
SUBSTITUTE SENATE BILL 6127

State of Washington

63rd Legislature

2014 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Litzow, Billig, Fain, Rolfes, Tom, Angel, Rivers, McAuliffe, Hobbs, Dammeier, Frockt, Cleveland, Kohl-Welles, Mullet, and O'Ban)

READ FIRST TIME 02/06/14.

1 AN ACT Relating to improving quality in the early care and
2 education system; amending RCW 43.215.100, 43.215.135, 43.215.425,
3 43.215.415, and 43.215.455; adding new sections to chapter 43.215 RCW;
4 creating new sections; and repealing 2013 2nd sp.s. c 16 s 2
5 (uncodified).

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

7 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that quality
8 early care and education builds the foundation for a child's success in
9 school and in life. The legislature acknowledges that quality is a
10 necessary underpinning of the early care and education system in
11 Washington. The legislature recognizes that empirical evidence supports
12 the conclusion that high quality programs consistently yield more
13 positive outcomes for children, with the strongest positive impacts on
14 the most vulnerable children. The legislature further understands that
15 the proper dosage, duration of programming, and stability of care are
16 critical to enhancing program quality and improving child outcomes.
17 The legislature intends to prioritize the integration of child care and
18 preschool in an effort to promote full-day programming. The
19 legislature further intends to reward quality and create incentives for

1 providers to participate in a quality rating and improvement system
2 that will also provide valuable information to parents regarding the
3 quality of care available in their communities.

4 **Sec. 2.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to read
5 as follows:

6 (1) ~~((Subject to the availability of amounts appropriated for this~~
7 ~~specific purpose,))~~ The department, in collaboration with community and
8 statewide partners, shall implement a voluntary quality rating and
9 improvement system, called the early achievers program, that is
10 applicable to licensed or certified child care centers and homes and
11 early education programs. The early achievers program establishes the
12 framework for strengthening the quality of the early care and education
13 system in Washington. The early achievers program shall continue to
14 integrate health in early learning and may do so by working with key
15 health partners to develop training in level 2 focused on foundational
16 health topics, and is encouraged to plan for the integration of health
17 consultation within the coaching and mentoring system.

18 (2) The ~~((purpose))~~ objectives of the early achievers program
19 ~~((is))~~ are to:

20 (a) ~~((To))~~ Improve short-term and long-term outcomes for children
21 as measured by assessments including, but not limited to, the
22 Washington kindergarten inventory of developing skills;

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

25 (c) Support improvement in early learning and care programs
26 throughout the state;

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

28 (e) Close the disparity in access to quality care;

29 (f) Provide professional development opportunities to early care
30 and education providers; and ~~((b) to))~~

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

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

36 (4) ~~((By fiscal year 2015, Washington state preschool programs~~

1 ~~receiving state funds must enroll in the early achievers program and~~
2 ~~maintain a minimum score level.~~

3 (5)) There are five levels in the early achievers program.
4 Participants are expected to actively engage in the program and
5 continually advance from level one, or the foundation level, to level
6 five.

7 (5)(a) Effective July 1, 2015, the department shall publish on the
8 department's web site or offer a link on its web site the early
9 achievers program rating levels one through five for all child care
10 programs, early childhood education and assistance programs, and
11 Washington head start programs.

12 (b) The early achievers program ratings must be published on the
13 department's web site or have a link on the department's web site
14 within thirty days from the time a program becomes licensed or
15 certified or receives a rating.

16 (c) The early achievers program rating levels must be published on
17 the department's web site or have a link on the department's web site
18 in a manner that is easily accessible to parents and caregivers.

19 (6)(a) The department must charge a fee for additional reratings
20 requests made by program participants.

21 (b) Fees charged are based on, but may not exceed, the cost to the
22 department for the class of activities associated with the early
23 achievers program.

24 (c) The director shall establish the fees charged for the early
25 achievers rerating process by rule.

26 (7)(a) The department shall create a professional development
27 pathway for early achievers participants to obtain a high school
28 diploma or higher education credential in early childhood education,
29 early childhood studies, child development, or an academic field
30 related to early care and education.

31 (b) The professional development pathway must include opportunities
32 for scholarships and grants to assist early achievers participants with
33 the costs associated with obtaining an educational degree.

34 (8) Before final implementation of the early achievers program, the
35 department shall report on program progress, as defined within the race
36 to the top federal grant award, and expenditures to the appropriate
37 policy and fiscal committees of the legislature. Nothing in this

1 section changes the department's responsibility to collectively bargain
2 over mandatory subjects.

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

5 THE EARLY ACHIEVERS PROGRAM DATA COLLECTION AND EVALUATION. (1)
6 The department shall collect longitudinal, student-level data on all
7 children attending a working connections child care program or an early
8 childhood education and assistance program. Data reported must be
9 disaggregated in the smallest units allowable by law that do not
10 identify an individual student. Data must be disaggregated by distinct
11 ethnic categories within racial subgroups that align with categories
12 established by the education data center established in RCW 43.41.400.
13 Data collected should capture at a minimum the following
14 characteristics:

- 15 (a) Daily program attendance;
- 16 (b) Identification of classroom and teacher;
- 17 (c) Early achievers program quality level rating;
- 18 (d) Program hours;
- 19 (e) Program duration; and
- 20 (f) Child cognitive and developmental gains.

21 (2) Data collected pursuant to this section shall be provided to
22 the education data center established in RCW 43.41.400.

23 (3) Data collected pursuant to this section shall be provided to
24 the Washington state institute for public policy.

25 (4)(a) The Washington state institute for public policy shall
26 conduct a longitudinal analysis examining relationships between the
27 early achievers program quality ratings levels and outcomes for
28 children participating in subsidized early care and education programs.

29 (b) The institute shall submit the first report to the appropriate
30 committees of the legislature by December 31, 2017. The institute
31 shall submit subsequent reports annually to the appropriate committees
32 of the legislature by December 31st, with the final report due December
33 31, 2020. The final report shall include a cost-benefit analysis.

34 **Sec. 4.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to read
35 as follows:

36 (1) The department shall establish and implement policies in the

1 working connections child care program to promote stability ~~((and))~~,
2 quality of care for children from low-income households, and support
3 school readiness for young learners. Policies for the expenditure of
4 funds constituting the working connections child care program must be
5 consistent with the outcome measures defined in RCW 74.08A.410 and the
6 standards established in this section intended to promote quality early
7 care and education programming, and stability and continuity of care
8 for children.

9 ~~((Beginning in fiscal year 2013,))~~ Authorizations for the
10 working connections child care subsidy ((shall be)) are effective for
11 twelve months ~~((unless a change in circumstances necessitates~~
12 ~~reauthorization sooner than twelve months. The twelve-month~~
13 ~~certification applies only if the enrollments in the child care subsidy~~
14 ~~or working connections child care program are capped.~~

15 ~~((3) Subject to the availability of amounts appropriated for this~~
16 ~~specific purpose, beginning September 1, 2013, working connections~~
17 ~~child care providers shall receive a five percent increase in the~~
18 ~~subsidy rate for enrolling in level 2 in the early achievers programs.~~
19 ~~Providers must complete level 2 and advance to level 3 within thirty~~
20 ~~months in order to maintain this increase)).~~ A child is eligible for
21 working connections child care for a twelve-month enrollment period and
22 may not be deemed ineligible due to any change in circumstance
23 including, but not limited to, the following:

24 (a) A change in family composition;

25 (b) A change in a parent's or a caregiver's employment status;

26 (c) A change in a parent's or a caregiver's employment status due
27 to health, maternity or paternity leave, or other family leave
28 condition as provided for in chapter 49.78 RCW; or

29 (d) A change in a parent's or a caregiver's income.

30 (3) The department shall adopt rules pertaining to the working
31 connections child care program that outline the following:

32 (a) Allowable periods of child absences;

33 (b) Required contact with parents or caregivers to discuss child
34 absences and encourage regular program attendance; and

35 (c) A deenrollment procedure when allowable child absences are
36 exceeded.

37 (4) Child care providers serving nonschool age children and

1 receiving state subsidy payments must enroll in the early achievers
2 program and complete level two activities by July 1, 2017.

3 (5) Child care providers serving nonschool age children and
4 receiving state subsidy payments must be rated at level three in the
5 early achievers program by July 1, 2019.

6 (6) Effective July 1, 2015, a new child care provider serving
7 nonschool age children and receiving state subsidy payments must:

8 (a) Enroll in the early achievers program within thirty days;

9 (b) Complete the early achievers program quality level two
10 activities within twelve months from receiving a state subsidy; and

11 (c) Rate as an early achievers program quality level three within
12 thirty months from receiving a state subsidy payment.

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

15 CONTRACTED CHILD CARE SLOTS. (1) The department shall employ a
16 combination of vouchers and contracted slots for the subsidized child
17 care program in RCW 43.215.135. Child care vouchers preserve parental
18 choice. Child care contracted slots promote access to continuous
19 quality care for children, provide parents and caregivers stable child
20 care that supports employment, and allow providers to have predictable
21 funding.

22 (2) The department's duties relating to child care contracted slots
23 include, but are not limited to:

24 (a) Contracting at least twenty percent of the working connections
25 child care program slots by January 1, 2016;

26 (b) Awarding contracted slots via a competitive process and
27 prioritizing child care programs with at least one of the following
28 characteristics:

29 (i) Programs offering full workday early care and education
30 opportunities;

31 (ii) Programs located in a high-need geographic area;

32 (iii) Programs partnering with elementary schools to offer
33 transitional planning and support to children as they advance to
34 kindergarten; or

35 (iv) Programs serving children involved in the child welfare system
36 or children diagnosed with a special need;

1 (c) Paying a provider for each contracted slot, unless a contracted
2 slot is not used for thirty days;

3 (d) Charging a child care copayment for each contracted slot; and

4 (e) Establishing a copayment fee by rule.

5 (3) Only a child care provider who participates in the early
6 achievers program and rates at a level three, four, or five is eligible
7 to be awarded a contracted slot.

8 **Sec. 6.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to read
9 as follows:

10 (1) The department shall adopt rules under chapter 34.05 RCW for
11 the administration of the early childhood education and assistance
12 program. Approved early childhood education and assistance programs
13 shall conduct needs assessments of their service area, identify any
14 targeted groups of children, to include but not be limited to children
15 of seasonal and migrant farmworkers and native American populations
16 living either on or off reservation, and provide to the department a
17 service delivery plan, to the extent practicable, that addresses these
18 targeted populations.

19 (2) The department, in developing rules for the early childhood
20 education and assistance program, shall consult with the advisory
21 committee, and shall consider such factors as coordination with
22 existing head start and other early childhood programs, the preparation
23 necessary for instructors, qualifications of instructors, adequate
24 space and equipment, and special transportation needs. The rules shall
25 specifically require the early childhood programs to provide for
26 parental involvement in participation with their child's program, in
27 local program policy decisions, in development and revision of service
28 delivery systems, and in parent education and training.

29 (3) The department shall adopt rules pertaining to the early
30 childhood education and assistance program that outline allowable
31 periods of child absences, required contact with parents or caregivers
32 to discuss child absences and encourage regular attendance, and a
33 deenrollment procedure when allowable child absences are exceeded.

34 (4) The department shall adopt rules requiring all employees and
35 volunteers of early childhood education and assistance programs to
36 submit to a fingerprint background check. Fingerprint background check

1 procedures for the early childhood education and assistance program
2 shall be the same as the background check procedures in RCW 43.215.215.

3 **Sec. 7.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to read
4 as follows:

5 (1) Approved early childhood programs shall receive state-funded
6 support through the department. Public or private nonsectarian
7 organizations, including, but not limited to school districts,
8 educational service districts, community and technical colleges, local
9 governments, or nonprofit organizations, are eligible to participate as
10 providers of the state early childhood program.

11 (2) Funds appropriated for the state program shall be used to
12 continue to operate existing programs or to establish new or expanded
13 early childhood programs(~~(, and shall not be used to supplant federally~~
14 ~~supported head start programs)~~).

15 (3) Funds obtained by providers through voluntary grants or
16 contributions from individuals, agencies, corporations, or
17 organizations may be used to expand or enhance preschool programs so
18 long as program standards established by the department are
19 maintained(~~(, but shall not be used to supplant federally supported~~
20 ~~head start programs or state supported early childhood programs)~~).

21 (4) Persons applying to conduct the early childhood program shall
22 identify targeted groups and the number of children to be served,
23 program components, the qualifications of instructional and special
24 staff, the source and amount of grants or contributions from sources
25 other than state funds, facilities and equipment support, and
26 transportation and personal care arrangements.

27 (5) Early childhood education and assistance providers must enroll
28 in the early achievers program and be rated at a level three by July 1,
29 2015.

30 (6) Early childhood education and assistance providers must be
31 rated at a level four in the early achievers program by July 1, 2019.

32 (7) Effective January 1, 2014, new early childhood education and
33 assistance program slots are only available to early achievers program
34 participants rated at a level three, four, or five.

35 (8) Effective July 1, 2017, any provider administering an early
36 childhood education and assistance program must institute a working

1 connections child care program and maintain an optional full workday
2 program.

3 **Sec. 8.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to read
4 as follows:

5 (1) Beginning September 1, 2011, an early learning program to
6 provide voluntary preschool opportunities for children three and four
7 years of age shall be implemented according to the funding and
8 implementation plan in RCW (~~43.215.142~~) 43.215.456. The program must
9 be a comprehensive program providing early childhood education and
10 family support, options for parental involvement, and health
11 information, screening, and referral services, as family need is
12 determined. Participation in the program is voluntary. On a space
13 available basis, the program may allow enrollment of children who are
14 not otherwise eligible by assessing a fee.

15 (2) The first phase of the program shall be implemented by
16 utilizing the program standards and eligibility criteria in the early
17 childhood education and assistance program in RCW 43.215.400 through
18 43.215.450.

19 (3) The program implementation in this section shall prioritize
20 programs meeting at least one of the following characteristics:

21 (a) Programs located in a high-need geographical area;

22 (b) Programs offering services to children diagnosed with a special
23 need or children involved in the child welfare system; or

24 (c) Programs that receive a working connections child care subsidy
25 pursuant to RCW 43.215.135.

26 (4) Only providers meeting both of the following requirements are
27 eligible for the program implementation in this section:

28 (a) Providers participating in the early achievers program and
29 rated at a level 3, 4, or 5; and

30 (b) Providers offering full workday early care and education
31 programming.

32 (5) The director shall adopt rules for the following program
33 components, as appropriate and necessary during the phased
34 implementation of the program:

35 (a) Minimum program standards, including lead teacher, assistant
36 teacher, and staff qualifications;

37 (b) Approval of program providers; and

1 (c) Accountability and adherence to performance standards.

2 ((+4)) (6) The department has administrative responsibility for:

3 (a) Approving and contracting with providers according to rules
4 developed by the director under this section;

5 (b) In partnership with school districts, monitoring program
6 quality and assuring the program is responsive to the needs of eligible
7 children;

8 (c) Assuring that program providers work cooperatively with school
9 districts to coordinate the transition from preschool to kindergarten
10 so that children and their families are well-prepared and supported;
11 and

12 (d) Providing technical assistance to contracted providers.

13 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.215 RCW
14 to read as follows:

15 SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2015, the
16 department shall implement a single set of licensing standards for
17 child care and the early childhood education and assistance program.
18 The new licensing standards must:

19 (1) Use the early achievers program as a foundational framework and
20 eliminate additional burdensome regulations for providers who
21 demonstrate higher levels of quality care;

22 (2) Take into account the separate needs of family care providers
23 and child care centers; and

24 (3) Promote the continued safety of child care settings.

25 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.215
26 RCW to read as follows:

27 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
28 the early care and education system in Washington is the quality rating
29 and improvement system entitled the early achievers program. In an
30 effort to build on the existing quality framework, enhance access to
31 quality care for children, and strengthen the entire early care and
32 education system in the state, it is important to integrate the efforts
33 of local government.

34 (2) Local government is encouraged to collaborate with the
35 department when establishing early learning programs for residents.

1 (3) Local government may contribute funds to the department for the
2 following purposes:

3 (a) Initial investments to build capacity and quality in local
4 early care and education programming; and

5 (b) Reductions in copayments charged to parents or caregivers.

6 NEW SECTION. **Sec. 11.** 2013 2nd sp.s. c 16 s 2 (uncodified) is
7 repealed.

8 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.215
9 RCW to read as follows:

10 Chapter . . ., Laws of 2014 (this act) may be known and cited as
11 the early start act.

12 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2014, in the omnibus appropriations act, this act
15 is null and void.

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