
SENATE BILL 6507

State of Washington

66th Legislature

2020 Regular Session

By Senators Nguyen, Darneille, and Wilson, C.; by request of Department of Children, Youth, and Families

Read first time 01/20/20. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to improving legislative reporting requirements
2 for certain department of children, youth, and families programs; and
3 amending RCW 43.216.015, 13.06.050, 43.216.089, 43.216.075,
4 43.216.020, and 13.40.212.

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

6 **Sec. 1.** RCW 43.216.015 and 2019 c 429 s 1 are each amended to
7 read as follows:

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

15 (b) The department, in partnership with state and local agencies,
16 tribes, and communities, shall protect children and youth from harm
17 and promote healthy development with effective, high quality
18 prevention, intervention, and early education services delivered in
19 an equitable manner. An important role for the department shall be to
20 provide preventative services to help secure and preserve families in
21 crisis. The department shall partner with the federally recognized

1 Indian tribes to develop effective services for youth and families
2 while respecting the sovereignty of those tribes and the government-
3 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
4 sp. sess. alters the duties, requirements, and policies of the
5 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
6 as amended, or the Indian child welfare act, chapter 13.38 RCW.

7 (2) Beginning July 1, 2018, the department must develop
8 definitions for, work plans to address, and metrics to measure the
9 outcomes for children, youth, and families served by the department
10 and must work with state agencies to ensure services for children,
11 youth, and families are science-based, outcome-driven, data-informed,
12 and collaborative.

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

17 (b) ~~((The department must report to the legislature on))~~ In
18 addition to transparent, frequent reporting of the outcome measures
19 in (c) (i) through (viii) of this subsection, the department must
20 report to the legislature an examination of engagement, resource
21 utilization, and outcomes for clients receiving department services
22 and youth participating in juvenile court alternative programs funded
23 by the department, no less than annually and beginning September 1,
24 2020. The data in this report must be disaggregated by race,
25 ethnicity, and geography. This report must identify areas of focus to
26 advance equity that will inform department strategies so that all
27 children, youth, and families are thriving. Metrics detailing
28 progress towards eliminating disparities and disproportionality over
29 time must also be included. The report must also include information
30 on department outcome measures, actions taken, progress toward these
31 goals, and plans for the future year~~((, no less than annually,~~
32 ~~beginning December 1, 2018))~~.

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

34 (i) Improving child development and school readiness through
35 voluntary, high quality early learning opportunities as measured by:
36 (A) Increasing the number and proportion of children kindergarten-
37 ready as measured by the Washington kindergarten inventory of
38 developing skills (WAKids) assessment including mathematics; (B)
39 increasing the proportion of children in early learning programs that
40 have achieved the level 3 or higher early achievers quality standard;

1 and (C) increasing the available supply of licensed child care in
2 both child care centers and family homes, including providers not
3 receiving state subsidy;

4 (ii) Preventing child abuse and neglect;

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

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

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

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

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

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

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

1 (a) Lead ongoing collaborative work to minimize or eliminate
2 systemic barriers to effective, integrated services in collaboration
3 with state agencies serving children, youth, and families;

4 (b) Identify necessary improvements and updates to statutes
5 relevant to their responsibilities and proposing legislative changes
6 to the governor no less than biennially;

7 (c) Help create a data-focused environment in which there are
8 aligned outcomes and shared accountability for achieving those
9 outcomes, with shared, real-time data that is accessible to
10 authorized persons interacting with the family, child, or youth to
11 identify what is needed and which services would be effective;

12 (d) Lead the provision of state services to adolescents, focusing
13 on key transition points for youth, including exiting foster care and
14 institutions, and coordinating with the office of homeless youth
15 prevention and protection programs to address the unique needs of
16 homeless youth; and

17 (e) Create and annually update a list of the rights and
18 responsibilities of foster parents in partnership with foster parent
19 representatives. The list of foster parent rights and
20 responsibilities must be posted on the department's web site,
21 provided to individuals participating in a foster parent orientation
22 before licensure, provided to foster parents in writing at the time
23 of licensure, and provided to foster parents applying for license
24 renewal.

25 (5) The department is accountable to the public. To ensure
26 transparency, beginning December 30, 2018, agency performance data
27 for the services provided by the department, including outcome data
28 for contracted services, must be available to the public, consistent
29 with confidentiality laws, federal protections, and individual rights
30 to privacy. Publicly available data must include budget and funding
31 decisions, performance-based contracting data, including data for
32 contracted services, and performance data on metrics identified in
33 this section. The board must work with the secretary and director to
34 develop the most effective and cost-efficient ways to make department
35 data available to the public, including making this data readily
36 available on the department's web site.

37 (6) The department shall ensure that all new and renewed
38 contracts for services are performance-based.

39 (7) The department must execute all new and renewed contracts for
40 services in accordance with this section and consistent with RCW

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

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

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

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

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

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

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

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

34 (v) One subject matter expert in juvenile rehabilitation and
35 justice;

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

39 (vii) One tribal representative from west of the crest of the
40 Cascade mountains;

1 (viii) One tribal representative from east of the crest of the
2 Cascade mountains;

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

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

6 (xi) One parent stakeholder group representative;

7 (xii) One law enforcement representative;

8 (xiii) One child welfare caseworker representative;

9 (xiv) One early childhood learning program implementation
10 practitioner;

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

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

14 (xvii) One physician with experience working with children or
15 youth; and

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

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

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

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

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

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

37 (c) To select its officers and adoption of rules for orderly
38 procedure;

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

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

5 (f) To determine whether the department is achieving the
6 performance measures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **Sec. 2.** RCW 13.06.050 and 2017 3rd sp.s. c 6 s 719 are each
37 amended to read as follows:

38 No county shall be entitled to receive any state funds provided
39 by this chapter until its application and plan are approved, and

1 unless and until the minimum standards prescribed by the department
2 of children, youth, and families are complied with and then only on
3 such terms as are set forth in this section. In addition, any county
4 making application for state funds under this chapter that also
5 operates a juvenile detention facility must have standards of
6 operations in place that include: Intake and admissions, medical and
7 health care, communication, correspondence, visiting and telephone
8 use, security and control, sanitation and hygiene, juvenile rights,
9 rules and discipline, property, juvenile records, safety and
10 emergency procedures, programming, release and transfer, training and
11 staff development, and food service.

12 (1) The distribution of funds to a county or a group of counties
13 shall be based on criteria including but not limited to the county's
14 per capita income, regional or county at-risk populations, juvenile
15 crime or arrest rates, rates of poverty, size of racial minority
16 populations, existing programs, and the effectiveness and efficiency
17 of consolidating local programs towards reducing commitments to state
18 correctional facilities for offenders whose standard range
19 disposition does not include commitment of the offender to the
20 department and reducing reliance on other traditional departmental
21 services.

22 (2) The secretary of children, youth, and families will reimburse
23 a county upon presentation and approval of a valid claim pursuant to
24 the provisions of this chapter based on actual performance in meeting
25 the terms and conditions of the approved plan and contract. Funds
26 received by participating counties under this chapter shall not be
27 used to replace local funds for existing programs.

28 ~~((3) The secretary of children, youth, and families, in
29 conjunction with the human rights commission, shall evaluate the
30 effectiveness of programs funded under this chapter in reducing
31 racial disproportionality. The secretary shall investigate whether
32 implementation of such programs has reduced disproportionality in
33 counties with initially high levels of disproportionality. The
34 analysis shall indicate which programs are cost-effective in reducing
35 disproportionality in such areas as alternatives to detention, intake
36 and risk assessment standards pursuant to RCW 13.40.038, alternatives
37 to incarceration, and in the prosecution and adjudication of
38 juveniles. The secretary shall report his or her findings to the
39 legislature by December 1st of each year.))~~

1 **Sec. 3.** RCW 43.216.089 and 2019 c 369 s 13 are each amended to
2 read as follows:

3 (1) (~~Beginning December 15, 2015, and each December 15th~~
4 ~~thereafter~~) By December 15, 2020, the department, in
5 (~~collaboration~~) consultation with the statewide child care resource
6 and referral (~~organization~~) network, and the early achievers review
7 subcommittee of the early learning advisory council, shall submit, in
8 compliance with RCW 43.01.036, a (~~progress~~) final report to the
9 governor and the legislature regarding providers' progress in the
10 early achievers program. (~~Each progress~~) The report must include
11 the following elements:

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

15 (i) Completed the level 2 activities;

16 (ii) Completed rating readiness consultation and are waiting to
17 be rated;

18 (iii) Achieved the required rating level to remain eligible for
19 state-funded support under the early childhood education and
20 assistance program or a subsidy under the working connections child
21 care subsidy program;

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

25 (v) Not achieved the required rating level initially and engaged
26 in remedial activities before successfully achieving the required
27 rating level;

28 (vi) Not achieved the required rating level after completing
29 remedial activities; or

30 (vii) Received an extension from the department based on
31 exceptional circumstances pursuant to RCW 43.216.085;

32 (b) A review of the services available to providers and children
33 from diverse racial, ethnic, and cultural backgrounds;

34 (c) An examination of the effectiveness of efforts to increase
35 successful participation by providers serving children and families
36 from diverse racial, ethnic, and cultural (~~and linguistic~~)
37 backgrounds and providers who serve children from low-income
38 households;

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

4 (i) A subsidy under the working connections child care program;
5 or

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

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

10 (f) The average amount of time required for providers to achieve
11 local level milestones within each level of the early achievers
12 program;

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

17 (h) Recommendations for improving access for children from
18 diverse racial, ethnic, and cultural backgrounds to providers rated
19 at a level 3 or higher in the early achievers program;

20 (i) Recommendations for improving the early achievers program
21 standards;

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

24 (k) The number of contracted slots that use both early childhood
25 education and assistance program funding and working connections
26 child care program funding; and

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

29 (i) Progress on early childhood education and assistance program
30 implementation as required pursuant to RCW 43.216.515, 43.216.525,
31 and 43.216.555;

32 (ii) An examination of the regional distribution of new preschool
33 programming by (~~zip code~~) school district;

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

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

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

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

3 (vii) An analysis of the demand for full-day programming for
4 early childhood education and assistance program providers required
5 under RCW 43.216.515; and

6 (viii) To the extent data is available, an analysis of the
7 racial, ethnic, and cultural diversity of early childhood education
8 and assistance program providers and participants.

9 ~~(2) ((The first annual report due under subsection (1) of this
10 section also shall include a description of the early achievers
11 program extension protocol required under RCW 43.216.085.~~

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

16 ~~((4))~~ (3) If, based on information in an annual report
17 submitted in 2018 or later under this section, fifteen percent or
18 more of the licensed or contracted providers who are participating in
19 the early achievers program in a county or in a single zip code have
20 not achieved the rating levels under RCW 43.216.135 and 43.216.515,
21 the department must:

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

24 (b) Develop a plan to mitigate the effect on the children and
25 families served by these providers. The plan must be submitted to the
26 legislature as part of the ~~((annual progress))~~ final report described
27 in subsection (1) of this section along with any recommendations for
28 legislative action to address the needs of the providers and the
29 children and families they serve.

30 (4) (a) Beginning December 1, 2020, the department, in
31 collaboration with the statewide child care resource and referral
32 network, shall make available on its public web site, in a consumer-
33 friendly format, the following elements:

34 (i) The number, and relative percentage, of family child care and
35 center child care providers who have enrolled in the early achievers
36 program and who have:

37 (A) Submitted their request for on-site evaluation and are
38 waiting to be rated; and

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

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

3 (ii) The distribution of early childhood education and assistance
4 program programming by school district; and

5 (iii) Indicators of supply and demand at the local level, as well
6 as identification of regions or areas in which there are insufficient
7 numbers of child care facilities using nationally developed
8 methodology.

9 (b) The elements required to be made available under (a)(i) of
10 this subsection (4) must be made available at the county level, and
11 for those counties with a population of five hundred thousand and
12 higher, the data must be reported at the zip code level.

13 (c) To the extent data are available, the elements required to be
14 reported under (a)(ii) and (iii) of this subsection (4) must be
15 updated at a minimum of a quarterly basis on the department's public
16 web site.

17 (d) If in any individual state fiscal year, based on information
18 reported in (a)(ii) and (iii) of this subsection (4), fifteen percent
19 or more of the licensed or contracted providers who are participating
20 in the early achievers program in a county or in a single zip code
21 have not achieved the rating levels required under RCW 43.216.135 and
22 43.216.515, the department must:

23 (i) Analyze the reasons providers in the affected counties or zip
24 codes have not attained the required rating levels; and

25 (ii) Develop a plan to mitigate the effect on the children and
26 families served by these providers. The plan must be submitted to the
27 legislature by November 1st of the year following the state fiscal
28 year in question, along with any recommendations for legislative
29 action to address the needs of the providers and the children and
30 families they serve.

31 (5) Beginning September 15, 2021, and each odd-numbered year
32 thereafter, the department shall submit a report to the governor and
33 the legislature outlining the availability and quality of services
34 available to early learning providers and children from diverse
35 racial, ethnic, and cultural backgrounds and from low-income
36 neighborhoods and communities. The report must include the following
37 elements:

38 (a) To the extent data is available, an analysis of the racial,
39 ethnic, and linguistic diversity of early childhood education and

1 assistance program providers and participants, and the providers and
2 participants of working connections child care;

3 (b) A review of the services available to providers and children
4 from diverse racial, ethnic, and cultural backgrounds;

5 (c) An examination of the effectiveness of efforts to increase
6 and maintain successful participation by providers serving children
7 and families from diverse racial, ethnic, and linguistic backgrounds
8 and providers who serve children from low-income households;

9 (d) To the extent data is available, the distribution of early
10 achievers program-rated facilities by child and provider
11 demographics, including but not limited to race and ethnicity, home
12 language, and geographical location;

13 (e) Recommendations for improving and maintaining access for
14 children from diverse racial, ethnic, and cultural backgrounds to
15 providers rated at a level 3 or higher in the early achievers
16 program;

17 (f) Recommendations to address any identified barriers to access
18 to high-quality preschool for children living in low-income
19 neighborhoods;

20 (g) An examination of expulsion rates of children from diverse
21 racial, ethnic, and diverse cultural backgrounds and from low-income
22 neighborhoods and communities; and

23 (h) An analysis of how early learning providers and families from
24 diverse racial, ethnic, and cultural backgrounds and from low-income
25 neighborhoods and communities have influenced or participated in the
26 department's early learning plans and implementation strategies.

27 (6) Beginning September 15, 2022, and each even-numbered year
28 thereafter, the department shall submit a report to the governor and
29 the legislature on the availability of supports to providers and
30 their effectiveness at improving quality. The report must include the
31 following elements:

32 (a) An analysis of the effectiveness of recruitment efforts for
33 new and returning high-quality early learning providers and programs;

34 (b) An analysis of the effectiveness of quality improvement tools
35 and incentives on the retention and quality improvement of early
36 learning professionals;

37 (c) An analysis of the supply of high-quality subsidized early
38 learning. This analysis must include:

39 (i) An examination of the trend in supply of early learning
40 providers and workers;

1 (ii) A description of the primary obstacles and challenges faced
2 by providers who have not achieved the required early achievers
3 rating level to remain eligible to receive a subsidy under the
4 working connections child care program or state-funded support under
5 the early childhood education and assistance program;

6 (iii) The number, and relative percentage, of family child care
7 and center providers who have enrolled in the early achievers program
8 and who have:

9 (A) Not achieved the required rating level initially but
10 qualified for and are working through intensive targeted support in
11 preparation for a partial rerate outside the standard rating cycle;

12 (B) Not achieved the required rating level initially and engaged
13 in remedial activities before successfully achieving the required
14 rating level;

15 (C) Not achieved the required rating level after completing
16 remedial activities; or

17 (D) Received an extension from the department based on
18 exceptional circumstances pursuant to RCW 43.216.085; and

19 (iv) Recommendations for improving retention and reducing
20 barriers to entry for early learning providers;

21 (d) The average amount of time required for providers to achieve
22 local level milestones within each level of the early achievers
23 program;

24 (e) A summary of the types of exceptional circumstances for which
25 the department has granted an extension to early achievers rating
26 milestones pursuant to RCW 43.216.085;

27 (f) An analysis of the availability and quality of infant and
28 toddler care; and

29 (g) An examination of any identified barriers that discourage
30 providers from offering extended day early care and education
31 opportunities.

32 (7) The information to be disclosed or shared under this section
33 must not include sensitive personal information of in-home caregivers
34 for vulnerable populations as defined in RCW 42.56.640, and must not
35 include any other information protected from disclosure under state
36 or federal law.

37 **Sec. 4.** RCW 43.216.075 and 2017 c 171 s 1 are each amended to
38 read as follows:

1 (1) The early learning advisory council is established to advise
2 the department on statewide early learning issues that contribute to
3 the ongoing efforts of building a comprehensive system of quality
4 early learning programs and services for Washington's young children
5 and families.

6 (2) The council shall work in conjunction with the department to
7 assist in policy development and implementation that assist the
8 department in promoting alignment of private and public sector
9 actions, objectives, and resources, ensuring school readiness.

10 (3) The council shall include diverse, statewide representation
11 from public, nonprofit, and for-profit entities. Its membership shall
12 include critical partners in service delivery and reflect regional,
13 racial, and cultural diversity to adequately represent the needs of
14 all children and families in the state.

15 (4) Councilmembers shall serve two-year terms. However, to
16 stagger the terms of the council, the initial appointments for twelve
17 of the members shall be for one year. Once the initial one-year to
18 two-year terms expire, all subsequent terms shall be for two years,
19 with the terms expiring on June 30th of the applicable year. The
20 terms shall be staggered in such a way that, where possible, the
21 terms of members representing a specific group do not expire
22 simultaneously.

23 (5) The council shall consist of members essential to
24 coordinating services statewide prenatal through age five, as
25 follows:

26 (a) In addition to being staffed and supported by the department,
27 the governor shall appoint one representative from each of the
28 following: The department of health, the student achievement council,
29 and the state board for community and technical colleges;

30 (b) One representative from the office of the superintendent of
31 public instruction, to be appointed by the superintendent of public
32 instruction;

33 (c) The governor shall appoint leaders in early childhood
34 education to represent critical service delivery and support sectors,
35 with at least one individual representing each of the following:

36 (i) The head start state collaboration office director or the
37 director's designee;

38 (ii) A representative of a head start, early head start, or
39 migrant/seasonal head start program;

40 (iii) A representative of a local education agency;

1 (iv) A representative of the state agency responsible for
2 programs under section 619 or part C of the federal individuals with
3 disabilities education act;

4 (v) A representative of the early childhood education and
5 assistance program;

6 (vi) A representative of licensed family day care providers;

7 (vii) A representative of child day care centers; and

8 (viii) A representative from the home visiting advisory committee
9 established in RCW ((~~43.215.130~~)) 43.216.130;

10 (d) Two members of the house of representatives, one from each
11 caucus, to be appointed by the speaker of the house of
12 representatives and two members of the senate, one from each caucus,
13 to be appointed by the majority leader in the senate and the minority
14 leader in the senate;

15 (e) Two parents, one of whom serves on the department's parent
16 advisory group, to be appointed by the governor;

17 (f) One representative of the private-public partnership created
18 in RCW ((~~43.215.070~~)) 43.216.065, to be appointed by the partnership
19 board;

20 (g) One representative from the developmental disabilities
21 community;

22 (h) Two representatives from early learning regional coalitions;

23 (i) Representatives of underserved communities who have a special
24 expertise or interest in high quality early learning, one to be
25 appointed by each of the following commissions:

26 (i) The Washington state commission on Asian Pacific American
27 affairs;

28 (ii) The Washington state commission on African American affairs;
29 and

30 (iii) The Washington state commission on Hispanic affairs;

31 (j) Two representatives designated by sovereign tribal
32 governments, one of whom must be a representative of a tribal early
33 childhood education assistance program or head start program;

34 (k) One representative from the Washington federation of
35 independent schools;

36 (l) One representative from the Washington library association;
37 and

38 (m) One representative from a statewide advocacy coalition of
39 organizations that focuses on early learning.

1 (6) The council shall be cochaired by two members, to be elected
2 by the council for two-year terms and not more than one cochair may
3 represent a state agency.

4 (7) The council shall appoint two members and stakeholders with
5 expertise in early learning to sit on the technical working group
6 created in section 2, chapter 234, Laws of 2010.

7 (8) Each member of the board shall be compensated in accordance
8 with RCW 43.03.240 and reimbursed for travel expenses incurred in
9 carrying out the duties of the board in accordance with RCW 43.03.050
10 and 43.03.060.

11 (9)(a) The council shall convene an early achievers review
12 subcommittee to provide feedback and guidance on strategies to
13 improve the quality of instruction and environment for early learning
14 and provide input and recommendations on the implementation and
15 refinement of the early achievers program. (~~The review conducted by
16 the subcommittee shall be a part of the annual progress report
17 required in RCW 43.215.102. At a minimum the review shall address the
18 following:~~) The subcommittee shall at a minimum provide feedback and
19 guidance to the department and the council on the following:

20 (i) Adequacy of data collection procedures;

21 (ii) Coaching and technical assistance standards;

22 (iii) Progress in reducing barriers to participation for low-
23 income providers and providers from diverse cultural backgrounds,
24 including a review of the early achievers program's rating tools,
25 quality standard areas, and components, and how they are applied;

26 (iv) Strategies in response to data on the effectiveness of early
27 achievers program standards in relation to providers and children
28 from diverse cultural backgrounds;

29 (v) Status of the life circumstance exemption protocols; and

30 (vi) Analysis of early achievers program data trends.

31 (b) The subcommittee must include consideration of cultural
32 linguistic responsiveness when analyzing the areas for review
33 required by (a) of this subsection.

34 (c) The subcommittee shall include representatives from child
35 care centers, family child care, the early childhood education and
36 assistance program, contractors for early achievers program technical
37 assistance and coaching, tribal governments, the organization
38 responsible for conducting early achievers program ratings, and
39 parents of children participating in early learning programs,
40 including working connections child care and early childhood

1 education and assistance programs. The subcommittee shall include
2 representatives from diverse cultural and linguistic backgrounds.

3 (10) The department shall provide staff support to the council.

4 **Sec. 5.** RCW 43.216.020 and 2017 3rd sp.s. c 6 s 202 are each
5 amended to read as follows:

6 (1) The department shall implement state early learning policy
7 and coordinate, consolidate, and integrate child care and early
8 learning programs in order to administer programs and funding as
9 efficiently as possible. The department's duties include, but are not
10 limited to, the following:

11 (a) To support both public and private sectors toward a
12 comprehensive and collaborative system of early learning that serves
13 parents, children, and providers and to encourage best practices in
14 child care and early learning programs;

15 (b) To make early learning resources available to parents and
16 caregivers;

17 (c) To carry out activities, including providing clear and easily
18 accessible information about quality and improving the quality of
19 early learning opportunities for young children, in cooperation with
20 the nongovernmental private-public partnership;

21 (d) To administer child care and early learning programs;

22 (e) To safeguard and promote the health, safety, and well-being
23 of children receiving child care and early learning assistance, which
24 is paramount over the right of any person to provide such care;

25 (f) To apply data already collected comparing the following
26 factors and make (~~biennial~~) recommendations to the legislature in a
27 time frame which corresponds to the child care and development fund
28 federal reporting requirements, regarding working connections subsidy
29 and state-funded preschool rates and compensation models that would
30 attract and retain high quality early learning professionals:

31 (i) State-funded early learning subsidy rates and market rates of
32 licensed early learning homes and centers;

33 (ii) Compensation of early learning educators in licensed centers
34 and homes and early learning teachers at state higher education
35 institutions;

36 (iii) State-funded preschool program compensation rates and
37 Washington state head start program compensation rates; and

38 (iv) State-funded preschool program compensation to compensation
39 in similar comprehensive programs in other states;

1 (g) To serve as the state lead agency for Part C of the federal
2 individuals with disabilities education act (IDEA) and to develop and
3 adopt rules that establish minimum requirements for the services
4 offered through Part C programs, including allowable allocations and
5 expenditures for transition into Part B of the federal individuals
6 with disabilities education act (IDEA);

7 (h) To standardize internal financial audits, oversight visits,
8 performance benchmarks, and licensing criteria, so that programs can
9 function in an integrated fashion;

10 (i) To support the implementation of the nongovernmental private-
11 public partnership and cooperate with that partnership in pursuing
12 its goals including providing data and support necessary for the
13 successful work of the partnership;

14 (j) To work cooperatively and in coordination with the early
15 learning council;

16 (k) To collaborate with the K-12 school system at the state and
17 local levels to ensure appropriate connections and smooth transitions
18 between early learning and K-12 programs;

19 (l) To develop and adopt rules for administration of the program
20 of early learning established in RCW 43.216.555;

21 (m) To develop a comprehensive birth-to-three plan to provide
22 education and support through a continuum of options including, but
23 not limited to, services such as: Home visiting; quality incentives
24 for infant and toddler child care subsidies; quality improvements for
25 family home and center-based child care programs serving infants and
26 toddlers; professional development; early literacy programs; and
27 informal supports for family, friend, and neighbor caregivers; and

28 (n) Upon the development of an early learning information system,
29 to make available to parents timely inspection and licensing action
30 information and provider comments through the internet and other
31 means.

32 (2) When additional funds are appropriated for the specific
33 purpose of home visiting and parent and caregiver support, the
34 department must reserve at least eighty percent for home visiting
35 services to be deposited into the home visiting services account and
36 up to twenty percent of the new funds for other parent or caregiver
37 support.

38 (3) Home visiting services must include programs that serve
39 families involved in the child welfare system.

1 (4) The department's programs shall be designed in a way that
2 respects and preserves the ability of parents and legal guardians to
3 direct the education, development, and upbringing of their children,
4 and that recognizes and honors cultural and linguistic diversity. The
5 department shall include parents and legal guardians in the
6 development of policies and program decisions affecting their
7 children.

8 **Sec. 6.** RCW 13.40.212 and 1997 c 338 s 34 are each amended to
9 read as follows:

10 ~~((1))~~ The department shall, no later than January 1, 1999,
11 implement an intensive supervision program as a part of its parole
12 services that includes, at a minimum, the following program elements:

13 ~~((a))~~ (1) A process of case management involving coordinated
14 and comprehensive planning, information exchange, continuity and
15 consistency, service provision and referral, and monitoring. The
16 components of the case management system shall include assessment,
17 classification, and selection criteria; individual case planning that
18 incorporates a family and community perspective; a mixture of
19 intensive surveillance and services; a balance of incentives and
20 graduated consequences coupled with the imposition of realistic,
21 enforceable conditions; and service brokerage with community
22 resources and linkage with social networks;

23 ~~((b))~~ (2) Administration of transition services that transcend
24 traditional agency boundaries and professional interests and include
25 courts, institutions, aftercare, education, social and mental health
26 services, substance abuse treatment, and employment and vocational
27 training; and

28 ~~((c))~~ (3) A plan for information management and program
29 evaluation that maintains close oversight over implementation and
30 quality control, and determines the effectiveness of both the
31 processes and outcomes of the program.

32 ~~((2) The department shall report annually to the legislature,
33 beginning December 1, 1999, on the department's progress in meeting
34 the intensive supervision program evaluation goals required under
35 subsection (1)(c) of this section.)~~

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