral needs. In coordination with the contractor, the department
10 of children, youth, and families must report on the services provided
11 and the outcomes of the consultant activities to the governor and the
12 appropriate policy and fiscal committees of the legislature by June
13 30, 2021.

14 **Sec. 11.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to
15 read as follows:

16 (1) Within resources available under the federal preschool
17 development grant birth to five grant award received in December
18 2018, the department shall develop a plan for phased implementation
19 of a birth to three early childhood education and assistance program
20 pilot project for eligible children under thirty-six months old.
21 Funds to implement the pilot project may include a combination of
22 federal, state, or private sources.

23 (2) The department may adopt rules to implement the pilot project
24 and may waive or adapt early childhood education and assistance
25 program requirements when necessary to allow for the operation of the
26 birth to three early childhood education and assistance program. The
27 department shall consider early head start rules and regulations when
28 developing the provider and family eligibility requirements and
29 program requirements. Any deviations from early head start standards,
30 rules, or regulations must be identified and explained by the
31 department in its annual report under subsection (6) of this section.

32 (3) ~~((a))~~ Upon securing adequate funds to begin implementation,
33 the pilot project programs must be delivered through child care
34 centers and family home providers who meet minimum licensing
35 standards ~~((and are enrolled in the early achievers program.~~

36 ~~(b) The department must determine minimum early achievers ratings~~
37 ~~scores for programs participating in the pilot project)).~~

38 (4) When selecting pilot project locations for service delivery,
39 the department may allow each pilot project location to have up to

1 three classrooms per location. When selecting and approving pilot
2 project locations, the department shall attempt to select a
3 combination of rural, urban, and suburban locations. The department
4 shall prioritize locations with programs currently operating early
5 head start, head start, or the early childhood education and
6 assistance program.

7 (5) To be eligible for the birth to three early childhood
8 education and assistance program, a child's family income must be at
9 or below one hundred thirty percent of the federal poverty level and
10 the child must be under thirty-six months old.

11 (6) Beginning November 1, 2020, and each November 1st thereafter
12 during pilot project activity, the department shall submit an annual
13 report to the governor and legislature that includes a status update
14 that describes the planning work completed, the status of funds
15 secured, and any implementation activities of the pilot project.
16 Implementation activity reports must include a description of the
17 participating programs and number of children and families served.

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