

2SSB 5595 - H AMD 462

By Representative Kagi

WITHDRAWN 04/23/2013

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

3 "Sec. 1. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are  
4 each reenacted 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 provides  
12 child day care and early learning services for a group of children for  
13 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 day care provider who  
20 regularly provides child day care and early learning services for not  
21 more than twelve children in the provider's home in the family living  
22 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) "Service provider" means the entity that operates a community  
29 facility.

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

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

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

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

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

10 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this  
11 subsection (~~(2)(a)~~), even after the marriage is terminated;

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

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

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

21 (e) Nursery schools or kindergartens that are engaged primarily in  
22 educational work with preschool children and in which no child is  
23 enrolled on a regular basis for more than four hours per day;

24 (f) Schools, including boarding schools, that are engaged primarily  
25 in education, operate on a definite school year schedule, follow a  
26 stated academic curriculum, accept only school-age children, and do not  
27 accept custody of children;

28 (g) Seasonal camps of three months' or less duration engaged  
29 primarily in recreational or educational activities;

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

33 (i) Activities other than employment; or

34 (ii) Employment of up to two hours per day when the facility is  
35 operated by a nonprofit entity that also operates a licensed child care  
36 program at the same facility in another location or at another  
37 facility;

1 (i) Any agency having been in operation in this state ten years  
2 before June 8, 1967, and not seeking or accepting moneys or assistance  
3 from any state or federal agency, and is supported in part by an  
4 endowment or trust fund;

5 (j) An agency operated by any unit of local, state, or federal  
6 government or an agency, located within the boundaries of a federally  
7 recognized Indian reservation, licensed by the Indian tribe;

8 (k) An agency located on a federal military reservation, except  
9 where the military authorities request that such agency be subject to  
10 the licensing requirements of this chapter;

11 (l) An agency that offers early learning and support services, such  
12 as parent education, and does not provide child care services on a  
13 regular basis.

14 (3) "Applicant" means a person who requests or seeks employment in  
15 an agency.

16 (4) "Conviction information" means criminal history record  
17 information relating to an incident which has led to a conviction or  
18 other disposition adverse to the applicant.

19 (5) "Department" means the department of early learning.

20 (6) "Director" means the director of the department.

21 (7) "Early achievers" means a program that improves the quality of  
22 early learning programs and supports and rewards providers for  
23 participation.

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

27 ((+8)) (9) "Enforcement action" means denial, suspension,  
28 revocation, modification, or nonrenewal of a license pursuant to RCW  
29 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW  
30 43.215.300(3).

31 ((+9)) (10) "Negative action" means a court order, court judgment,  
32 or an adverse action taken by an agency, in any state, federal, tribal,  
33 or foreign jurisdiction, which results in a finding against the  
34 applicant reasonably related to the individual's character,  
35 suitability, and competence to care for or have unsupervised access to  
36 children in child care. This may include, but is not limited to:

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

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

3 (c) An adverse agency action, including termination, revocation, or  
4 denial of a license or certification, or if pending adverse agency  
5 action, the voluntary surrender of a license, certification, or  
6 contract in lieu of the adverse action;

7 (d) A revocation, denial, or restriction placed on any professional  
8 license; or

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

10 ~~((+10+))~~ (11) "Nonconviction information" means arrest, founded  
11 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
12 or other negative action adverse to the applicant.

13 ~~((+11+))~~ (12) "Probationary license" means a license issued as a  
14 disciplinary measure to an agency that has previously been issued a  
15 full license but is out of compliance with licensing standards.

16 ~~((+12+))~~ (13) "Requirement" means any rule, regulation, or standard  
17 of care to be maintained by an agency.

18 NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW  
19 to read as follows:

20 (1) The standards and guidelines described in this section are  
21 intended for the guidance of the department and the department of  
22 social and health services. They are not intended to, do not, and may  
23 not be relied upon to create a right or benefit, substantive or  
24 procedural, enforceable at law by a party in litigation with the state.

25 (2) When providing services to parents applying for or receiving  
26 working connections child care benefits, the department must provide  
27 training to departmental employees on professionalism.

28 (3) When providing services to parents applying for or receiving  
29 working connections child care benefits, the department of social and  
30 health services has the following responsibilities:

31 (a) To return all calls from parents receiving working connections  
32 child care benefits within two business days of receiving the call;

33 (b) To develop a process by which parents receiving working  
34 connections child care benefits can submit required forms and  
35 information electronically by June 30, 2015;

36 (c) To notify providers and parents ten days before the loss of  
37 working connections child care benefits; and

1 (d) To provide parents with a document that explains in detail and  
2 in easily understood language what services they are eligible for, how  
3 they can appeal an adverse decision, and the parents' responsibilities  
4 in obtaining and maintaining eligibility for working connections child  
5 care.

6 NEW SECTION. **Sec. 3.** (1)(a) A legislative task force on child  
7 care improvements for the future is established with members as  
8 provided in this subsection.

9 (i) The president of the senate shall appoint two members from each  
10 of the two largest caucuses of the senate.

11 (ii) The speaker of the house of representatives shall appoint two  
12 members from each of the two largest caucuses in the house of  
13 representatives.

14 (iii) The president of the senate and the speaker of the house of  
15 representatives shall appoint fifteen members representing the  
16 following interests:

- 17 (A) The department of early learning;
- 18 (B) The department of social and health services;
- 19 (C) The early learning advisory committee;
- 20 (D) Thrive by five;
- 21 (E) Private pay child care consumers;
- 22 (F) Child care consumers receiving a subsidy;
- 23 (G) Family child care providers;
- 24 (H) Child care center providers;
- 25 (I) Exempt child care providers;
- 26 (J) The collective bargaining unit representing child care  
27 providers;
- 28 (K) School-age child care providers;
- 29 (L) Child care aware;
- 30 (M) The Washington state association of head start and the early  
31 childhood education and assistance program;
- 32 (N) The early learning action alliance; and
- 33 (O) Puget Sound educational service district.

34 (b) The task force shall choose its cochairs from among its  
35 legislative leadership. The members of the majority party in each  
36 house shall convene the first meeting.

37 (2) The task force shall address the following issues:

1 (a) The creation of a tiered reimbursement model that works for  
2 both consumers and providers and provides incentives for quality child  
3 care across communities;

4 (b) The development of recommendations and an implementation plan  
5 for expansion of the program referred to in RCW 43.215.400 to include  
6 a mixed delivery system that integrates community-based early learning  
7 providers, including but not limited to family child care, child care  
8 centers, schools, and educational services districts. Recommendations  
9 shall include:

10 (i) Areas of alignment and conflicts in restrictions and  
11 eligibility requirements associated with early learning funding and  
12 services;

13 (ii) A funding plan that blends and maximizes existing resources  
14 and identifies new revenue and other funding sources; and

15 (iii) Incentives for integrating child care and preschool  
16 programming to better serve working families;

17 (c) The development of recommendations for market rate  
18 reimbursement to allow access to high quality child care; and

19 (d) The development of recommendations for a further graduation of  
20 the copay scale to eliminate the cliff that occurs at subsidy cut off.

21 (3) Staff support for the task force must be provided by the senate  
22 committee services and the house of representatives office of program  
23 research.

24 (4) The task force shall report its findings and recommendations to  
25 the governor and the appropriate committees of the legislature no later  
26 than December 31, 2013.

27 (5) This section expires July 1, 2014.

28 NEW SECTION. **Sec. 4.** (1) The legislature finds that the Aclara  
29 group report on the eligibility requirements for working connections  
30 child care which came from the pedagogy of lean management and focused  
31 on identifying and eliminating nonvalue added work should be followed.  
32 The legislature further finds that, following some of the  
33 recommendations in the report, would result in simplifying and  
34 streamlining the child care system to improve access and customer  
35 service without decreasing the program's integrity.

36 (2) By December 1, 2013, the department and the department of  
37 social and health services shall accomplish the following:

1 (a) Eliminate the current custody/visitation policy and design a  
2 subsidy system that is flexible and accounts for small fluctuations in  
3 family circumstances;

4 (b) Create broad authorization categories so that relatively minor  
5 changes in parents' work schedule does not require changes in  
6 authorization;

7 (c) Establish rules to specify that parents who receive working  
8 connections child care benefits and participate in one hundred ten  
9 hours or more of approved work or related activities are eligible for  
10 full-time child care services; and

11 (d) Clarify and simplify the requirement to count child support as  
12 income."

13 Correct the title.

EFFECT: Removes the goals of the Early Achievers program.  
Removes the provision that specifies that all licensed child care  
providers may voluntarily participate in the Early Achievers program.  
Removes the provision that specifies that Early Achievers has five  
levels.

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