

2SHB 1723 - S COMM AMD

By Committee on Early Learning & K-12 Education

NOT ADOPTED 04/15/2013

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.215  
4 RCW to read as follows:

5 The legislature finds that the first five years of a child's life  
6 establish the foundation for educational success. The legislature also  
7 finds that children who have high quality early learning opportunities  
8 from birth through age five are more likely to succeed throughout their  
9 K-12 education and beyond. The legislature further finds that the  
10 benefits of high quality early learning experiences are particularly  
11 significant for low-income parents and children, and provide an  
12 opportunity to narrow the opportunity gap in Washington's K-12  
13 educational system. The legislature understands that early supports  
14 for high-risk parents of young children through home visiting services  
15 show a high return on investment due to significantly improved chances  
16 of better education, health, and life outcomes for children. The  
17 legislature further recognizes that, when parents work or go to school,  
18 high quality and full-day early learning opportunities should be  
19 available and accessible for their children. In order to improve  
20 education outcomes, particularly for low-income children, the  
21 legislature is committed to expanding high quality early learning  
22 opportunities and integrating currently disparate funding streams for  
23 all birth-to-five early learning services including, working  
24 connections child care and the early childhood education and assistance  
25 program, into a single high quality continuum of learning that provides  
26 essential services to low-income families and prepares all enrolled  
27 children for success in school. The legislature therefore intends to  
28 establish the early start program to provide a continuum of high  
29 quality and accountable early learning opportunities for Washington's  
30 parents and children.

1       **Sec. 2.** RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are  
2 each reenacted and amended to read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

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

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

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

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

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

27       (e) "Service provider" means the entity that operates a community  
28 facility.

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

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

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

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

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

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

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

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

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

12 (e) Nursery schools ~~((or kindergartens))~~ that are engaged primarily  
13 in ~~((educational work))~~ early childhood education with preschool  
14 children and in which no child is enrolled on a regular basis for more  
15 than four hours per day;

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

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

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

25 (i) Activities other than employment; or

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

30 ~~((Any agency having been in operation in this state ten years  
31 before June 8, 1967, and not seeking or accepting moneys or assistance  
32 from any state or federal agency, and is supported in part by an  
33 endowment or trust fund;~~

34 ~~((j) An agency))~~ A program operated by any unit of local, state, or  
35 federal government or an agency, located within the boundaries of a  
36 federally recognized Indian reservation, licensed by the Indian tribe;

37 ~~((k) An agency))~~ (j) A program located on a federal military

1 reservation, except where the military authorities request that such  
2 agency be subject to the licensing requirements of this chapter;

3 ~~((1) An agency))~~ (k) A program that offers early learning and  
4 support services, such as parent education, and does not provide child  
5 care services on a regular basis.

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

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

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

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

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

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

19 ~~((8))~~ (9) "Enforcement action" means denial, suspension,  
20 revocation, modification, or nonrenewal of a license pursuant to RCW  
21 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW  
22 43.215.300(3).

23 ~~((9))~~ (10) "Negative action" means a court order, court judgment,  
24 or an adverse action taken by an agency, in any state, federal, tribal,  
25 or foreign jurisdiction, which results in a finding against the  
26 applicant reasonably related to the individual's character,  
27 suitability, and competence to care for or have unsupervised access to  
28 children in child care. This may include, but is not limited to:

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

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

32 (c) An adverse agency action, including termination, revocation, or  
33 denial of a license or certification, or if pending adverse agency  
34 action, the voluntary surrender of a license, certification, or  
35 contract in lieu of the adverse action;

36 (d) A revocation, denial, or restriction placed on any professional  
37 license; or

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

1        ~~((10))~~ (11) "Nonconviction information" means arrest, founded  
2 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
3 or other negative action adverse to the applicant.

4        ~~((11))~~ (12) "Probationary license" means a license issued as a  
5 disciplinary measure to an agency that has previously been issued a  
6 full license but is out of compliance with licensing standards.

7        ~~((12))~~ (13) "Requirement" means any rule, regulation, or standard  
8 of care to be maintained by an agency.

9        (14) "Washington state preschool program" means an education  
10 program for children three-to-five years of age who have not yet  
11 entered kindergarten, such as the early childhood education and  
12 assistance program.

13        NEW SECTION. Sec. 3. (1)(a) The department of early learning  
14 shall convene a technical working group to:

15        (i) Review federal and state early education funding streams;

16        (ii) Develop technical options for aligning eligibility  
17 requirements for child care and Washington state preschool;

18        (iii) Develop recommendations for an effective and responsive  
19 eligibility system;

20        (iv) Develop technical options for system designs that blend and  
21 braid disparate federal and state funding streams into a single  
22 program, including the option of applying for waivers from existing  
23 federal requirements; and

24        (v) Present findings and options in a report to the appropriate  
25 committees of both houses of the legislature by December 1, 2013.

26        (b) At a minimum, the technical working group must be composed of  
27 financial and policy staff from the department of social and health  
28 services and the department of early learning.

29        (2) This section expires December 31, 2013.

30        **Sec. 4.** RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and  
31 2010 c 231 s 6 are each reenacted and amended to read as follows:

32        (1) The department of early learning is created as an executive  
33 branch agency. The department is vested with all powers and duties  
34 transferred to it under this chapter and such other powers and duties  
35 as may be authorized by law.

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

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

10 (b) To make early learning resources available to parents and  
11 caregivers;

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

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

17 (e) To annually review rates for child care compared to market  
18 rates and make recommendations to the legislature;

19 (f) To conduct an annual survey of staff compensation in licensed  
20 child care programs and the Washington state preschool program,  
21 including early achievers and nonearly achievers programs, using data  
22 generated by the managed education and registry information tool and  
23 the early achievers program and report survey findings to the  
24 legislature;

25 (g) To serve as the state lead agency for Part C of the federal  
26 individuals with disabilities education act (IDEA);

27 ((+f)) (h) To standardize internal financial audits, oversight  
28 visits, performance benchmarks, and licensing criteria, so that  
29 programs can function in an integrated fashion;

30 ((+g)) (i) To support the implementation of the nongovernmental  
31 private-public partnership and cooperate with that partnership in  
32 pursuing its goals including providing data and support necessary for  
33 the successful work of the partnership;

34 ((+h)) (j) To work cooperatively and in coordination with the  
35 early learning council;

36 ((+i)) (k) To collaborate with the K-12 school system at the state  
37 and local levels to ensure appropriate connections and smooth  
38 transitions between early learning and K-12 programs;

1        (~~(j)~~) (l) To develop and adopt rules for administration of the  
2 program of early learning established in RCW 43.215.141;

3        (~~(k)~~) (m) To develop a comprehensive birth-to-three plan to  
4 provide education and support through a continuum of options including,  
5 but not limited to, services such as: Home visiting; quality  
6 incentives for infant and toddler child care subsidies; quality  
7 improvements for family home and center-based child care programs  
8 serving infants and toddlers; professional development; early literacy  
9 programs; and informal supports for family, friend, and neighbor  
10 caregivers; and

11        (~~(l)~~) (n) Upon the development of an early learning information  
12 system, to make available to parents timely inspection and licensing  
13 action information and provider comments through the internet and other  
14 means.

15        (3) When additional funds are appropriated for the specific purpose  
16 of home visiting and parent and caregiver support, the department must  
17 reserve at least eighty percent for home visiting services to be  
18 deposited into the home visiting services account and up to twenty  
19 percent of the new funds for other parent or caregiver support.

20        (4) Home visiting services must include programs that serve  
21 families involved in the child welfare system.

22        (5) The legislature shall fund the expansion in the Washington  
23 state preschool program pursuant to RCW 43.215.142 in fiscal year 2014.

24        (6) The department's programs shall be designed in a way that  
25 respects and preserves the ability of parents and legal guardians to  
26 direct the education, development, and upbringing of their children,  
27 and that recognizes and honors cultural and linguistic diversity. The  
28 department shall include parents and legal guardians in the development  
29 of policies and program decisions affecting their children.

30        NEW SECTION. Sec. 5. A new section is added to chapter 43.215 RCW  
31 to read as follows:

32        Funds distributed to the general fund pursuant to RCW 69.50.540  
33 must be utilized to phase in an integrated high quality continuum of  
34 early learning program, called early start, for children birth-to-five  
35 years of age. Components of early start include, but are not limited  
36 to, the following:

37        (1) Home visiting and parent education and support programs;

- 1 (2) The early achievers program described in RCW 43.215.100;  
2 (3) Integrated full-day, high quality early learning programs; and  
3 (4) High quality preschool for children whose family income is at  
4 or below one hundred thirty percent of the federal poverty level.

5 **Sec. 6.** RCW 43.215.100 and 2007 c 394 s 4 are each amended to read  
6 as follows:

7 (1) Subject to the availability of amounts appropriated for this  
8 specific purpose, the department, in collaboration with community and  
9 statewide partners, shall implement a voluntary quality rating and  
10 improvement system, called the early achievers program, that is  
11 applicable to licensed or certified child care centers and homes and  
12 early education programs.

13 (2) The purpose of the ((voluntary quality rating and improvement  
14 system)) early achievers program is: (a) To give parents clear and  
15 easily accessible information about the quality of child care and early  
16 education programs, support improvement in early learning programs  
17 throughout the state, increase the readiness of children for school,  
18 and close the disparity in access to quality care; and (b) to establish  
19 a common set of expectations and standards that define, measure, and  
20 improve the quality of early learning settings.

21 (3) Participation in the early achievers program is voluntary for  
22 licensed or certified child care centers and homes.

23 (4) By fiscal year 2015, Washington state preschool programs  
24 receiving state funds must enroll in the early achievers program and  
25 maintain a minimum score level.

26 (5) Before final implementation of the ((voluntary quality rating  
27 and improvement system)) early achievers program, the department shall  
28 report to the appropriate policy and fiscal committees of the  
29 legislature. Nothing in this section changes the department's  
30 responsibility to collectively bargain over mandatory subjects.

31 **Sec. 7.** RCW 43.215.430 and 1994 c 166 s 8 are each amended to read  
32 as follows:

33 The department shall review applications from public or private  
34 nonsectarian organizations for state funding of early childhood  
35 education and assistance programs ((and award funds as determined by  
36 department rules and based on)). The department shall consider local

1 community needs ~~((and))~~, demonstrated capacity ~~((to provide services))~~,  
2 and the need to support a mixed delivery system of early learning when  
3 reviewing applications.

4 **Sec. 8.** RCW 43.215.545 and 2006 c 265 s 204 are each amended to  
5 read as follows:

6 The department of early learning shall:

7 (1) Work in conjunction with the statewide child care resource and  
8 referral network as well as local governments, nonprofit organizations,  
9 businesses, and community child care advocates to create local child  
10 care resource and referral organizations. These organizations may  
11 carry out needs assessments, resource development, provider training,  
12 technical assistance, and parent information and training;

13 (2) Actively seek public and private money for distribution as  
14 grants to the statewide child care resource and referral network and to  
15 existing or potential local child care resource and referral  
16 organizations;

17 (3) Adopt rules regarding the application for and distribution of  
18 grants to local child care resource and referral organizations. The  
19 rules shall, at a minimum, require an applicant to submit a plan for  
20 achieving the following objectives:

21 (a) Provide parents with information about child care resources,  
22 including location of services and subsidies;

23 (b) Carry out child care provider recruitment and training  
24 programs, including training under RCW 74.25.040;

25 (c) Offer support services, such as parent and provider seminars,  
26 toy-lending libraries, and substitute banks;

27 (d) Provide information for businesses regarding child care supply  
28 and demand;

29 (e) Advocate for increased public and private sector resources  
30 devoted to child care;

31 (f) Provide technical assistance to employers regarding employee  
32 child care services; and

33 (g) Serve recipients of temporary assistance for needy families and  
34 working parents with incomes at or below household incomes of ~~((one))~~  
35 two hundred ~~((seventy-five))~~ percent of the federal poverty line;

36 (4) Provide staff support and technical assistance to the statewide

1 child care resource and referral network and local child care resource  
2 and referral organizations;

3 (5) Maintain a statewide child care licensing data bank and work  
4 with department licensors to provide information to local child care  
5 resource and referral organizations about licensed child care providers  
6 in the state;

7 (6) Through the statewide child care resource and referral network  
8 and local resource and referral organizations, compile data about local  
9 child care needs and availability for future planning and development;

10 (7) Coordinate with the statewide child care resource and referral  
11 network and local child care resource and referral organizations for  
12 the provision of training and technical assistance to child care  
13 providers; ~~((and))~~

14 (8) Collect and assemble information regarding the availability of  
15 insurance and of federal and other child care funding to assist state  
16 and local agencies, businesses, and other child care providers in  
17 offering child care services;

18 (9) Beginning September 1, 2013, increase the base rate for all  
19 child care providers by ten percent;

20 (10) Subject to the availability of amounts appropriated for this  
21 specific purpose, provide tiered subsidy rate enhancements to child  
22 care providers if the provider meets the following requirements:

23 (a) The provider meets quality rating and improvement system levels  
24 2, 3, 4, or 5;

25 (b) The provider is actively participating in the early achievers  
26 program;

27 (c) The provider continues to advance towards level 5 of the early  
28 achievers program; and

29 (d) The provider must complete level 2 within eighteen months or  
30 the reimbursement rate will return the level 1 rate; and

31 (11) Require exempt providers to participate in continuing  
32 education, if adequate funding is available.

33 **Sec. 9.** RCW 43.215.135 and 2012 c 253 s 5 and 2012 c 251 s 1 are  
34 each reenacted to read as follows:

35 (1) The department shall establish and implement policies in the  
36 working connections child care program to promote stability and quality  
37 of care for children from low-income households. Policies for the

1 expenditure of funds constituting the working connections child care  
2 program must be consistent with the outcome measures defined in RCW  
3 74.08A.410 and the standards established in this section intended to  
4 promote continuity of care for children.

5 (2) Beginning in fiscal year 2013, authorizations for the working  
6 connections child care subsidy shall be effective for twelve months  
7 unless a change in circumstances necessitates reauthorization sooner  
8 than twelve months. The twelve-month certification applies only if the  
9 enrollments in the child care subsidy or working connections child care  
10 program are capped.

11 (3) Beginning September 1, 2013, working connections child care  
12 providers shall receive a five percent increase in the subsidy rate for  
13 achieving level 2 in the early achievers programs. Providers must  
14 complete level 2 and advance to level 3 within eighteen months in order  
15 to maintain this increase.

16 NEW SECTION. Sec. 10. If specific funding for the purposes of  
17 section 4 of this act, referencing section 4 of this act by bill or  
18 chapter and section number, is not provided by June 30, 2013, in the  
19 omnibus appropriations act, section 4 of this act is null and void.

20 NEW SECTION. Sec. 11. If specific funding for the purposes of  
21 section 8 of this act, referencing section 8 of this act by bill or  
22 chapter and section number, is not provided by June 30, 2013, in the  
23 omnibus appropriations act, section 8 of this act is null and void.

24 NEW SECTION. Sec. 12. If specific funding for the purposes of  
25 section 9 of this act, referencing section 9 of this act by bill or  
26 chapter and section number, is not provided by June 30, 2013, in the  
27 omnibus appropriations act, section 9 of this act is null and void."

**2SHB 1723** - S COMM AMD

By Committee on Early Learning & K-12 Education

**NOT ADOPTED 04/15/2013**

1           On page 1, line 2 of the title, after "programs;" strike the  
2 remainder of the title and insert "amending RCW 43.215.100, 43.215.430,  
3 and 43.215.545; reenacting and amending RCW 43.215.010 and 43.215.020;  
4 reenacting RCW 43.215.135; adding new sections to chapter 43.215 RCW;  
5 creating new sections; and providing an expiration date."

EFFECT:       Removes a legislative task force on early learning.  
Directs a technical working group convened by the Department of Early  
Learning to submit a report on early learning funding to the  
Legislature by December 31, 2013.

--- END ---