

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1945

Chapter 225, Laws of 2024

68th Legislature
2024 Regular Session

FOOD ASSISTANCE—ELIGIBILITY FOR OTHER PROGRAMS

EFFECTIVE DATE: June 6, 2024—Except for section 2, which takes effect August 1, 2030; and sections 4 and 6, which take effect July 1, 2026.

Passed by the House March 5, 2024
Yeas 95 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved March 25, 2024 1:40 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1945** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 26, 2024

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1945

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Alvarado, Gregerson, Ryu, Ortiz-Self, Leavitt, Senn, Berry, Ramel, Slatter, Cortes, Morgan, Reed, Simmons, Ormsby, Callan, Peterson, Rule, Kloba, Macri, Street, Chopp, Doglio, Fosse, Mena, Bergquist, Goodman, Tharinger, Thai, Riccelli, and Hackney)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to streamlining and enhancing program access for
2 persons eligible for food assistance; amending RCW 43.216.1368,
3 43.216.512, 43.216.512, 43.216.578, and 43.216.578; reenacting and
4 amending RCW 43.216.505; providing effective dates; and providing an
5 expiration date.

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

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

9 (1) It is the intent of the legislature to increase working
10 families' access to affordable, high quality child care and to
11 support the expansion of the workforce to support businesses and the
12 statewide economy.

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

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

20 (b) The household meets all other program eligibility
21 requirements.

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

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

8 (b) The household meets all other program eligibility
9 requirements.

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

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

18 (b) The household meets all other program eligibility
19 requirements.

20 (5) (a) Beginning October 1, 2021, through June 30, 2023, the
21 department must calculate a monthly copayment according to the
22 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

32 (b) Beginning July 1, 2023, the department must calculate a
33 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

1	Above 20 percent and at or below 36 percent of the state	\$65
2	median income	
3	Above 36 percent and at or below 50 percent of the state	\$90
4	median income	
5	Above 50 percent and at or below 60 percent of the state	\$165
6	median income	

7 (c) Beginning July 1, 2025, the department must calculate a
8 maximum monthly copayment of \$215 for households with incomes above
9 60 percent and at or below 75 percent of the state median income.

10 (d) Subject to the availability of amounts appropriated for this
11 specific purpose, the department shall adopt a copayment model for
12 households with annual incomes above 75 percent of the state median
13 income and at or below 85 percent of the state median income. The
14 model must calculate a copayment for each household that is no
15 greater than seven percent of the household's countable income within
16 this income range.

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

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

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

27 ((7)) (8) This section does not apply to households eligible
28 for the working connections child care program under RCW 43.216.145
29 and 43.216.1364.

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

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout RCW 43.216.500 through 43.216.559,
34 43.216.900, and 43.216.901.

35 (1) "Advisory committee" means the advisory committee under RCW
36 43.216.520.

37 (2) "Approved programs" means those state-supported education and
38 special assistance programs which are recognized by the department as

1 meeting the minimum program rules adopted by the department to
2 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
3 43.216.901 and are designated as eligible for funding by the
4 department under RCW 43.216.530 and 43.216.540.

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

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

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

13 (b) Is experiencing homelessness;

14 (c) Has participated in early head start or a successor federal
15 program providing comprehensive services for children from birth
16 through two years of age, the early support for infants and toddlers
17 program or received class C developmental services, the birth to
18 three early childhood education and assistance program, or the early
19 childhood intervention and prevention services program;

20 (d) Is eligible for special education due to disability under RCW
21 28A.155.020;

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

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

29 (~~(f)~~) (g) Meets criteria under rules adopted by the department
30 if the number of such children equals not more than ten percent of
31 the total enrollment in the early childhood program. Preference for
32 enrollment in this group shall be given to children from families
33 with the lowest income, children in foster care, or to eligible
34 children from families with multiple needs.

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

39 (6) "Family support services" means providing opportunities for
40 parents to:

- 1 (a) Actively participate in their child's early childhood
- 2 program;
- 3 (b) Increase their knowledge of child development and parenting
- 4 skills;
- 5 (c) Further their education and training;
- 6 (d) Increase their ability to use needed services in the
- 7 community;
- 8 (e) Increase their self-reliance; and
- 9 (f) Connect with culturally competent, disability positive
- 10 therapists and supports where appropriate.

11 (~~(7) "Family with financial need" means families with incomes at~~
12 ~~or below 36 percent of the state median income adjusted for family~~
13 ~~size until the 2030-31 school year. Beginning in the 2030-31 school~~
14 ~~year, "family with financial need" means families with incomes at or~~
15 ~~below 50 percent of the state median income adjusted for family~~
16 ~~size.)~~)

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

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

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

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

31 (c) Beginning November 1, 2024, the child is not eligible under
32 RCW 43.216.505 and is a member of an assistance unit that is eligible
33 for or is receiving basic food benefits under the federal
34 supplemental nutrition assistance program or the state food
35 assistance program.

36 (2) Children enrolled in the early childhood education and
37 assistance program pursuant to subsection (1)(b) of this section must
38 be prioritized for available funded slots according to a
39 prioritization system adopted in rule by the department that

1 considers risk factors that have a disproportionate effect on
2 kindergarten readiness and school performance, including:

3 (a) Family income as a percent of the federal poverty level;
4 (b) Homelessness;
5 (c) Child welfare system involvement;
6 (d) Developmental delay or disability that does not meet the
7 eligibility criteria for special education described in RCW
8 28A.155.020;

9 (e) Domestic violence;
10 (f) English as a second language;
11 (g) Expulsion from an early learning setting;
12 (h) A parent who is incarcerated;
13 (i) A parent with a substance use disorder or mental health
14 treatment need; and

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

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

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

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

26 (i) The early support for infants and toddlers program;
27 (ii) The early head start or a successor federal program
28 providing comprehensive services for children from birth through two
29 years of age; or

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

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

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

38 (1) The department shall adopt rules that allow the enrollment of
39 children in the early childhood education and assistance program, as

1 space is available, if the number of such children equals not more
2 than 25 percent of total statewide enrollment, when the child is not
3 eligible under RCW 43.216.505 and (~~whose~~);

4 (a) Has a family income level (~~is~~) above 36 percent of the
5 state median income but at or below 50 percent of the state median
6 income adjusted for family size and the child meets at least one of
7 the risk factor criterion described in subsection (2) of this
8 section; or

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

12 (2) Children enrolled in the early childhood education and
13 assistance program pursuant to this section must be prioritized for
14 available funded slots according to a prioritization system adopted
15 in rule by the department that considers risk factors that have a
16 disproportionate effect on kindergarten readiness and school
17 performance, including:

18 (a) Family income as a percent of the state median income;

19 (b) Child welfare system involvement;

20 (c) Eligible for services under part C of the federal individuals
21 with disabilities education act but not eligible for services under
22 part B of the federal individuals with disabilities education act;

23 (d) Domestic violence;

24 (e) English as a second language;

25 (f) Expulsion from an early learning setting;

26 (g) A parent who is incarcerated;

27 (h) A parent with a behavioral health treatment need; and

28 (i) Other risk factors determined by the department to be linked
29 by research to school performance.

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

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

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

37 (1) Within resources available under the federal preschool
38 development grant birth to five grant award received in December
39 2018, the department shall develop a plan for phased implementation

1 of a birth to three early childhood education and assistance program
2 pilot project for eligible children under thirty-six months old.
3 Funds to implement the pilot project may include a combination of
4 federal, state, or private sources.

5 (2) The department may adopt rules to implement the pilot project
6 and may waive or adapt early childhood education and assistance
7 program requirements when necessary to allow for the operation of the
8 birth to three early childhood education and assistance program. The
9 department shall consider early head start rules and regulations when
10 developing the provider and family eligibility requirements and
11 program requirements. Any deviations from early head start standards,
12 rules, or regulations must be identified and explained by the
13 department in its annual report under subsection (6) of this section.

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

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

20 (4) When selecting pilot project locations for service delivery,
21 the department may allow each pilot project location to have up to
22 three classrooms per location. When selecting and approving pilot
23 project locations, the department shall attempt to select a
24 combination of rural, urban, and suburban locations. The department
25 shall prioritize locations with programs currently operating early
26 head start, head start, or the early childhood education and
27 assistance program.

28 (5) (~~(7e)~~) Until November 1, 2024, to be eligible for the birth
29 to three early childhood education and assistance program, a child's
30 family income must be at or below one hundred thirty percent of the
31 federal poverty level and the child must be under thirty-six months
32 old. Beginning November 1, 2024, to be eligible for the birth to
33 three early childhood education and assistance program, a child must
34 be under 36 months old and either:

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

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

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

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

10 (1) Subject to the availability of amounts appropriated for this
11 specific purpose, the department shall administer a birth to three
12 early childhood education and assistance program for eligible
13 children under thirty-six months old. Funds to implement the program
14 may include a combination of federal, state, or private sources.

15 (2) The department may adopt rules to implement the program and
16 may waive or adapt early childhood education and assistance program
17 requirements when necessary to allow for the operation of the birth
18 to three early childhood education and assistance program. The
19 department shall consider early head start rules and regulations when
20 developing the provider and family eligibility requirements and
21 program requirements.

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

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

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

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

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

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

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

4 NEW SECTION. **Sec. 8.** Sections 3 and 5 of this act expire July
5 1, 2026.

Passed by the House March 5, 2024.

Passed by the Senate February 27, 2024.

Approved by the Governor March 25, 2024.

Filed in Office of Secretary of State March 26, 2024.

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