

SHB 1945 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 02/27/2024

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

3 **"Sec. 1.** RCW 43.216.1368 and 2023 c 222 s 4 are each amended to
4 read as follows:

5 (1) It is the intent of the legislature to increase working
6 families' access to affordable, high quality child care and to
7 support the expansion of the workforce to support businesses and the
8 statewide economy.

9 (2) Beginning October 1, 2021, a family is eligible for working
10 connections child care when the household's annual income is at or
11 below 60 percent of the state median income adjusted for family size
12 and:

13 (a) The child receiving care is: (i) Less than 13 years of age;
14 or (ii) less than 19 years of age and has a verified special need
15 according to department rule or is under court supervision; and

16 (b) The household meets all other program eligibility
17 requirements.

18 (3) Beginning July 1, 2025, a family is eligible for working
19 connections child care when the household's annual income is above 60
20 percent and at or below 75 percent of the state median income
21 adjusted for family size and:

22 (a) The child receiving care is: (i) Less than 13 years of age;
23 or (ii) less than 19 years of age and has a verified special need
24 according to department rule or is under court supervision; and

25 (b) The household meets all other program eligibility
26 requirements.

27 (4) Beginning July 1, 2027, and subject to the availability of
28 amounts appropriated for this specific purpose, a family is eligible
29 for working connections child care when the household's annual income
30 is above 75 percent of the state median income and is at or below 85
31 percent of the state median income adjusted for family size and:

1 (a) The child receiving care is: (i) Less than 13 years of age;
2 or (ii) less than 19 years of age and has a verified special need
3 according to department rule or is under court supervision; and

4 (b) The household meets all other program eligibility
5 requirements.

6 (5) (a) Beginning October 1, 2021, through June 30, 2023, the
7 department must calculate a monthly copayment according to the
8 following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	\$115

18 (b) Beginning July 1, 2023, the department must calculate a
19 monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

29 (c) Beginning July 1, 2025, the department must calculate a
30 maximum monthly copayment of \$215 for households with incomes above
31 60 percent and at or below 75 percent of the state median income.

32 (d) Subject to the availability of amounts appropriated for this
33 specific purpose, the department shall adopt a copayment model for
34 households with annual incomes above 75 percent of the state median
35 income and at or below 85 percent of the state median income. The
36 model must calculate a copayment for each household that is no

1 greater than seven percent of the household's countable income within
2 this income range.

3 (e) The department may adjust the copayment schedule to comply
4 with federal law.

5 (6) Beginning November 1, 2024, when an applicant or consumer is
6 a member of an assistance unit that is eligible for or receiving
7 basic food benefits under the federal supplemental nutrition
8 assistance program or the state food assistance program the
9 department must determine that the household income eligibility
10 requirements in this section are met.

11 (7) The department must adopt rules to implement this section,
12 including an income phase-out eligibility period.

13 ((7)) (8) This section does not apply to households eligible
14 for the working connections child care program under RCW 43.216.145
15 and 43.216.1364.

16 **Sec. 2.** RCW 43.216.505 and 2021 c 199 s 204 are each reenacted
17 and amended to read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout RCW 43.216.500 through 43.216.559,
20 43.216.900, and 43.216.901.

21 (1) "Advisory committee" means the advisory committee under RCW
22 43.216.520.

23 (2) "Approved programs" means those state-supported education and
24 special assistance programs which are recognized by the department as
25 meeting the minimum program rules adopted by the department to
26 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
27 43.216.901 and are designated as eligible for funding by the
28 department under RCW 43.216.530 and 43.216.540.

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

32 (4) "Eligible child" means a three to five-year old child who is
33 not age-eligible for kindergarten, is not a participant in a federal
34 or state program providing comprehensive services, and who:

35 (a) Has a family with ~~((financial need))~~ an income at or below 50
36 percent of the state median income adjusted for family size;

37 (b) Is experiencing homelessness;

38 (c) Has participated in early head start or a successor federal
39 program providing comprehensive services for children from birth

1 through two years of age, the early support for infants and toddlers
2 program or received class C developmental services, the birth to
3 three early childhood education and assistance program, or the early
4 childhood intervention and prevention services program;

5 (d) Is eligible for special education due to disability under RCW
6 28A.155.020;

7 (e) Is a member of an assistance unit that is eligible for or is
8 receiving basic food benefits under the federal supplemental
9 nutrition assistance program or the state food assistance program;

10 (f) Is Indian as defined in rule by the department after
11 consultation and agreement with Washington state's federally
12 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100
13 percent of the state median income adjusted for family size; or

14 ((+f)) (g) Meets criteria under rules adopted by the department
15 if the number of such children equals not more than ten percent of
16 the total enrollment in the early childhood program. Preference for
17 enrollment in this group shall be given to children from families
18 with the lowest income, children in foster care, or to eligible
19 children from families with multiple needs.

20 (5) "Experiencing homelessness" means a child without a fixed,
21 regular, and adequate nighttime residence as described in the federal
22 McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119,
23 subchapter VI, part B) as it existed on January 1, 2021.

24 (6) "Family support services" means providing opportunities for
25 parents to:

26 (a) Actively participate in their child's early childhood
27 program;

28 (b) Increase their knowledge of child development and parenting
29 skills;

30 (c) Further their education and training;

31 (d) Increase their ability to use needed services in the
32 community;

33 (e) Increase their self-reliance; and

34 (f) Connect with culturally competent, disability positive
35 therapists and supports where appropriate.

36 ~~((7) "Family with financial need" means families with incomes at~~
37 ~~or below 36 percent of the state median income adjusted for family~~
38 ~~size until the 2030-31 school year. Beginning in the 2030-31 school~~
39 ~~year, "family with financial need" means families with incomes at or~~

1 ~~below 50 percent of the state median income adjusted for family~~
2 ~~size.)~~)

3 **Sec. 3.** RCW 43.216.512 and 2019 c 409 s 2 are each amended to
4 read as follows:

5 (1) The department shall adopt rules that allow the enrollment of
6 children who meet one or more of the following criteria in the early
7 childhood education and assistance program, as space is available if
8 the number of such children equals not more than twenty-five percent
9 of total statewide enrollment (~~(, whose family income is)~~):

10 (a) (~~Above~~) The child's family income is above one hundred ten
11 percent but less than or equal to one hundred thirty percent of the
12 federal poverty level; (~~or~~)

13 (b) (~~Above~~) The child's family income is above one hundred
14 thirty percent but less than or equal to two hundred percent of the
15 federal poverty level if the child meets at least one of the risk
16 factor criterion described in subsection (2) of this section; or

17 (c) Beginning November 1, 2024, the child is not eligible under
18 RCW 43.216.505 and is a member of an assistance unit that is eligible
19 for or is receiving basic food benefits under the federal
20 supplemental nutrition assistance program or the state food
21 assistance program.

22 (2) Children enrolled in the early childhood education and
23 assistance program pursuant to subsection (1)(b) of this section must
24 be prioritized for available funded slots according to a
25 prioritization system adopted in rule by the department that
26 considers risk factors that have a disproportionate effect on
27 kindergarten readiness and school performance, including:

28 (a) Family income as a percent of the federal poverty level;

29 (b) Homelessness;

30 (c) Child welfare system involvement;

31 (d) Developmental delay or disability that does not meet the
32 eligibility criteria for special education described in RCW
33 28A.155.020;

34 (e) Domestic violence;

35 (f) English as a second language;

36 (g) Expulsion from an early learning setting;

37 (h) A parent who is incarcerated;

38 (i) A parent with a substance use disorder or mental health
39 treatment need; and

1 (j) Other risk factors determined by the department to be linked
2 by research to school performance.

3 (3) The department shall adopt rules that allow a child to enroll
4 in the early childhood education and assistance program, as space is
5 available, when the child is not eligible under RCW 43.216.505 and
6 the child turns three years old at any time during the school year
7 when the child:

8 (a) Has a family income at or below two hundred percent of the
9 federal poverty level or meets at least one risk factor criterion
10 adopted by the department in rule; and

11 (b) Has received services from or participated in:

12 (i) The early support for infants and toddlers program;

13 (ii) The early head start or a successor federal program
14 providing comprehensive services for children from birth through two
15 years of age; or

16 (iii) The birth to three early childhood education and assistance
17 program, if such a program is established.

18 (4) Children enrolled in the early childhood education and
19 assistance program under this section are not considered eligible
20 children as defined in RCW 43.216.505 and are not considered to be
21 part of the state-funded entitlement required in RCW 43.216.556.

22 **Sec. 4.** RCW 43.216.512 and 2021 c 199 s 205 are each amended to
23 read as follows:

24 (1) The department shall adopt rules that allow the enrollment of
25 children in the early childhood education and assistance program, as
26 space is available, if the number of such children equals not more
27 than 25 percent of total statewide enrollment, when the child is not
28 eligible under RCW 43.216.505 and (~~whose~~);

29 (a) Has a family income level (~~is~~) above 36 percent of the
30 state median income but at or below 50 percent of the state median
31 income adjusted for family size and the child meets at least one of
32 the risk factor criterion described in subsection (2) of this
33 section; or

34 (b) Is a member of an assistance unit that is eligible for or is
35 receiving basic food benefits under the federal supplemental
36 nutrition assistance program or the state food assistance program.

37 (2) Children enrolled in the early childhood education and
38 assistance program pursuant to this section must be prioritized for
39 available funded slots according to a prioritization system adopted

1 in rule by the department that considers risk factors that have a
2 disproportionate effect on kindergarten readiness and school
3 performance, including:

- 4 (a) Family income as a percent of the state median income;
- 5 (b) Child welfare system involvement;
- 6 (c) Eligible for services under part C of the federal individuals
7 with disabilities education act but not eligible for services under
8 part B of the federal individuals with disabilities education act;
- 9 (d) Domestic violence;
- 10 (e) English as a second language;
- 11 (f) Expulsion from an early learning setting;
- 12 (g) A parent who is incarcerated;
- 13 (h) A parent with a behavioral health treatment need; and
- 14 (i) Other risk factors determined by the department to be linked
15 by research to school performance.

16 (3) Children enrolled in the early childhood education and
17 assistance program under this section are not considered eligible
18 children as defined in RCW 43.216.505 and are not considered to be
19 part of the state-funded entitlement required in RCW 43.216.556.

20 (4) This section expires August 1, 2030.

21 **Sec. 5.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to
22 read as follows:

23 (1) Within resources available under the federal preschool
24 development grant birth to five grant award received in December
25 2018, the department shall develop a plan for phased implementation
26 of a birth to three early childhood education and assistance program
27 pilot project for eligible children under thirty-six months old.
28 Funds to implement the pilot project may include a combination of
29 federal, state, or private sources.

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

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

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

7 (4) When selecting pilot project locations for service delivery,
8 the department may allow each pilot project location to have up to
9 three classrooms per location. When selecting and approving pilot
10 project locations, the department shall attempt to select a
11 combination of rural, urban, and suburban locations. The department
12 shall prioritize locations with programs currently operating early
13 head start, head start, or the early childhood education and
14 assistance program.

15 (5) ~~((70))~~ Until November 1, 2024, to be eligible for the birth
16 to three early childhood education and assistance program, a child's
17 family income must be at or below one hundred thirty percent of the
18 federal poverty level and the child must be under thirty-six months
19 old. Beginning November 1, 2024, to be eligible for the birth to
20 three early childhood education and assistance program, a child must
21 be under 36 months old and either:

22 (a) From a family with a household income at or below 130 percent
23 of the federal poverty level; or

24 (b) A member of an assistance unit that is eligible for or is
25 receiving basic food benefits under the federal supplemental
26 nutrition assistance program or the state food assistance program.

27 (6) Beginning November 1, 2020, and each November 1st thereafter
28 during pilot project activity, the department shall submit an annual
29 report to the governor and legislature that includes a status update
30 that describes the planning work completed, the status of funds
31 secured, and any implementation activities of the pilot project.
32 Implementation activity reports must include a description of the
33 participating programs and number of children and families served.

34 **Sec. 6.** RCW 43.216.578 and 2021 c 199 s 403 are each amended to
35 read as follows:

36 (1) Subject to the availability of amounts appropriated for this
37 specific purpose, the department shall administer a birth to three
38 early childhood education and assistance program for eligible

1 children under thirty-six months old. Funds to implement the program
2 may include a combination of federal, state, or private sources.

3 (2) The department may adopt rules to implement the program and
4 may waive or adapt early childhood education and assistance program
5 requirements when necessary to allow for the operation of the birth
6 to three early childhood education and assistance program. The
7 department shall consider early head start rules and regulations when
8 developing the provider and family eligibility requirements and
9 program requirements.

10 (3) (a) The birth to three early childhood education and
11 assistance program must be delivered through child care centers and
12 family home providers who meet minimum licensing standards and are
13 enrolled in the early achievers program.

14 (b) The department must determine minimum early achievers ratings
15 scores for participating contractors.

16 (4) To be eligible for the birth to three early childhood
17 education and assistance program, a ~~((child's family income must be
18 at or below 50 percent of the state median income and the child must
19 be under thirty-six months old))~~ child must be under 36 months old
20 and either:

21 (a) From a family with a household income at or below 50 percent
22 of the state median income; or

23 (b) A member of an assistance unit that is eligible for or is
24 receiving basic food benefits under the federal supplemental
25 nutrition assistance program or the state food assistance program.

26 NEW SECTION. Sec. 7. Section 2 of this act takes effect August
27 1, 2030.

28 Sections 4 and 6 of this act take effect July 1, 2026.

29 NEW SECTION. Sec. 8. Sections 3 and 5 of this act expire July
30 1, 2026."

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By Committee on Early Learning & K-12 Education

ADOPTED 02/27/2024

31 On page 1, line 2 of the title, after "assistance;" strike the
32 remainder of the title and insert "amending RCW 43.216.1368,

1 43.216.512, 43.216.512, 43.216.578, and 43.216.578; reenacting and
2 amending RCW 43.216.505; providing effective dates; and providing an
3 expiration date."

EFFECT: Removes a definition for "family with financial need"
that does not apply when the section takes effect.

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