

SSB 5151 - H COMM AMD

By Committee on Children, Youth & Families

ADOPTED 04/06/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.34.030 and 2020 c 312 s 114 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abandoned" means when the child's parent, guardian, or other
8 custodian has expressed, either by statement or conduct, an intent to
9 forego, for an extended period, parental rights or responsibilities
10 despite an ability to exercise such rights and responsibilities. If
11 the court finds that the petitioner has exercised due diligence in
12 attempting to locate the parent, no contact between the child and the
13 child's parent, guardian, or other custodian for a period of three
14 months creates a rebuttable presumption of abandonment, even if there
15 is no expressed intent to abandon.

16 (2) "Child," "juvenile," and "youth" mean:

17 (a) Any individual under the age of eighteen years; or

18 (b) Any individual age eighteen to twenty-one years who is
19 eligible to receive and who elects to receive the extended foster
20 care services authorized under RCW 74.13.031. A youth who remains
21 dependent and who receives extended foster care services under RCW
22 74.13.031 shall not be considered a "child" under any other statute
23 or for any other purpose.

24 (3) "Current placement episode" means the period of time that
25 begins with the most recent date that the child was removed from the
26 home of the parent, guardian, or legal custodian for purposes of
27 placement in out-of-home care and continues until: (a) The child
28 returns home; (b) an adoption decree, a permanent custody order, or
29 guardianship order is entered; or (c) the dependency is dismissed,
30 whichever occurs first.

31 (4) "Department" means the department of children, youth, and
32 families.

1 (5) "Dependency guardian" means the person, nonprofit
2 corporation, or Indian tribe appointed by the court pursuant to this
3 chapter for the limited purpose of assisting the court in the
4 supervision of the dependency.

5 (6) "Dependent child" means any child who:

6 (a) Has been abandoned;

7 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
8 person legally responsible for the care of the child;

9 (c) Has no parent, guardian, or custodian capable of adequately
10 caring for the child, such that the child is in circumstances which
11 constitute a danger of substantial damage to the child's
12 psychological or physical development; or

13 (d) Is receiving extended foster care services, as authorized by
14 RCW 74.13.031.

15 (7) "Developmental disability" means a disability attributable to
16 intellectual disability, cerebral palsy, epilepsy, autism, or another
17 neurological or other condition of an individual found by the
18 secretary of the department of social and health services to be
19 closely related to an intellectual disability or to require treatment
20 similar to that required for individuals with intellectual
21 disabilities, which disability originates before the individual
22 attains age eighteen, which has continued or can be expected to
23 continue indefinitely, and which constitutes a substantial limitation
24 to the individual.

25 (8) "Educational liaison" means a person who has been appointed
26 by the court to fulfill responsibilities outlined in RCW 13.34.046.

27 (9) "Extended foster care services" means residential and other
28 support services the department is authorized to provide under RCW
29 74.13.031. These services may include placement in licensed,
30 relative, or otherwise approved care, or supervised independent
31 living settings; assistance in meeting basic needs; independent
32 living services; medical assistance; and counseling or treatment.

33 (10) "Guardian" means the person or agency that: (a) Has been
34 appointed as the guardian of a child in a legal proceeding, including
35 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
36 legal right to custody of the child pursuant to such appointment. The
37 term "guardian" does not include a "dependency guardian" appointed
38 pursuant to a proceeding under this chapter.

39 (11) "Guardian ad litem" means a person, appointed by the court
40 to represent the best interests of a child in a proceeding under this

1 chapter, or in any matter which may be consolidated with a proceeding
2 under this chapter. A "court-appointed special advocate" appointed by
3 the court to be the guardian ad litem for the child, or to perform
4 substantially the same duties and functions as a guardian ad litem,
5 shall be deemed to be guardian ad litem for all purposes and uses of
6 this chapter.

7 (12) "Guardian ad litem program" means a court-authorized
8 volunteer program, which is or may be established by the superior
9 court of the county in which such proceeding is filed, to manage all
10 aspects of volunteer guardian ad litem representation for children
11 alleged or found to be dependent. Such management shall include but
12 is not limited to: Recruitment, screening, training, supervision,
13 assignment, and discharge of volunteers.

14 (13) "Guardianship" means a guardianship pursuant to chapter
15 13.36 RCW or a limited guardianship of a minor pursuant to RCW
16 11.130.215 or equivalent laws of another state or a federally
17 recognized Indian tribe.

18 (14) "Housing assistance" means appropriate referrals by the
19 department or other agencies to federal, state, local, or private
20 agencies or organizations, assistance with forms, applications, or
21 financial subsidies or other monetary assistance for housing. For
22 purposes of this chapter, "housing assistance" is not a remedial
23 service or family reunification service as described in RCW
24 13.34.025(2).

25 (15) "Indigent" means a person who, at any stage of a court
26 proceeding, is:

27 (a) Receiving one of the following types of public assistance:
28 Temporary assistance for needy families, aged, blind, or disabled
29 assistance benefits, medical care services under RCW 74.09.035,
30 pregnant women assistance benefits, poverty-related veterans'
31 benefits, food stamps or food stamp benefits transferred
32 electronically, refugee resettlement benefits, medicaid, or
33 supplemental security income; or

34 (b) Involuntarily committed to a public mental health facility;
35 or

36 (c) Receiving an annual income, after taxes, of one hundred
37 twenty-five percent or less of the federally established poverty
38 level; or

1 (d) Unable to pay the anticipated cost of counsel for the matter
2 before the court because his or her available funds are insufficient
3 to pay any amount for the retention of counsel.

4 (16) "Nonminor dependent" means any individual age eighteen to
5 twenty-one years who is participating in extended foster care
6 services authorized under RCW 74.13.031.

7 (17) "Out-of-home care" means placement in a foster family home
8 or group care facility licensed pursuant to chapter 74.15 RCW or
9 placement in a home, other than that of the child's parent, guardian,
10 or legal custodian, not required to be licensed pursuant to chapter
11 74.15 RCW.

12 (18) "Parent" means the biological or adoptive parents of a
13 child, or an individual who has established a parent-child
14 relationship under RCW 26.26A.100, unless the legal rights of that
15 person have been terminated by a judicial proceeding pursuant to this
16 chapter, chapter 26.33 RCW, or the equivalent laws of another state
17 or a federally recognized Indian tribe.

18 (19) "Prevention and family services and programs" means specific
19 mental health prevention and treatment services, substance abuse
20 prevention and treatment services, and in-home parent skill-based
21 programs that qualify for federal funding under the federal family
22 first prevention services act, P.L. 115-123. For purposes of this
23 chapter, prevention and family services and programs are not remedial
24 services or family reunification services as described in RCW
25 13.34.025(2).

26 (20) "Prevention services" means preservation services, as
27 defined in chapter 74.14C RCW, and other reasonably available
28 services, including housing assistance, capable of preventing the
29 need for out-of-home placement while protecting the child. Prevention
30 services include, but are not limited to, prevention and family
31 services and programs as defined in this section.

32 (21) "Qualified residential treatment program" means a program
33 that meets the requirements provided in RCW 13.34.420, qualifies for
34 funding under the family first prevention services act under 42
35 U.S.C. Sec. 672(k), and, if located within Washington state, is
36 licensed as a group care facility under chapter 74.15 RCW ((that also
37 qualifies for funding under the federal family first prevention
38 services act under 42 U.S.C. Sec. 672(k) and meets the requirements
39 provided in RCW 13.34.420)).

1 (22) "Relative" includes persons related to a child in the
2 following ways:

3 (a) Any blood relative, including those of half-blood, and
4 including first cousins, second cousins, nephews or nieces, and
5 persons of preceding generations as denoted by prefixes of grand,
6 great, or great-great;

7 (b) Stepfather, stepmother, stepbrother, and stepsister;

8 (c) A person who legally adopts a child or the child's parent as
9 well as the natural and other legally adopted children of such
10 persons, and other relatives of the adoptive parents in accordance
11 with state law;

12 (d) Spouses of any persons named in (a), (b), or (c) of this
13 subsection, even after the marriage is terminated;

14 (e) Relatives, as named in (a), (b), (c), or (d) of this
15 subsection, of any half sibling of the child; or

16 (f) Extended family members, as defined by the law or custom of
17 the Indian child's tribe or, in the absence of such law or custom, a
18 person who has reached the age of eighteen and who is the Indian
19 child's grandparent, aunt or uncle, brother or sister, brother-in-law
20 or sister-in-law, niece or nephew, first or second cousin, or
21 stepparent who provides care in the family abode on a twenty-four
22 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

23 (23) "Shelter care" means temporary physical care in a facility
24 licensed pursuant to RCW 74.15.030 or in a home not required to be
25 licensed pursuant to RCW 74.15.030.

26 (24) "Sibling" means a child's birth brother, birth sister,
27 adoptive brother, adoptive sister, half-brother, or half-sister, or
28 as defined by the law or custom of the Indian child's tribe for an
29 Indian child as defined in RCW 13.38.040.

30 (25) "Social study" means a written evaluation of matters
31 relevant to the disposition of the case that contains the information
32 required by RCW 13.34.430.

33 (26) "Supervised independent living" includes, but is not limited
34 to, apartment living, room and board arrangements, college or
35 university dormitories, and shared roommate settings. Supervised
36 independent living settings must be approved by the department or the
37 court.

38 (27) "Voluntary placement agreement" means, for the purposes of
39 extended foster care services, a written voluntary agreement between
40 a nonminor dependent who agrees to submit to the care and authority

1 of the department for the purposes of participating in the extended
2 foster care program.

3 **Sec. 2.** RCW 43.216.010 and 2020 c 270 s 11 are each reenacted
4 and amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Agency" means any person, firm, partnership, association,
8 corporation, or facility that provides child care and early learning
9 services outside a child's own home and includes the following
10 irrespective of whether there is compensation to the agency:

11 (a) "Child day care center" means an agency that regularly
12 provides early childhood education and early learning services for a
13 group of children for periods of less than twenty-four hours;

14 (b) "Early learning" includes but is not limited to programs and
15 services for child care; state, federal, private, and nonprofit
16 preschool; child care subsidies; child care resource and referral;
17 parental education and support; and training and professional
18 development for early learning professionals;

19 (c) "Family day care provider" means a child care provider who
20 regularly provides early childhood education and early learning
21 services for not more than twelve children in the provider's home in
22 the family living quarters;

23 (d) "Nongovernmental private-public partnership" means an entity
24 registered as a nonprofit corporation in Washington state with a
25 primary focus on early learning, school readiness, and parental
26 support, and an ability to raise a minimum of five million dollars in
27 contributions;

28 (e) "Outdoor nature-based child care" means an agency or an
29 agency-offered program that:

30 (i) Enrolls preschool or school-age children;

31 (ii) Provides early learning services to the enrolled children in
32 an outdoor natural space approved by the department for not less than
33 four hours per day or fifty percent of the daily program hours,
34 whichever is less; and

35 (iii) Teaches a nature-based curriculum to enrolled children;

36 (f) "Service provider" means the entity that operates a community
37 facility.

38 (2) "Agency" does not include the following:

39 (a) Persons related to the child in the following ways:

1 (i) Any blood relative, including those of half-blood, and
2 including first cousins, nephews or nieces, and persons of preceding
3 generations as denoted by prefixes of grand, great, or great-great;

4 (ii) Stepfather, stepmother, stepbrother, and stepsister;

5 (iii) A person who legally adopts a child or the child's parent
6 as well as the natural and other legally adopted children of such
7 persons, and other relatives of the adoptive parents in accordance
8 with state law; or

9 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
10 this subsection, even after the marriage is terminated;

11 (b) Persons who are legal guardians of the child;

12 (c) Persons who care for a neighbor's or friend's child or
13 children, with or without compensation, where the person providing
14 care for periods of less than twenty-four hours does not conduct such
15 activity on an ongoing, regularly scheduled basis for the purpose of
16 engaging in business, which includes, but is not limited to,
17 advertising such care;

18 (d) Parents on a mutually cooperative basis exchange care of one
19 another's children;

20 (e) Nursery schools that are engaged primarily in early childhood
21 education with preschool children and in which no child is enrolled
22 on a regular basis for more than four hours per day;

23 (f) Schools, including boarding schools, that are engaged
24 primarily in education, operate on a definite school year schedule,
25 follow a stated academic curriculum, and accept only school age
26 children;

27 (g) Seasonal camps (~~of three months' or less duration engaged~~
28 ~~primarily in recreational or educational activities~~). For purposes
29 of this chapter, "seasonal camp" means a program that:

30 (i) Operates for three months or less within a period of twelve
31 consecutive months;

32 (ii) Is engaged primarily in recreational or educational
33 activities conducted on a closely supervised basis; and

34 (iii) Is owned by any person, organization, association, or
35 corporation, or is operated by a federal, state, county, or municipal
36 government;

37 (h) Facilities providing child care for periods of less than
38 twenty-four hours when a parent or legal guardian of the child
39 remains on the premises of the facility for the purpose of
40 participating in:

- 1 (i) Activities other than employment; or
2 (ii) Employment of up to two hours per day when the facility is
3 operated by a nonprofit entity that also operates a licensed child
4 care program at the same facility in another location or at another
5 facility;
- 6 (i) Any entity that provides recreational or educational
7 programming for school age children only and the entity meets all of
8 the following requirements:
- 9 (i) The entity utilizes a drop-in model for programming, where
10 children are able to attend during any or all program hours without a
11 formal reservation;
- 12 (ii) The entity does not assume responsibility in lieu of the
13 parent, unless for coordinated transportation;
- 14 (iii) The entity is a local affiliate of a national nonprofit;
15 and
- 16 (iv) The entity is in compliance with all safety and quality
17 standards set by the associated national agency;
- 18 (j) A program operated by any unit of local, state, or federal
19 government;
- 20 (k) A program located within the boundaries of a federally
21 recognized Indian reservation, licensed by the Indian tribe;
- 22 (l) A program located on a federal military reservation, except
23 where the military authorities request that such agency be subject to
24 the licensing requirements of this chapter;
- 25 (m) A program that offers early learning and support services,
26 such as parent education, and does not provide child care services on
27 a regular basis.
- 28 (3) "Applicant" means a person who requests or seeks employment
29 in an agency.
- 30 (4) "Certificate of parental improvement" means a certificate
31 issued under RCW 74.13.720 to an individual who has a founded finding
32 of physical abuse or negligent treatment or maltreatment, or a court
33 finding that the individual's child was dependent as a result of a
34 finding that the individual abused or neglected their child pursuant
35 to RCW 13.34.030(6)(b).
- 36 (5) "Conviction information" means criminal history record
37 information relating to an incident which has led to a conviction or
38 other disposition adverse to the applicant.
- 39 (6) "Department" means the department of children, youth, and
40 families.

1 (7) "Early achievers" means a program that improves the quality
2 of early learning programs and supports and rewards providers for
3 their participation.

4 (8) "Early childhood education and assistance program contractor"
5 means an organization that provides early childhood education and
6 assistance program services under a signed contract with the
7 department.

8 (9) "Early childhood education and assistance program provider"
9 means an organization that provides site level, direct, and high
10 quality early childhood education and assistance program services
11 under the direction of an early childhood education and assistance
12 program contractor.

13 (10) "Early start" means an integrated high quality continuum of
14 early learning programs for children birth-to-five years of age.
15 Components of early start include, but are not limited to, the
16 following:

- 17 (a) Home visiting and parent education and support programs;
- 18 (b) The early achievers program described in RCW 43.216.085;
- 19 (c) Integrated full-day and part-day high quality early learning
20 programs; and
- 21 (d) High quality preschool for children whose family income is at
22 or below one hundred ten percent of the federal poverty level.

23 (11) "Education data center" means the education data center
24 established in RCW 43.41.400, commonly referred to as the education
25 research and data center.

26 (12) "Employer" means a person or business that engages the
27 services of one or more people, especially for wages or salary to
28 work in an agency.

29 (13) "Enforcement action" means denial, suspension, revocation,
30 modification, or nonrenewal of a license pursuant to RCW
31 43.216.325(1) or assessment of civil monetary penalties pursuant to
32 RCW 43.216.325(3).

33 (14) "Extended day program" means an early childhood education
34 and assistance program that offers early learning education for at
35 least ten hours per day, a minimum of two thousand hours per year, at
36 least four days per week, and operates year-round.

37 (15) "Full day program" means an early childhood education and
38 assistance program that offers early learning education for a minimum
39 of one thousand hours per year.

1 (16) "Inspection report" means a written or digital record or
2 report created by the department that identifies or describes
3 licensing violations or conditions within an agency. An inspection
4 report does not include a child care facility licensing compliance
5 agreement as defined in RCW 43.216.395.

6 (17) "Low-income child care provider" means a person who
7 administers a child care program that consists of at least eighty
8 percent of children receiving working connections child care subsidy.

9 (~~(17)~~) (18) "Low-income neighborhood" means a district or
10 community where more than twenty percent of households are below the
11 federal poverty level.

12 (~~(18)~~) (19) "Negative action" means a court order, court
13 judgment, or an adverse action taken by an agency, in any state,
14 federal, tribal, or foreign jurisdiction, which results in a finding
15 against the applicant reasonably related to the individual's
16 character, suitability, and competence to care for or have
17 unsupervised access to children in child care. This may include, but
18 is not limited to:

19 (a) A decision issued by an administrative law judge;

20 (b) A final determination, decision, or finding made by an agency
21 following an investigation;

22 (c) An adverse agency action, including termination, revocation,
23 or denial of a license or certification, or if pending adverse agency
24 action, the voluntary surrender of a license, certification, or
25 contract in lieu of the adverse action;

26 (d) A revocation, denial, or restriction placed on any
27 professional license; or

28 (e) A final decision of a disciplinary board.

29 (~~(19)~~) (20) "Nonconviction information" means arrest, founded
30 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
31 or other negative action adverse to the applicant.

32 (~~(20)~~) (21) "Nonschool age child" means a child who is age six
33 years or younger and who is not enrolled in a public or private
34 school.

35 (~~(21)~~) (22) "Part day program" means an early childhood
36 education and assistance program that offers early learning education
37 for at least two and one-half hours per class session, at least three
38 hundred twenty hours per year, for a minimum of thirty weeks per
39 year.

1 (~~(22)~~) (23) "Private school" means a private school approved by
2 the state under chapter 28A.195 RCW.

3 (~~(23)~~) (24) "Probationary license" means a license issued as a
4 disciplinary measure to an agency that has previously been issued a
5 full license but is out of compliance with licensing standards.

6 (~~(24)~~) (25) "Requirement" means any rule, regulation, or
7 standard of care to be maintained by an agency.

8 (~~(25)~~) (26) "School age child" means a child who is five years
9 of age through twelve years of age and is attending a public or
10 private school or is receiving home-based instruction under chapter
11 28A.200 RCW.

12 (~~(26)~~) (27) "Secretary" means the secretary of the department.

13 (~~(27)~~) (28) "Washington state preschool program" means an
14 education program for children three-to-five years of age who have
15 not yet entered kindergarten, such as the early childhood education
16 and assistance program.

17 **Sec. 3.** RCW 43.216.015 and 2020 c 262 s 1 and 2020 c 90 s 9 are
18 each reenacted and amended to read as follows:

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

26 (b) The department, in partnership with state and local agencies,
27 tribes, and communities, shall protect children and youth from harm
28 and promote healthy development with effective, high quality
29 prevention, intervention, and early education services delivered in
30 an equitable manner. An important role for the department shall be to
31 provide preventative services to help secure and preserve families in
32 crisis. The department shall partner with the federally recognized
33 Indian tribes to develop effective services for youth and families
34 while respecting the sovereignty of those tribes and the government-
35 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
36 sp. sess. alters the duties, requirements, and policies of the
37 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
38 as amended, or the Indian child welfare act, chapter 13.38 RCW.

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

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

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

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

26 (i) Improving child development and school readiness through
27 voluntary, high quality early learning opportunities as measured by:
28 (A) Increasing the number and proportion of children kindergarten-
29 ready as measured by the Washington kindergarten inventory of
30 developing skills (WAKids) assessment including mathematics; (B)
31 increasing the proportion of children in early learning programs that
32 have achieved the level 3 or higher early achievers quality standard;
33 and (C) increasing the available supply of licensed child care in
34 ~~((both))~~ child care centers, outdoor nature-based child care, and
35 family homes, including providers not receiving state subsidy;

36 (ii) Preventing child abuse and neglect;

37 (iii) Improving child and youth safety, permanency, and well-
38 being as measured by: (A) Reducing the number of children entering
39 out-of-home care; (B) reducing a child's length of stay in out-of-
40 home care; (C) reducing maltreatment of youth while in out-of-home

1 care; (D) licensing more foster homes than there are children in
2 foster care; (E) reducing the number of children that reenter out-of-
3 home care within twelve months; (F) increasing the stability of
4 placements for children in out-of-home care; and (G) developing
5 strategies to demonstrate to foster families that their service and
6 involvement is highly valued by the department, as demonstrated by
7 the development of strategies to consult with foster families
8 regarding future placement of a foster child currently placed with a
9 foster family;

10 (iv) Improving reconciliation of children and youth with their
11 families as measured by: (A) Increasing family reunification; and (B)
12 increasing the number of youth who are reunified with their family of
13 origin;

14 (v) In collaboration with county juvenile justice programs,
15 improving adolescent outcomes including reducing multisystem
16 involvement and homelessness; and increasing school graduation rates
17 and successful transitions to adulthood for youth involved in the
18 child welfare and juvenile justice systems;

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

22 (vii) In collaboration with county juvenile justice programs,
23 reducing criminal justice involvement and recidivism as measured by:
24 (A) An increase in the number of youth who successfully complete the
25 terms of diversion or alternative sentencing options; (B) a decrease
26 in the number of youth who commit subsequent crimes; and (C)
27 eliminating the discharge of youth from institutional settings into
28 homelessness; and

29 (viii) Eliminating racial and ethnic disproportionality and
30 disparities in system involvement and across child and youth outcomes
31 in collaboration with other state agencies.

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

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

36 (b) Identify necessary improvements and updates to statutes
37 relevant to their responsibilities and proposing legislative changes
38 to the governor no less than biennially;

39 (c) Help create a data-focused environment in which there are
40 aligned outcomes and shared accountability for achieving those

1 outcomes, with shared, real-time data that is accessible to
2 authorized persons interacting with the family, child, or youth to
3 identify what is needed and which services would be effective;

4 (d) Lead the provision of state services to adolescents, focusing
5 on key transition points for youth, including exiting foster care and
6 institutions, and coordinating with the office of homeless youth
7 prevention and protection programs to address the unique needs of
8 homeless youth; and

9 (e) Create and annually update a list of the rights and
10 responsibilities of foster parents in partnership with foster parent
11 representatives. The list of foster parent rights and
12 responsibilities must be posted on the department's web site,
13 provided to individuals participating in a foster parent orientation
14 before licensure, provided to foster parents in writing at the time
15 of licensure, and provided to foster parents applying for license
16 renewal.

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

29 (6) Except as provided in section 8, chapter 90, Laws of 2020,
30 the department shall ensure that all new and renewed contracts for
31 services are performance-based.

32 (7) The department must execute all new and renewed contracts for
33 services in accordance with this section and consistent with RCW
34 74.13B.020. When contracted services are managed through a network
35 administrator or other third party, the department must execute data-
36 sharing agreements with the entities managing the contracts to track
37 provider performance measures. Contracts with network administrators
38 or other third parties must provide the contract administrator the
39 ability to shift resources from one provider to another, to evaluate
40 individual provider performance, to add or delete services in

1 consultation with the department, and to reinvest savings from
2 increased efficiencies into new or improved services in their
3 catchment area. Whenever possible, contractor performance data must
4 be made available to the public, consistent with confidentiality laws
5 and individual rights to privacy.

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

14 (b) The office of the family and children's ombuds shall
15 establish the board. The board is authorized for the purpose of
16 monitoring and ensuring that the department achieves the stated
17 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with
18 administrative acts, relevant statutes, rules, and policies
19 pertaining to early learning, juvenile rehabilitation, juvenile
20 justice, and children and family services.

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

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

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

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

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

27 (v) One subject matter expert in juvenile rehabilitation and
28 justice;

29 (vi) One subject matter expert in eliminating disparities in
30 child outcomes by family income and race and ethnicity;

31 (vii) One tribal representative from west of the crest of the
32 Cascade mountains;

33 (viii) One tribal representative from east of the crest of the
34 Cascade mountains;

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

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

38 (xi) One parent stakeholder group representative;

39 (xii) One law enforcement representative;

40 (xiii) One child welfare caseworker representative;

1 (xiv) One early childhood learning program implementation
2 practitioner;

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

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

6 (xvii) One physician with experience working with children or
7 youth; and

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

10 (b) The senate members of the board shall be appointed by the
11 leaders of the two major caucuses of the senate. The house of
12 representatives members of the board shall be appointed by the
13 leaders of the two major caucuses of the house of representatives.
14 Members shall be appointed before the close of each regular session
15 of the legislature during an odd-numbered year.

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

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

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

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

29 (c) To select its officers and adoption of rules for orderly
30 procedure;

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

33 (e) To request and receive information, outcome data, documents,
34 materials, and records from the department relating to children and
35 family welfare, juvenile rehabilitation, juvenile justice, and early
36 learning;

37 (f) To determine whether the department is achieving the
38 performance measures;

39 (g) If final review is requested by a licensee, to review whether
40 department licensors appropriately and consistently applied agency

1 rules in (~~child care facility licensing compliance agreements as~~
2 ~~defined in RCW 43.216.395~~) inspection reports that do not involve a
3 violation of health and safety standards as defined in RCW 43.216.395
4 in cases that have already been reviewed by the internal review
5 process described in RCW 43.216.395 with the authority to overturn,
6 change, or uphold such decisions;

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

11 (i) Upon receipt of records or data from the office of the family
12 and children's ombuds or the department, the board is subject to the
13 same confidentiality restrictions as the office of the family and
14 children's ombuds is under RCW 43.06A.050. The provisions of RCW
15 43.06A.060 also apply to the board.

16 (11) The board has general oversight over the performance and
17 policies of the department and shall provide advice and input to the
18 department and the governor.

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

24 (13) The board shall review existing surveys of providers,
25 customers, parent groups, and external services to assess whether the
26 department is effectively delivering services, and shall conduct
27 additional surveys as needed to assess whether the department is
28 effectively delivering services.

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

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

35 (16) The board members shall receive no compensation for their
36 service on the board, but shall be reimbursed for travel expenses
37 incurred while conducting business of the board when authorized by
38 the board and within resources allocated for this purpose, except
39 appointed legislators who shall be reimbursed for travel expenses in
40 accordance with RCW 43.03.050 and 43.03.060.

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

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

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

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

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

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

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

27 **Sec. 4.** RCW 43.216.015 and 2020 c 262 s 1 are each amended to
28 read as follows:

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

36 (b) The department, in partnership with state and local agencies,
37 tribes, and communities, shall protect children and youth from harm
38 and promote healthy development with effective, high quality
39 prevention, intervention, and early education services delivered in

1 an equitable manner. An important role for the department shall be to
2 provide preventative services to help secure and preserve families in
3 crisis. The department shall partner with the federally recognized
4 Indian tribes to develop effective services for youth and families
5 while respecting the sovereignty of those tribes and the government-
6 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
7 sp. sess. alters the duties, requirements, and policies of the
8 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
9 as amended, or the Indian child welfare act, chapter 13.38 RCW.

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

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

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

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

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

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

5 (ii) Preventing child abuse and neglect;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (vii) One tribal representative from west of the crest of the
2 Cascade mountains;
- 3 (viii) One tribal representative from east of the crest of the
4 Cascade mountains;
- 5 (ix) One current or former foster parent representative;
- 6 (x) One representative of an organization that advocates for the
7 best interest of the child;
- 8 (xi) One parent stakeholder group representative;
- 9 (xii) One law enforcement representative;
- 10 (xiii) One child welfare caseworker representative;
- 11 (xiv) One early childhood learning program implementation
12 practitioner;
- 13 (xv) One current or former foster youth under age twenty-five;
- 14 (xvi) One individual under age twenty-five with current or
15 previous experience with the juvenile justice system;
- 16 (xvii) One physician with experience working with children or
17 youth; and
- 18 (xviii) One judicial representative presiding over child welfare
19 court proceedings or other children's matters.
- 20 (b) The senate members of the board shall be appointed by the
21 leaders of the two major caucuses of the senate. The house of
22 representatives members of the board shall be appointed by the
23 leaders of the two major caucuses of the house of representatives.
24 Members shall be appointed before the close of each regular session
25 of the legislature during an odd-numbered year.
- 26 (c) The remaining board members shall be nominated by the
27 governor, subject to the approval of the appointed legislators by
28 majority vote, and serve four-year terms. When nominating and
29 approving members after July 28, 2019, the governor and appointed
30 legislators must ensure that at least five of the board members
31 reside east of the crest of the Cascade mountains.
- 32 (10) The board has the following powers, which may be exercised
33 by majority vote of the board:
- 34 (a) To receive reports of the office of the family and children's
35 ombuds;
- 36 (b) To obtain access to all relevant records in the possession of
37 the office of the family and children's ombuds, except as prohibited
38 by law;
- 39 (c) To select its officers and adoption of rules for orderly
40 procedure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 5.** RCW 43.216.020 and 2020 c 262 s 5 and 2020 c 90 s 4 are
2 each reenacted and amended to read as follows:

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

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

12 (b) To make early learning resources available to parents and
13 caregivers;

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

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

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

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

28 (i) State-funded early learning subsidy rates and market rates of
29 licensed early learning homes (~~and~~), centers, and outdoor nature-
30 based child care;

31 (ii) Compensation of early learning educators in licensed centers
32 (~~and~~), homes, and outdoor nature-based child care, and early
33 learning teachers at state higher education institutions;

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

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

38 (g) To administer the early support for infants and toddlers
39 program in RCW 43.216.580, serve as the state lead agency for Part C
40 of the federal individuals with disabilities education act (IDEA),

1 and develop and adopt rules that establish minimum requirements for
2 the services offered through Part C programs, including allowable
3 allocations and expenditures for transition into Part B of the
4 federal individuals with disabilities education act (IDEA);

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

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

12 (j) To work cooperatively and in coordination with the early
13 learning council;

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

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

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

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

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

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

38 (4) The department's programs shall be designed in a way that
39 respects and preserves the ability of parents and legal guardians to
40 direct the education, development, and upbringing of their children,

1 and that recognizes and honors cultural and linguistic diversity. The
2 department shall include parents and legal guardians in the
3 development of policies and program decisions affecting their
4 children.

5 **Sec. 6.** RCW 43.216.085 and 2019 c 369 s 2 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

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

32 (3) (a) Licensed or certified child care centers (~~(and homes)~~), family home
33 child care, and outdoor nature-based child care, serving
34 nonschool-age children and receiving state subsidy payments, must
35 participate in the early achievers program by the required deadlines
36 established in RCW 43.216.135.

37 (b) Approved early childhood education and assistance program
38 providers receiving state-funded support must participate in the

1 early achievers program by the required deadlines established in RCW
2 43.216.515.

3 (c) Participation in the early achievers program is voluntary
4 for:

5 (i) Licensed or certified child care centers (~~and homes~~),
6 family home child care, and outdoor nature-based child care, not
7 receiving state subsidy payments; and

8 (ii) Early learning programs not receiving state funds.

9 (d) School-age child care providers are exempt from participating
10 in the early achievers program. By July 1, 2017, the department and
11 the office of the superintendent of public instruction shall jointly
12 design a plan to incorporate school-age child care providers into the
13 early achievers program or other appropriate quality improvement
14 system. To test implementation of the early achievers system for
15 school-age child care providers the department and the office of the
16 superintendent of public instruction shall implement a pilot program.

17 (4)(a) There are five primary levels in the early achievers
18 program.

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

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

24 (5) The department has the authority to determine the rating
25 cycle for the early achievers program. The department shall
26 streamline and eliminate duplication between early achievers
27 standards and state child care rules in order to reduce costs
28 associated with the early achievers rating cycle and child care
29 licensing.

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

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

36 (c) The first rating is free for early achievers program
37 participants.

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

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

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

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

10 (7) (a) The department must create a single source of information
11 for parents and caregivers to access details on a provider's early
12 achievers program rating level, licensing history, and other
13 indicators of quality and safety that will help parents and
14 caregivers make informed choices. The licensing history that the
15 department must provide for parents and caregivers pursuant to this
16 subsection shall only include license suspension, surrender,
17 revocation, denial, stayed suspension, or reinstatement. No unfounded
18 child abuse or neglect reports may be provided to parents and
19 caregivers pursuant to this subsection.

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

22 (i) Early achievers program rating levels 1 through 5 for all
23 child care programs that receive state subsidy, early childhood
24 education and assistance programs, and federal head start programs in
25 Washington; and

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

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

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

34 (e) Early achievers program participants who have published
35 rating levels on the department's web site or on a link on the
36 department's web site may include a brief description of their
37 program, contingent upon the review and approval by the department,
38 as determined by established marketing standards.

39 (8) (a) The department shall create a professional development
40 pathway for early achievers program participants to obtain a high

1 school diploma or equivalency or higher education credential in early
2 childhood education, early childhood studies, child development, or
3 an academic field related to early care and education.

4 (b) The professional development pathway must include
5 opportunities for scholarships and grants to assist early achievers
6 program participants with the costs associated with obtaining an
7 educational degree.

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

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

14 (10) In collaboration with tribal governments, community and
15 statewide partners, and the early achievers review subcommittee
16 created in RCW 43.216.075, the department shall develop a protocol
17 for granting early achievers program participants an extension in
18 meeting rating level requirement timelines outlined for the working
19 connections child care program and the early childhood education and
20 assistance program.

21 (a) The department may grant extensions only under exceptional
22 circumstances, such as when early achievers program participants
23 experience an unexpected life circumstance.

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

27 (c) Extensions may only be granted to early achievers program
28 participants who have demonstrated engagement in the early achievers
29 program.

30 (11)(a) The department shall accept national accreditation that
31 meets the requirements of this subsection (11) as a qualification for
32 the early achievers program ratings.

33 (b) Each national accreditation agency will be allowed to submit
34 its most current standards of accreditation to establish potential
35 credit earned in the early achievers program. The department shall
36 grant credit to accreditation bodies that can demonstrate that their
37 standards meet or exceed the current early achievers program
38 standards. By December 1, 2019, and subject to the availability of
39 amounts appropriated for this specific purpose, the department must
40 submit a detailed plan to the governor and the legislature to

1 implement a robust cross-accreditation process with multiple pathways
2 that allows a provider to earn equivalent early achievers credit
3 resulting from accreditation by high quality national organizations.

4 (c) Licensed child care centers (~~and~~), child care home
5 providers, and outdoor nature-based child care must meet national
6 accreditation standards approved by the department for the early
7 achievers program in order to be granted credit for the early
8 achievers program standards. Eligibility for the early achievers
9 program is not subject to bargaining, mediation, or interest
10 arbitration under RCW 41.56.028, consistent with the legislative
11 reservation of rights under RCW 41.56.028(4)(d).

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

15 (13) A child care or early learning program that is operated by a
16 federally recognized tribe and receives state funds shall participate
17 in the early achievers program. The tribe may choose to participate
18 through an interlocal agreement between the tribe and the department.
19 The interlocal agreement must reflect the government-to-government
20 relationship between the state and the tribe, including recognition
21 of tribal sovereignty. The interlocal agreement must provide that:

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

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

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

33 (14) The department shall consult with the early achievers review
34 subcommittee on all substantial policy changes to the early achievers
35 program.

36 (15) Nothing in this section changes the department's
37 responsibility to collectively bargain over mandatory subjects or
38 limits the legislature's authority to make programmatic modifications
39 to licensed child care and early learning programs under RCW
40 41.56.028(4)(d).

1 **Sec. 7.** RCW 43.216.087 and 2019 c 369 s 5 are each amended to
2 read as follows:

3 (1)(a) The department shall, in collaboration with tribal
4 governments and community and statewide partners, implement a
5 protocol to maximize and encourage participation in the early
6 achievers program for culturally diverse and low-income center
7 (~~and~~), family home, and outdoor nature-based child care providers.
8 Amounts appropriated for the encouragement of culturally diverse and
9 low-income center (~~and~~), family home, and outdoor nature-based
10 child care provider participation shall be appropriated separately
11 from the other funds appropriated for the department, are the only
12 funds that may be used for the protocol, and may not be used for any
13 other purposes. Funds appropriated for the protocol shall be
14 considered an ongoing program for purposes of future departmental
15 budget requests.

16 (b) The department shall prioritize the resources authorized in
17 this section to assist providers in the early achievers program to
18 help them reach a rating of level 3 or higher wherever access to
19 subsidized care is at risk.

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

22 (a) The creation of a substitute pool;

23 (b) The development of needs-based grants for providers in the
24 early achievers program who demonstrate a need for assistance to
25 improve program quality. Needs-based grants may be used for
26 environmental improvements of early learning facilities; purchasing
27 curriculum development, instructional materials, supplies, and
28 equipment; and focused infant-toddler improvements. Priority for the
29 needs-based grants shall be given to culturally diverse and low-
30 income providers;

31 (c) The development of materials and assessments in a timely
32 manner, and to the extent feasible, in the provider and family home
33 languages; and

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

37 **Sec. 8.** RCW 43.216.089 and 2020 c 262 s 3 are each amended to
38 read as follows:

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

8 (a) The number, and relative percentage, of family child care,
9 outdoor nature-based child care, and center providers who have
10 enrolled in the early achievers program and who have:

11 (i) Completed the level 2 activities;

12 (ii) Completed rating readiness consultation and are waiting to
13 be rated;

14 (iii) Achieved the required rating level to remain eligible for
15 state-funded support under the early childhood education and
16 assistance program or a subsidy under the working connections child
17 care subsidy program;

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

21 (v) Not achieved the required rating level initially and engaged
22 in remedial activities before successfully achieving the required
23 rating level;

24 (vi) Not achieved the required rating level after completing
25 remedial activities; or

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

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

30 (c) An examination of the effectiveness of efforts to increase
31 successful participation by providers serving children and families
32 from diverse racial, ethnic, and cultural backgrounds and providers
33 who serve children from low-income households;

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

37 (i) A subsidy under the working connections child care program;
38 or

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

- 1 (e) A summary of the types of exceptional circumstances for which
2 the department has granted an extension pursuant to RCW 43.216.085;
- 3 (f) The average amount of time required for providers to achieve
4 local level milestones within each level of the early achievers
5 program;
- 6 (g) To the extent data is available, an analysis of the
7 distribution of early achievers program-rated facilities in relation
8 to child and provider demographics, including but not limited to race
9 and ethnicity, home language, and geographical location;
- 10 (h) Recommendations for improving access for children from
11 diverse racial, ethnic, and cultural backgrounds to providers rated
12 at a level 3 or higher in the early achievers program;
- 13 (i) Recommendations for improving the early achievers program
14 standards;
- 15 (j) An analysis of any impact from quality strengthening efforts
16 on the availability and quality of infant and toddler care;
- 17 (k) The number of contracted slots that use both early childhood
18 education and assistance program funding and working connections
19 child care program funding;
- 20 (l) An analysis of the impact of increased regulations on the
21 cost of child care; and
- 22 (m) A description of the early childhood education and assistance
23 program implementation to include the following:
- 24 (i) Progress on early childhood education and assistance program
25 implementation as required pursuant to RCW 43.216.515, 43.216.525,
26 and 43.216.555;
- 27 (ii) An examination of the regional distribution of new preschool
28 programming by school district;
- 29 (iii) An analysis of the impact of preschool expansion on low-
30 income neighborhoods and communities;
- 31 (iv) Recommendations to address any identified barriers to access
32 to quality preschool for children living in low-income neighborhoods;
- 33 (v) An analysis of any impact of extended day early care and
34 education opportunities directives;
- 35 (vi) An examination of any identified barriers for providers to
36 offer extended day early care and education opportunities;
- 37 (vii) An analysis of the demand for full-day programming for
38 early childhood education and assistance program providers required
39 under RCW 43.216.515; and

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

4 (2) The elements required to be reported under subsection (1)(a)
5 of this section must be reported at the county level, and for those
6 counties with a population of five hundred thousand and higher, the
7 data must be reported at the zip code level.

8 (3) If, based on information in an annual report submitted in
9 2018 or later under this section, fifteen percent or more of the
10 licensed or contracted providers who are participating in the early
11 achievers program in a county or in a single zip code have not
12 achieved the rating levels under RCW 43.216.135 and 43.216.515, the
13 department must:

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

16 (b) Develop a plan to mitigate the effect on the children and
17 families served by these providers. The plan must be submitted to the
18 legislature as part of the final report described in subsection (1)
19 of this section along with any recommendations for legislative action
20 to address the needs of the providers and the children and families
21 they serve.

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

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

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

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

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

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

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

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

9 (d) If in any individual state fiscal year, based on information
10 reported in (a)(ii) and (iii) of this subsection (4), fifteen percent
11 or more of the licensed or contracted providers who are participating
12 in the early achievers program in a county or in a single zip code
13 have not achieved the rating levels required under RCW 43.216.135 and
14 43.216.515, the department must:

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

17 (ii) Develop a plan to mitigate the effect on the children and
18 families served by these providers. The plan must be submitted to the
19 legislature by November 1st of the year following the state fiscal
20 year in question, along with any recommendations for legislative
21 action to address the needs of the providers and the children and
22 families they serve.

23 (5) Beginning September 15, 2021, and each odd-numbered year
24 thereafter, the department shall submit a report to the governor and
25 the legislature outlining the availability and quality of services
26 available to early learning providers and children from diverse
27 racial, ethnic, and cultural backgrounds and from low-income
28 neighborhoods and communities. The report must include the following
29 elements:

30 (a) To the extent data is available, an analysis of the racial,
31 ethnic, and linguistic diversity of early childhood education and
32 assistance program providers and participants, and the providers and
33 participants of working connections child care;

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

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

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

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

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

12 (g) An examination of expulsion rates of children from diverse
13 racial, ethnic, and diverse cultural backgrounds and from low-income
14 neighborhoods and communities; and

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

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

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

26 (b) An analysis of the effectiveness of quality improvement tools
27 and incentives on the retention and quality improvement of early
28 learning professionals;

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

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

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

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

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

4 (B) Not achieved the required rating level initially and engaged
5 in remedial activities before successfully achieving the required
6 rating level;

7 (C) Not achieved the required rating level after completing
8 remedial activities; or

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

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

13 (d) The average amount of time required for providers to achieve
14 local level milestones within each level of the early achievers
15 program;

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

19 (f) An analysis of the availability and quality of infant and
20 toddler care; and

21 (g) An examination of any identified barriers that discourage
22 providers from offering extended day early care and education
23 opportunities.

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

29 **Sec. 9.** RCW 43.216.250 and 2018 c 58 s 70 are each amended to
30 read as follows:

31 It shall be the secretary's duty with regard to licensing under
32 this chapter:

33 (1) In consultation and with the advice and assistance of persons
34 representative of the various type agencies to be licensed, to
35 designate categories of child care facilities or outdoor locations
36 for which separate or different requirements shall be developed as
37 may be appropriate whether because of variations in the ages and
38 other characteristics of the children served, variations in the

1 purposes and services offered or size or structure of the agencies to
2 be licensed, or because of any other factor relevant thereto;

3 (2) (a) In consultation with the state fire marshal's office, the
4 secretary shall use an interagency process to address health and
5 safety requirements for child care programs that serve school-age
6 children and are operated in buildings that contain public or private
7 schools that safely serve children during times in which school is in
8 session;

9 (b) Any requirements in (a) of this subsection as they relate to
10 the physical facility, including outdoor playgrounds, do not apply to
11 before-school and after-school programs that serve only school-age
12 children and operate in the same facilities used by public or private
13 schools;

14 (3) In consultation and with the advice and assistance of parents
15 or guardians, and persons representative of the various type agencies
16 to be licensed, to adopt and publish minimum requirements for
17 licensing applicable to each of the various categories of agencies to
18 be licensed under this chapter;

19 (4) In consultation with law enforcement personnel, the secretary
20 shall investigate the conviction record or pending charges of each
21 agency and its staff seeking licensure or relicensure, and other
22 persons having unsupervised access to children in child care;

23 (5) To satisfy the shared background check requirements provided
24 for in RCW 43.216.270 and 43.20A.710, the department of children,
25 youth, and families and the department of social and health services
26 shall share federal fingerprint-based background check results as
27 permitted under the law. The purpose of this provision is to allow
28 both departments to fulfill their joint background check
29 responsibility of checking any individual who may have unsupervised
30 access to vulnerable adults, children, or juveniles. Neither
31 department may share the federal background check results with any
32 other state agency or person;

33 (6) To issue, revoke, or deny licenses to agencies pursuant to
34 this chapter. Licenses shall specify the category of child care that
35 an agency is authorized to render and the ages and number of children
36 to be served;

37 (7) To prescribe the procedures and the form and contents of
38 reports necessary for the administration of this chapter and to
39 require regular reports from each licensee;

1 (8) To inspect agencies periodically to determine whether or not
2 there is compliance with this chapter and the requirements adopted
3 under this chapter;

4 (9) To review requirements adopted under this chapter at least
5 every two years and to adopt appropriate changes after consultation
6 with affected groups for child care requirements; and

7 (10) To consult with public and private agencies in order to help
8 them improve their methods and facilities for the care and early
9 learning of children.

10 **Sec. 10.** RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each
11 amended to read as follows:

12 (1) No later than November 1, 2016, the department shall
13 implement a single set of licensing standards for child care and the
14 early childhood education and assistance program. The department
15 shall produce the single set of licensing standards within the
16 department's available appropriations. The new licensing standards
17 must:

18 (a) Provide minimum (~~health and safety standards~~) licensing
19 requirements for child care and preschool programs;

20 (b) Rely on the standards established in the early achievers
21 program to address quality issues in participating early childhood
22 programs;

23 (c) Take into account the separate needs of family care
24 providers, outdoor nature-based child care providers, and child care
25 centers; and

26 (d) Promote the continued safety of child care settings.

27 (2) Private schools that operate early learning programs and do
28 not receive state subsidy payments shall be subject (~~only~~) to the
29 minimum health and safety standards (~~in subsection (1)(a) of this~~
30 ~~section~~) as defined in RCW 43.216.395(2)(b), the health and safety
31 requirements under chapter 28A.195 RCW, and the requirements
32 necessary to assure a sufficient early childhood education to meet
33 usual requirements needed for transition into elementary school. The
34 state, and any agency thereof, shall not restrict or dictate any
35 specific educational or other programs for early learning programs
36 operated by private schools except for programs that receive state
37 subsidy payments.

1 **Sec. 11.** RCW 43.216.260 and 2007 c 415 s 4 are each amended to
2 read as follows:

3 Applications for licensure shall require, at a minimum, the
4 following information:

5 (1) The size and suitability of a facility or location for an
6 outdoor nature-based child care program, and the plan of operation
7 for carrying out the purpose for which an applicant seeks a license;

8 (2) The character, suitability, and competence of an agency and
9 other persons associated with an agency directly responsible for the
10 care of children;

11 (3) The number of qualified persons required to render the type
12 of care for which an agency seeks a license;

13 (4) ~~((The))~~ To provide for the comfort, care, and well-being of
14 children, information about the health, safety, cleanliness, and
15 general adequacy of the premises ~~((to provide for the comfort, care,~~
16 ~~and well-being of children))~~, including the real property and
17 premises for an outdoor nature-based child care program;

18 (5) The provision of necessary care and early learning, including
19 food, supervision, and discipline; physical, mental, and social
20 well-being; and educational and recreational opportunities for those
21 served;

22 (6) The financial ability of an agency to comply with minimum
23 requirements established under this chapter; and

24 (7) The maintenance of records pertaining to the care of
25 children.

26 **Sec. 12.** RCW 43.216.271 and 2017 3rd sp.s. c 6 s 207 are each
27 amended to read as follows:

28 Subject to appropriation, the department shall maintain an
29 individual-based or portable background check clearance registry. Any
30 individual seeking a child care license or employment in any child
31 care facility or outdoor nature-based child care program licensed or
32 regulated under current law shall submit a background application on
33 a form prescribed by the department in rule.

34 **Sec. 13.** RCW 43.216.280 and 2006 c 265 s 303 are each amended to
35 read as follows:

36 Licensed child day care centers and outdoor nature-based child
37 care providers shall provide notice of pesticide use to parents or
38 guardians of students and employees pursuant to chapter 17.21 RCW.

1 **Sec. 14.** RCW 43.216.305 and 2020 c 343 s 5 are each amended to
2 read as follows:

3 (1) Each agency shall make application for a license or the
4 continuation of a full license to the department (~~(on forms)~~) using a
5 method prescribed by the department. Upon receipt of such
6 application, the department shall either grant or deny a license or
7 continuation of a full license within ninety days. A license or
8 continuation shall be granted if the agency meets the minimum
9 requirements set forth in this chapter and the departmental
10 requirements consistent with this chapter, except that an initial
11 license may be issued as provided in RCW 43.216.315. The department
12 shall consider whether an agency is in good standing, as defined in
13 subsection (4)(b) of this section, before granting a continuation of
14 a full license. Full licenses provided for in this chapter shall
15 continue to remain valid so long as the licensee meets the
16 requirements for a nonexpiring license in subsection (2) of this
17 section and may be transferred to a new licensee in the event of a
18 transfer of ownership of a child care operation. The licensee,
19 however, shall advise the secretary of any material change in
20 circumstances which might constitute grounds for reclassification of
21 license as to category. The license issued under this chapter applies
22 only to the licensee and the location stated in the application. For
23 licensed family day care homes having an acceptable history of child
24 care, the license may remain in effect for two weeks after a move.

25 (2) In order to qualify for a nonexpiring full license, a
26 licensee must meet the following requirements on an annual basis as
27 established from the date of initial licensure:

28 (a) Submit the annual licensing fee;

29 (b) Submit a declaration to the department indicating the
30 licensee's intent to continue operating a licensed child care
31 program, or the intent to cease operation on a date certain;

32 (c) Submit a declaration of compliance with all licensing rules;
33 and

34 (d) (~~Submit~~) For all current employees of the agency and as
35 defined by department rule, submit background check applications into
36 the department's electronic workforce registry on the schedule
37 established by the department.

38 (3) If a licensee fails to meet the requirements in subsection
39 (2) of this section for continuation of a full license the license

1 expires and the licensee must submit a new application for licensure
2 under this chapter.

3 (4) (a) Nothing about the nonexpiring license process may
4 interfere with the department's established monitoring practice.

5 (b) For the purpose of this section, an agency is considered to
6 be in good standing if in the intervening period between monitoring
7 visits the agency does not have any of the following:

8 (i) Valid complaints;

9 (ii) A history of noncompliance related to those valid complaints
10 or pending from prior monitoring visits; or

11 (iii) Other information that when evaluated would result in a
12 finding of noncompliance with this section.

13 (c) The department shall consider whether an agency is in good
14 standing when determining the most appropriate approach and process
15 for monitoring visits, for the purposes of administrative efficiency
16 while protecting children, consistent with this chapter. If the
17 department determines that an agency is not in good standing, the
18 department may issue a probationary license, as provided in RCW
19 43.216.320.

20 **Sec. 15.** RCW 43.216.325 and 2018 c 58 s 38 are each amended to
21 read as follows:

22 (1) An agency may be denied a license, or any license issued
23 pursuant to this chapter may be suspended, revoked, modified, or not
24 renewed by the secretary upon proof (a) that the agency has failed or
25 refused to comply with the provisions of this chapter or the
26 requirements adopted pursuant to this chapter; or (b) that the
27 conditions required for the issuance of a license under this chapter
28 have ceased to exist with respect to such licenses. RCW 43.216.327
29 governs notice of a license denial, revocation, suspension, or
30 modification and provides the right to an adjudicative proceeding.

31 (2) In any adjudicative proceeding regarding the denial,
32 modification, suspension, or revocation of any license under this
33 chapter, the department's decision shall be upheld if it is supported
34 by a preponderance of the evidence.

35 (3) (a) The department may assess civil monetary penalties upon
36 proof that an agency has failed or refused to comply with the rules
37 adopted under this chapter or that an agency subject to licensing
38 under this chapter is operating without a license except that civil

1 monetary penalties shall not be levied against a licensed foster
2 home.

3 (b) Monetary penalties levied against unlicensed agencies that
4 submit an application for licensure within thirty days of
5 notification and subsequently become licensed will be forgiven. These
6 penalties may be assessed in addition to or in lieu of other
7 disciplinary actions. Civil monetary penalties, if imposed, may be
8 assessed and collected, with interest, for each day an agency is or
9 was out of compliance.

10 (c) Civil monetary penalties shall not exceed one hundred fifty
11 dollars per violation for a family day care home and two hundred
12 fifty dollars per violation for child day care centers or outdoor
13 nature-based child care programs. Each day upon which the same or
14 substantially similar action occurs is a separate violation subject
15 to the assessment of a separate penalty.

16 (d) The department shall provide a notification period before a
17 monetary penalty is effective and may forgive the penalty levied if
18 the agency comes into compliance during this period.

19 (e) The department may suspend, revoke, or not renew a license
20 for failure to pay a civil monetary penalty it has assessed pursuant
21 to this chapter within ten days after such assessment becomes final.
22 RCW 43.216.335 governs notice of a civil monetary penalty and
23 provides the right to an adjudicative proceeding. The preponderance
24 of evidence standard shall apply in adjudicative proceedings related
25 to assessment of civil monetary penalties.

26 (4)(a) In addition to or in lieu of an enforcement action being
27 taken, the department may place a child day care center, outdoor
28 nature-based child care provider, or family day care provider on
29 nonreferral status if the center or provider has failed or refused to
30 comply with this chapter or rules adopted under this chapter or an
31 enforcement action has been taken. The nonreferral status may
32 continue until the department determines that: (i) No enforcement
33 action is appropriate; or (ii) a corrective action plan has been
34 successfully concluded.

35 (b) Whenever a child day care center, outdoor nature-based child
36 care provider, or family day care provider is placed on nonreferral
37 status, the department shall provide written notification to the
38 child day care center, outdoor nature-based child care provider, or
39 family day care provider.

1 (5) The department shall notify appropriate public and private
2 child care resource and referral agencies of the department's
3 decision to: (a) Take an enforcement action against a child day care
4 center, outdoor nature-based child care provider, or family day care
5 provider; or (b) place or remove a child day care center, outdoor
6 nature-based child care provider, or family day care provider on
7 nonreferral status.

8 **Sec. 16.** RCW 43.216.340 and 2014 c 9 s 1 are each amended to
9 read as follows:

10 (1) Before requiring any alterations to a child care facility due
11 to inconsistencies with requirements in chapter 19.27 RCW, the
12 department shall:

13 (a) Consult with the city or county enforcement official; and

14 (b) Receive written verification from the city or county
15 enforcement official that the alteration is required.

16 (2) The department's consultation with the city or county
17 enforcement official is limited to licensed child care space.

18 (3) Unless there is imminent danger to children or staff, the
19 department may not modify, suspend, or revoke a child care license or
20 business activities while the department is waiting to:

21 (a) Consult with the city or county enforcement official under
22 subsection (1)(a) of this section; or

23 (b) Receive written verification from the city or county
24 enforcement official that the alteration is required under subsection
25 (1)(b) of this section.

26 (4) For the purposes of this section, "child care facility" means
27 a family day care home, school-age care, outdoor nature-based child
28 care, and child day care center.

29 **Sec. 17.** RCW 43.216.360 and 2011 c 296 s 3 are each amended to
30 read as follows:

31 When the department suspects that an agency is providing child
32 care services without a license, it shall send notice to that agency
33 within ten days. The notice shall include, but not be limited to, the
34 following information:

35 (1) That a license is required and the reasons why;

36 (2) That the agency is suspected of providing child care without
37 a license;

1 (3) That the agency must immediately stop providing child care
2 until the agency becomes licensed;

3 (4) That the department can issue a penalty of one hundred fifty
4 dollars per day for each day a family day care home provided care
5 without being licensed and two hundred fifty dollars for each day a
6 child day care center or outdoor nature-based child care provider
7 provided care without being licensed;

8 (5) That if the agency does not initiate the licensing process
9 within thirty days of the date of the notice, the department will
10 post on its web site that the agency is providing child care without
11 a license.

12 **Sec. 18.** RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each
13 amended to read as follows:

14 (1) The department shall develop an internal review process to
15 determine whether department licensors have appropriately and
16 consistently applied agency rules in (~~child care facility licensing~~
17 ~~compliance agreements~~) inspection reports that do not involve a
18 violation of health and safety standards. Adverse licensing decisions
19 including license denial, suspension, revocation, modification, or
20 nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines
21 pursuant to RCW 43.216.335 are not subject to the internal review
22 process in this section, but may be appealed using the administrative
23 procedure act, chapter 34.05 RCW.

24 (2) The definitions in this subsection apply throughout this
25 section.

26 (a) "Child care facility licensing compliance agreement" means an
27 agreement issued by the department in lieu of the department taking
28 enforcement action against a child care provider that contains: (i) A
29 description of the violation and the rule or law that was violated;
30 (ii) a statement from the licensee regarding the proposed plan to
31 comply with the rule or law; (iii) the date the violation must be
32 corrected; (iv) information regarding other licensing action that may
33 be imposed if compliance does not occur by the required date; and (v)
34 the signature of the licensor and licensee or the licensee's
35 delegate.

36 (b) "Health and safety standards" means rules or requirements
37 developed by the department to protect the health and safety of
38 children against (~~substantial~~) risk of bodily, mental, or
39 psychological injury, harm, illness, or death.

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

3 (a) Three department employees who may include child care
4 licensors; and

5 (b) Three child care providers selected by the department from
6 names submitted by the oversight board for children, youth, and
7 families established in RCW 43.216.015.

8 (4) The internal review process established in this section may
9 overturn, change, or uphold a department licensing decision by
10 majority vote. In the event that the six individuals conducting the
11 internal review process are equally divided, the secretary or the
12 secretary's designee shall make the decision of the internal review
13 process. The internal review process must provide the parties with a
14 written decision of the outcome after completion of the internal
15 review process. A licensee must request a review under the internal
16 review process within ten days of the development of ~~((a child care~~
17 ~~facility licensing compliance agreement))~~ an inspection report and
18 the internal review process must be completed within ~~((thirty))~~ sixty
19 days after the request from the licensee to initiate the internal
20 review process is received.

21 (5) A licensee may request a final review by the oversight board
22 for children, youth, and families after completing the internal
23 review process established in this section by giving notice to the
24 department and the oversight board for children, youth, and families
25 within ten days of receiving the written decision produced by the
26 internal review process.

27 ~~((6) The department shall not develop a child care facility~~
28 ~~licensing compliance agreement with a child care provider for first-~~
29 ~~time violations of rules that do not relate to health and safety~~
30 ~~standards and that can be corrected on the same day that the~~
31 ~~violation is identified. The department shall develop a procedure for~~
32 ~~providing a warning and offering technical assistance to providers in~~
33 ~~response to these first-time violations.))~~

34 **Sec. 19.** RCW 43.216.515 and 2020 c 321 s 1 are each amended to
35 read as follows:

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

1 colleges, local governments, or nonprofit organizations, are eligible
2 to participate as providers of the state early childhood education
3 and assistance program.

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

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

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

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

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

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

39 (5) (a) If an early childhood education and assistance program
40 provider has successfully completed all of the required early

1 achievers program activities and is waiting to be rated by the
2 deadline provided in this section, the provider may continue to
3 participate in the early achievers program as an approved early
4 childhood education and assistance program provider and receive state
5 subsidy pending the successful completion of a level 4 or 5 rating.

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

11 (c) (i) If the early childhood education and assistance program
12 provider described under subsection (4) (b) (i) or (ii) of this section
13 does not rate or request to be rated at a level 4 or 5 following the
14 remedial period, the provider is not eligible to receive state-funded
15 support under the early childhood education and assistance program
16 under this section.

17 (ii) If the early childhood education and assistance program
18 provider described under subsection (4) (b) (i) or (ii) of this section
19 does not rate at a level 4 or 5 when the rating is released following
20 the remedial period, the provider is not eligible to receive state-
21 funded support under the early childhood education and assistance
22 program under this section.

23 (6) (a) When an early childhood education and assistance program
24 in good standing changes classroom locations to a comparable or
25 improved space within the same facility, or to a comparable or
26 improved outdoor location for an outdoor nature-based child care, a
27 rerating is not required outside of the regular rerating and renewal
28 cycle.

29 (b) When an early childhood education and assistance program in
30 good standing moves to a new facility, or to a new outdoor location
31 for an outdoor nature-based child care, the provider must notify the
32 department of the move within six months of changing locations in
33 order to retain their existing rating. The early achievers program
34 must conduct an observational visit to ensure the new classroom space
35 is of comparable or improved environmental quality. If a provider
36 fails to notify the department within six months of a move, the early
37 achievers rating must be changed from the posted rated level to
38 "Participating, Not Yet Rated" and the provider will cease to receive
39 tiered reimbursement incentives until a new rating is completed.

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

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

16 **Sec. 20.** RCW 43.216.530 and 2015 3rd sp.s. c 7 s 10 are each
17 amended to read as follows:

18 The department shall review applications from public or private
19 organizations for state funding of early childhood education and
20 assistance programs. The department shall consider local community
21 needs, demonstrated capacity, and the need to support a mixed
22 delivery system of early learning that includes alternative models
23 for delivery including licensed centers, outdoor nature-based child
24 care providers, and licensed family child care providers when
25 reviewing applications.

26 **Sec. 21.** RCW 43.216.650 and 2015 c 199 s 1 are each amended to
27 read as follows:

28 (1) For the purposes of this section, "near fatality" means an
29 act that, as certified by a physician, places the child in serious or
30 critical condition.

31 (2)(a) The department shall conduct a child fatality review if a
32 child fatality occurs in an early learning program described in RCW
33 (~~43.215.400 through 43.215.450~~) 43.216.500 through 43.216.550 or a
34 licensed child care center, licensed outdoor nature-based child care,
35 or a licensed child care home.

36 (b) The department shall convene a child fatality review
37 committee and determine the membership of the review committee. The
38 committee shall comprise individuals with appropriate expertise,

1 including but not limited to experts from outside the department with
2 knowledge of early learning licensing requirements and program
3 standards, a law enforcement officer with investigative experience, a
4 representative from a county or state health department, and a child
5 advocate with expertise in child fatalities. The department shall
6 invite one parent or guardian for membership on the child fatality
7 review committee who has had a child die in a child care setting. The
8 department shall ensure that the fatality review team is made up of
9 individuals who had no previous involvement in the case.

10 (c) The department shall allow the parents or guardians whose
11 child's death is being reviewed to testify before the child fatality
12 review committee.

13 (d) The primary purpose of the fatality review shall be the
14 development of recommendations to the department and legislature
15 regarding changes in licensing requirements, practice, or policy to
16 prevent fatalities and strengthen safety and health protections for
17 children.

18 (e) Upon conclusion of a child fatality review required pursuant
19 to this section, the department shall, within one hundred eighty days
20 following the fatality, issue a report on the results of the review,
21 unless an extension has been granted by the governor. Reports must be
22 distributed to the appropriate committees of the legislature, and the
23 department shall create a public web site where all child fatality
24 review reports required under this section must be posted and
25 maintained. A child fatality review report completed pursuant to this
26 section is subject to public disclosure and must be posted on the
27 public web site, except that confidential information may be redacted
28 by the department consistent with the requirements of RCW 13.50.100,
29 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and
30 other applicable state and federal laws.

31 (3) The department shall consult with the office of the family
32 and children's ombuds to determine if a review should be conducted in
33 the case of a near child fatality that occurs in an early learning
34 program described in RCW (~~(43.215.400 through 43.215.450)~~) 43.216.500
35 through 43.216.550 or licensed child care center, licensed outdoor
36 nature-based child care, or licensed child care home.

37 (4) In any review of a child fatality or near fatality, the
38 department and the fatality review team must have access to all
39 records and files regarding the child or that are otherwise relevant
40 to the review and that have been produced or retained by the early

1 education and assistance program provider or licensed child care
2 center, licensed outdoor nature-based child care, or licensed family
3 home provider.

4 (5) The child fatality review committee shall coordinate with
5 local law enforcement to ensure that the fatality or near fatality
6 review does not interfere with any ongoing or potential criminal
7 investigation.

8 (6)(a) A child fatality or near fatality review completed
9 pursuant to this section is subject to discovery in a civil or
10 administrative proceeding, but may not be admitted into evidence or
11 otherwise used in a civil or administrative proceeding except
12 pursuant to this section.

13 (b) A department employee responsible for conducting a child
14 fatality or near fatality review, or member of a child fatality or
15 near fatality review team, may not be examined in a civil or
16 administrative proceeding regarding the following:

17 (i) The work of the child fatality or near fatality review team;

18 (ii) The incident under review;

19 (iii) The employee's or member's statements, deliberations,
20 thoughts, analyses, or impressions relating to the work of the child
21 fatality or near fatality review team or the incident under review;
22 or

23 (iv) Statements, deliberations, thoughts, analyses, or
24 impressions of any other member of the child fatality or near
25 fatality review team, or any person who provided information to the
26 child fatality or near fatality review team, relating to the work of
27 the child fatality or near fatality review team or the incident under
28 review.

29 (c) Documents prepared by or for a child fatality or near
30 fatality review team are inadmissible and may not be used in a civil
31 or administrative proceeding, except that any document that exists
32 before its use or consideration in a child fatality or near fatality
33 review, or that is created independently of such review, does not
34 become inadmissible merely because it is reviewed or used by a child
35 fatality or near fatality review team. A person is not unavailable as
36 a witness merely because the person has been interviewed by or has
37 provided a statement for a child fatality or near fatality review,
38 but if called as a witness, a person may not be examined regarding
39 the person's interactions with the child fatality or near fatality
40 review including, without limitation, whether the person was

1 interviewed during such review, the questions that were asked during
2 such review, and the answers that the person provided during such
3 review. This section may not be construed as restricting a person
4 from testifying fully in any proceeding regarding his or her
5 knowledge of the incident under review.

6 (d) The restrictions in this section do not apply in a licensing
7 or disciplinary proceeding arising from an agency's effort to revoke
8 or suspend the license of any licensed professional based in whole or
9 in part upon allegations of wrongdoing in connection with a minor's
10 death or near fatality reviewed by a child fatality or near fatality
11 review team.

12 (7) The department shall develop and implement procedures to
13 carry out the requirements of this section.

14 (8) Nothing in this section creates a duty for the office of the
15 family and children's ombuds under RCW 43.06A.030 as related to
16 children in the care of an early learning program described in RCW
17 (~~43.215.400 through 43.215.450~~) 43.216.500 through 43.216.550, a
18 licensed child care center, a licensed outdoor nature-based child
19 care, or a licensed child care home.

20 **Sec. 22.** RCW 43.216.660 and 2017 3rd sp.s. c 6 s 212 are each
21 amended to read as follows:

22 It shall be the policy of the state of Washington to:

23 (1) Recognize the family as the most important social and
24 economic unit of society and support the central role parents play in
25 child rearing. All parents are encouraged to care for and nurture
26 their children through the traditional methods of parental care at
27 home. The availability of quality, affordable child care is a concern
28 for working parents, the costs of care are often beyond the resources
29 of working parents, and child care facilities are not located
30 conveniently to workplaces and neighborhoods. Parents are encouraged
31 to participate fully in the effort to improve the quality of child
32 care services.

33 (2) Promote a variety of culturally and developmentally
34 appropriate child care settings and services of the highest possible
35 quality in accordance with the basic principle of continuity of care.
36 These settings shall include, but not be limited to, family day care
37 homes, (~~mini-centers~~) outdoor nature-based child care, centers, and
38 schools.

1 (3) Promote the growth, development and safety of children by
2 working with community groups including providers and parents to
3 establish standards for quality service, training of child care
4 providers, fair and equitable monitoring, and salary levels
5 commensurate with provider responsibilities and support services.

6 (4) Promote equal access to quality, affordable, socio-
7 economically integrated child care for all children and families.

8 (5) Facilitate broad community and private sector involvement in
9 the provision of quality child care services to foster economic
10 development and assist industry through the department.

11 **Sec. 23.** RCW 43.216.685 and 2013 c 23 s 99 are each amended to
12 read as follows:

13 (1) The department shall establish and maintain a toll-free
14 telephone number, and an interactive web-based system through which
15 persons may obtain information regarding child day care centers,
16 outdoor nature-based child care providers, and family day care
17 providers. This number shall be available twenty-four hours a day for
18 persons to request information. The department shall respond to
19 recorded messages left at the number within two business days. The
20 number shall be published in reasonably available printed and
21 electronic media. The number shall be easily identifiable as a number
22 through which persons may obtain information regarding child day care
23 centers and family day care providers as set forth in this section.

24 (2) Through the toll-free telephone line established by this
25 section, the department shall provide information to callers about:

26 (a) Whether a day care provider is licensed; (b) whether a day care
27 provider's license is current; (c) the general nature of any
28 enforcement against the providers; (d) how to report suspected or
29 observed noncompliance with licensing requirements; (e) how to report
30 alleged abuse or neglect in a day care; (f) how to report health,
31 safety, and welfare concerns in a day care; (g) how to receive
32 follow-up assistance, including information on the office of the
33 family and children's ombuds; and (h) how to receive referral
34 information on other agencies or entities that may be of further
35 assistance to the caller.

36 (3) (~~Beginning in January 2006, the~~) The department shall print
37 the toll-free number established by this section on the face of new
38 licenses issued to child day care centers, outdoor nature-based child
39 care providers, and family day care providers.

1 (4) This section shall not be construed to require the disclosure
2 of any information that is exempt from public disclosure under
3 chapter 42.56 RCW.

4 **Sec. 24.** RCW 43.216.687 and 2007 c 415 s 6 are each amended to
5 read as follows:

6 (1) Every child day care center, outdoor nature-based child care
7 provider, and family day care provider shall prominently post the
8 following items, clearly visible to parents and staff:

9 (a) The license issued under this chapter;

10 (b) The department's toll-free telephone number established by
11 RCW ((~~43.215.520~~)) 43.216.685;

12 (c) The notice of any pending enforcement action. The notice must
13 be posted immediately upon receipt. The notice must be posted for at
14 least two weeks or until the violation causing the enforcement action
15 is corrected, whichever is longer;

16 (d) A notice that inspection reports and any notices of
17 enforcement actions for the previous three years are available from
18 the licensee and the department; and

19 (e) Any other information required by the department.

20 (2) The department shall disclose the receipt, general nature,
21 and resolution or current status of all complaints on record with the
22 department after July 24, 2005, against a child day care center or
23 family day care provider that result in an enforcement action.
24 Information may be posted:

25 (a) On a web site; or

26 (b) In a physical location that is easily accessed by parents and
27 potential employers.

28 (3) This section shall not be construed to require the disclosure
29 of any information that is exempt from public disclosure under
30 chapter 42.56 RCW.

31 **Sec. 25.** RCW 43.216.689 and 2007 c 415 s 7 are each amended to
32 read as follows:

33 (1) Every child day care center, outdoor nature-based child care
34 provider, and family day care provider shall have readily available
35 for review by the department, parents, and the public a copy of each
36 inspection report and notice of enforcement action received by the
37 center or provider from the department for the past three years. This

1 subsection only applies to reports and notices received on or after
2 July 24, 2005.

3 (2) The department shall make available to the public during
4 business hours all inspection reports and notices of enforcement
5 actions involving child day care centers, outdoor nature-based child
6 care providers, and family day care providers. The department shall
7 include in the inspection report a statement of the corrective
8 measures taken by the center or provider.

9 (3) The department may make available on a publicly accessible
10 web site all inspection reports and notices of licensing actions,
11 including the corrective measures required or taken, involving child
12 day care centers, outdoor nature-based child care providers, and
13 family day care providers.

14 (4) This section shall not be construed to require the disclosure
15 of any information that is exempt from public disclosure under
16 chapter 42.56 RCW.

17 **Sec. 26.** RCW 43.216.690 and 2019 c 362 s 3 are each amended to
18 read as follows:

19 (1) Except as provided in subsection (2) of this section, ((a))
20 child day care ((center)) centers and outdoor nature-based child care
21 providers licensed under this chapter may not allow on the premises
22 an employee or volunteer, who has not provided the child day care
23 center or outdoor nature-based child care provider with:

24 (a) Immunization records indicating that he or she has received
25 the measles, mumps, and rubella vaccine; or

26 (b) Proof of immunity from measles through documentation of
27 laboratory evidence of antibody titer or a health care provider's
28 attestation of the person's history of measles sufficient to provide
29 immunity against measles.

30 (2) (a) The child day care center and outdoor nature-based child
31 care provider may allow a person to be employed or volunteer on the
32 premises for up to thirty calendar days if he or she signs a written
33 attestation that he or she has received the measles, mumps, and
34 rubella vaccine or is immune from measles, but requires additional
35 time to obtain and provide the records required in subsection (1) (a)
36 or (b) of this section.

37 (b) The child day care center and outdoor nature-based child care
38 provider may allow a person to be employed or volunteer on the
39 premises if the person provides the child day care center or outdoor

1 nature-based child care provider with a written certification signed
2 by a health care practitioner, as defined in RCW 28A.210.090, that
3 the measles, mumps, and rubella vaccine is, in the practitioner's
4 judgment, not advisable for the person. This subsection (2)(b) does
5 not apply if it is determined that the measles, mumps, and rubella
6 vaccine is no longer contraindicated.

7 (3) The child day care center and outdoor nature-based child care
8 provider shall maintain the documents required in subsection (1) or
9 (2) of this section in the person's personnel record maintained by
10 the child day care center.

11 (4) For purposes of this section, "volunteer" means a nonemployee
12 who provides care and supervision to children at the child day care
13 center or outdoor nature-based child care program.

14 **Sec. 27.** RCW 43.216.700 and 2007 c 415 s 10 are each amended to
15 read as follows:

16 (1) Every licensed child day care center and outdoor nature-based
17 child care provider shall, at the time of licensure or renewal and at
18 any inspection, provide to the department proof that the licensee has
19 day care insurance as defined in RCW 48.88.020, or is self-insured
20 pursuant to chapter 48.90 RCW.

21 (a) Every licensed child day care center and outdoor nature-based
22 child care provider shall comply with the following requirements:

23 (i) Notify the department when coverage has been terminated;

24 (ii) Post at the day care center or outdoor nature-based child
25 care location, in a manner likely to be observed by patrons, notice
26 that coverage has lapsed or been terminated;

27 (iii) Provide written notice to parents that coverage has lapsed
28 or terminated within thirty days of lapse or termination.

29 (b) Liability limits under this subsection shall be the same as
30 set forth in RCW 48.88.050.

31 (c) The department may take action as provided in RCW
32 (~~43.215.300~~) 43.216.325 if the licensee fails to maintain in full
33 force and effect the insurance required by this subsection.

34 (d) This subsection applies to child day care centers and outdoor
35 nature-based child care providers holding licenses, initial licenses,
36 and probationary licenses under this chapter.

37 (e) A child day care center holding a license under this chapter
38 on July 24, 2005, is not required to be in compliance with this

1 subsection until the time of renewal of the license or until January
2 1, 2006, whichever is sooner.

3 (2) (a) Every licensed family day care provider shall, at the time
4 of licensure or renewal either:

5 (i) Provide to the department proof that the licensee has day
6 care insurance as defined in RCW 48.88.020, or other applicable
7 insurance; or

8 (ii) Provide written notice of their insurance status on a
9 standard form developed by the department to parents with a child
10 enrolled in family day care and keep a copy of the notice to each
11 parent on file. Family day care providers may choose to opt out of
12 the requirement to have day care or other applicable insurance but
13 must provide written notice of their insurance status to parents with
14 a child enrolled and shall not be subject to the requirements of (b)
15 or (c) of this subsection.

16 (b) Any licensed family day care provider that provides to the
17 department proof that the licensee has insurance as provided under
18 (a) (i) of this subsection shall comply with the following
19 requirements:

20 (i) Notify the department when coverage has been terminated;

21 (ii) Post at the day care home, in a manner likely to be observed
22 by patrons, notice that coverage has lapsed or been terminated;

23 (iii) Provide written notice to parents that coverage has lapsed
24 or terminated within thirty days of lapse or termination.

25 (c) Liability limits under (a) (i) of this subsection shall be the
26 same as set forth in RCW 48.88.050.

27 (d) The department may take action as provided in RCW
28 (~~43.215.300~~) 43.216.325 if the licensee fails to comply with the
29 requirements of this subsection.

30 (e) A family day care provider holding a license under this
31 chapter on July 24, 2005, is not required to be in compliance with
32 this subsection until the time of renewal of the license or until
33 January 1, 2006, whichever is sooner.

34 (3) Noncompliance or compliance with the provisions of this
35 section shall not constitute evidence of liability or nonliability in
36 any injury litigation.

37 NEW SECTION. **Sec. 28.** A new section is added to chapter 43.216
38 RCW to read as follows:

1 (1) The department shall establish a licensed outdoor nature-
2 based child care program.

3 (2) The department shall adopt rules to implement the outdoor
4 nature-based child care program and may waive or adapt licensing
5 requirements when necessary to allow for the operation of outdoor
6 classrooms.

7 (3) The department shall apply the early achievers program to the
8 outdoor nature-based child care program to assess quality in outdoor
9 learning environments and may waive or adapt early achievers
10 requirements when necessary to allow for the operation of outdoor
11 classrooms.

12 (4) A child care or early learning program operated by a
13 federally recognized tribe may participate in the outdoor nature-
14 based child care program through an interlocal agreement between the
15 tribe and the department. The interlocal agreement must reflect the
16 government-to-government relationship between the state and the
17 tribe, including recognition of tribal sovereignty.

18 (5) Subject to the availability of funds, the department may
19 convene an advisory group of outdoor, nature-based early learning
20 practitioners to inform and support implementation of the outdoor
21 nature-based child care program.

22 **Sec. 29.** RCW 43.216.300 and 2018 c 58 s 41 are each amended to
23 read as follows:

24 ~~((1))~~ The secretary ~~((shall))~~ may not charge fees to the
25 licensee for obtaining a child care license. ~~((The secretary may
26 waive the fees when, in the discretion of the secretary, the fees
27 would not be in the best interest of public health and safety, or
28 when the fees would be to the financial disadvantage of the state.~~

29 ~~(2) Fees charged shall be based on, but shall not exceed, the
30 cost to the department for the licensure of the activity or class of
31 activities and may include costs of necessary inspection.~~

32 ~~(3) The secretary shall establish the fees charged by rule.)~~

33 **Sec. 30.** RCW 74.15.125 and 1995 c 302 s 7 are each amended to
34 read as follows:

35 (1) The department may issue a probationary license to a licensee
36 who has had a license but is temporarily unable to comply with a rule
37 or has been the subject of multiple complaints or concerns about
38 noncompliance if:

1 (a) The noncompliance does not present an immediate threat to the
2 health and well-being of the children but would be likely to do so if
3 allowed to continue; and

4 (b) The licensee has a plan approved by the department to correct
5 the area of noncompliance within the probationary period.

6 (2) A probationary license may be issued for up to six months,
7 and at the discretion of the department it may be extended for an
8 additional six months. The department shall immediately terminate the
9 probationary license, if at any time the noncompliance for which the
10 probationary license was issued presents an immediate threat to the
11 health or well-being of the children.

12 (3) The department may, at any time, issue a probationary license
13 for due cause that states the conditions of probation.

14 (4) An existing license is invalidated when a probationary
15 license is issued.

16 (5) At the expiration of the probationary license, the department
17 shall reinstate the original license for the remainder of its term,
18 issue a new license, or revoke the original license.

19 (6) A right to an adjudicative proceeding shall not accrue to the
20 licensee whose license has been placed on probationary status unless
21 the licensee does not agree with the placement on probationary status
22 and the department then suspends, revokes, or modifies the license.

23 (7)(a) The department may issue a child-specific license to a
24 relative, as defined in RCW 13.36.020, or a suitable person, as
25 defined in RCW 13.36.020, who opts to become licensed for placement
26 of a specific child and that child's siblings or relatives in the
27 department's care, custody, and control.

28 (b) Such individuals must meet all minimum licensing requirements
29 for foster family homes established pursuant to RCW 74.15.030 and are
30 subject to child-specific license criteria, which the department is
31 authorized to establish by rule.

32 (c) For purposes of federal funding, a child-specific license is
33 considered a full license with all of the rights and responsibilities
34 of a foster family home license, except that at the discretion of the
35 department the licensee may only receive placement of specific
36 children pursuant to (a) of this subsection.

37 (d) A child-specific license does not confer upon the licensee a
38 right to placement of a particular child, nor does it confer party
39 status in any proceeding under chapter 13.34 RCW.

1 (e) The department shall seek input from the following
2 stakeholders during the development and adoption of rules necessary
3 to implement this section: Representatives from the kinship care
4 oversight committee, an organization that represents current and
5 former foster youth, an organization that represents child placing
6 agencies, and a statewide advisory group of foster youth and alumni
7 of foster care. The department shall seek tribal input as outlined in
8 the department's government-to-government policy, per RCW 43.376.020.

9 NEW SECTION. Sec. 31. Section 3 of this act expires December
10 31, 2021.

11 NEW SECTION. Sec. 32. Section 4 of this act takes effect
12 December 31, 2021.

13 NEW SECTION. Sec. 33. If specific funding for the purposes of
14 section 29 of this act, referencing section 29 of this act by bill or
15 chapter number and section number, is not provided by June 30, 2021,
16 in the omnibus appropriations act, section 29 of this act is null and
17 void.

18 NEW SECTION. Sec. 34. Section 29 of this act expires June 30,
19 2023."

20 Correct the title.

EFFECT: Removes language providing that placement of a child with
a relative or suitable person who holds a child-specific license is
subject to the sole discretion of the Department of Children, Youth,
and Families.

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