
SECOND SUBSTITUTE SENATE BILL 5828

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, McAuliffe, Tom, Rasmussen, Eide, Oemig, Clements, Hobbs, Weinstein, Rockefeller, Kline and Kohl-Welles)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to early child development and learning; amending
2 RCW 43.215.010 and 43.215.020; adding new sections to chapter 43.215
3 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that education is the
6 single most effective investment that can be made in children, the
7 state, the economy, and the future. A well-educated citizenry is
8 essential both for the preservation of democracy and for enhancing the
9 state's ability to compete in the knowledge-based global economy.

10 As recommended by Washington learns, the legislature declares that
11 the overarching goal for education in the state is to have a world-
12 class, learner-focused, seamless education system that educates more
13 Washingtonians to the highest levels of educational attainment.

14 **Sec. 2.** RCW 43.215.010 and 2006 c 265 s 102 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

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

5 (a) "Child day care center" means an agency that regularly provides
6 child day care and early learning services for a group of children for
7 periods of less than twenty-four hours;

8 (b) "Early learning" includes but is not limited to programs and
9 services for child care; state, federal, private, and nonprofit
10 preschool; child care subsidies; child care resource and referral;
11 parental education and support; and training and professional
12 development for early learning professionals;

13 (c) "Family day care provider" means a child day care provider who
14 regularly provides child day care and early learning services for not
15 more than twelve children in the provider's home in the family living
16 quarters;

17 (d) "Nongovernmental private-public partnership" means an entity
18 registered as a nonprofit corporation in Washington state with a
19 primary focus on early learning and an ability to raise a minimum of
20 five million dollars in contributions;

21 (e) "Service provider" means the entity that operates a community
22 facility.

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

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

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

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

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

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

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

36 (c) Persons who care for a neighbor's or friend's child or
37 children, with or without compensation, where the person providing care
38 for periods of less than twenty-four hours does not conduct such

1 activity on an ongoing, regularly scheduled basis for the purpose of
2 engaging in business, which includes, but is not limited to,
3 advertising such care;

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

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

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

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

15 (h) Facilities providing care to children for periods of less than
16 twenty-four hours whose parents remain on the premises to participate
17 in activities other than employment;

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

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

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

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

31 (3) "Department" means the department of early learning.

32 (4) "Director" means the director of the department.

33 (5) "Enforcement action" means denial, suspension, revocation,
34 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)
35 or assessment of civil monetary penalties pursuant to RCW
36 43.215.300(3).

37 (6) "Probationary license" means a license issued as a disciplinary

1 measure to an agency that has previously been issued a full license but
2 is out of compliance with licensing standards.

3 (7) "Requirement" means any rule, regulation, or standard of care
4 to be maintained by an agency.

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

7 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
8 council is established to advise the department on statewide early
9 learning community needs and progress.

10 (2) The council shall work in conjunction with the department to
11 develop a statewide early learning plan that crosses systems and
12 sectors to promote alignment of private and public sector actions,
13 objectives, and resources, and to ensure school readiness.

14 (3) The council shall include diverse, statewide representation
15 from public, nonprofit, and for-profit entities. Its membership shall
16 reflect regional, racial, and cultural diversity to adequately
17 represent the needs of all children and families in the state.

18 (4) Council members shall serve two-year terms. However, to
19 stagger the terms of the council, the initial appointments for twelve
20 of the members shall be for one year. Once the initial one-year to
21 two-year terms expire, all subsequent terms shall be for two years,
22 with the terms expiring on June 30th of the applicable year. The terms
23 shall be staggered in such a way that, where possible, the terms of
24 members representing a specific group do not expire simultaneously.

25 (5) The council shall consist of not more than twenty-five members,
26 as follows:

27 (a) The governor shall appoint at least one representative from
28 each of the following: The department, the office of financial
29 management, the department of social and health services, the
30 department of health, the higher education coordinating board, and the
31 state board for community and technical colleges;

32 (b) One representative from the office of the superintendent of
33 public instruction, to be appointed by the superintendent of public
34 instruction;

35 (c) The governor shall appoint at least seven leaders in early
36 childhood education, with at least one representative with experience

1 or expertise in each of the following areas: Children with
2 disabilities, the K-12 system, family day care providers, and child
3 care centers;

4 (d) Two members of the house of representatives, one from each
5 caucus, and two members of the senate, one from each caucus, to be
6 appointed by the speaker of the house of representatives and the
7 president of the senate, respectively;

8 (e) Two parents, one of whom serves on the department's parent
9 advisory council, to be appointed by the governor;

10 (f) Two representatives of the private-public partnership created
11 in RCW 43.215.070, to be appointed by the partnership board; and

12 (g) One representative designated by sovereign tribal governments.

13 (6) The council shall be cochaired by one representative of a state
14 agency and one nongovernmental member, to be elected by the council for
15 two-year terms.

16 (7) Each member of the board shall be compensated in accordance
17 with RCW 43.03.240 and reimbursed for travel expenses incurred in
18 carrying out the duties of the board in accordance with RCW 43.03.050
19 and 43.03.060.

20 (8) The department shall provide staff support to the council.

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

23 FIVE-STAR VOLUNTARY RATING AND IMPROVEMENT SYSTEM. Subject to the
24 availability of amounts appropriated for this specific purpose, the
25 department, in collaboration with community and statewide partners,
26 shall implement a five-star voluntary rating and improvement system
27 applicable to licensed or certified child care centers and homes and
28 early education programs. The purpose of the rating and improvement
29 system is to give parents better information about the quality of child
30 care and early education programs, improve the quality of early
31 learning programs throughout the state, increase the readiness of
32 children for school, and close the disparity in access to quality care.
33 Before final implementation of the five-star voluntary rating and
34 improvement system, the department shall report to the education and
35 fiscal committees of the legislature. Nothing in this section changes
36 the department's responsibility to collectively bargain over mandatory
37 subjects.

1 **Sec. 5.** RCW 43.215.020 and 2006 c 265 s 103 are each amended to
2 read as follows:

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

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

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

16 (b) To improve parent (~~(education)~~) information resources and
17 support;

18 (c) To carry out activities, including providing information about
19 quality, to improve the quality of early learning opportunities for
20 young children including activities in cooperation with the private-
21 public partnership;

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

23 (e) To standardize internal financial audits, oversight visits,
24 performance benchmarks, and licensing criteria, so that programs can
25 function in an integrated fashion;

26 (f) To assist in the implementation of the private-public
27 partnership and cooperate with that partnership in pursuing its goals
28 including providing data and support necessary for the successful work
29 of the partnership;

30 (g) To work cooperatively and in coordination with the early
31 learning council; (~~and~~)

32 (h) To collaborate with the K-12 school system at the state and
33 local levels to ensure appropriate connections and smooth transitions
34 between early learning and K-12 programs; and

35 (i) Upon the development of an early learning information system,
36 to make available to parents timely inspection and licensing action
37 information through the internet and other means.

1 (3) The department's programs shall be designed in a way that
2 respects and preserves the ability of parents and legal guardians to
3 direct the education, development, and upbringing of their children.
4 The department shall include parents and legal guardians in the
5 development of policies and program decisions affecting their children.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.215 RCW
7 to read as follows:

8 DEPARTMENT'S PARTNERSHIP RESPONSIBILITIES. (1) In order to meet
9 its partnership responsibilities, the department shall:

10 (a) Work collaboratively with the nongovernmental private-public
11 partnership; and

12 (b) Actively seek public and private money for distribution as
13 grants to the private-public partnership.

14 (2) In order to meet its partnership responsibilities, the
15 nongovernmental private-public partnership shall:

16 (a) Work with and complement existing statewide efforts by
17 enhancing parent resources and support, child care, preschool, and
18 other early learning environments;

19 (b) Accept and expend funds to be used for quality improvement
20 initiatives, including but not limited to parent resources and support,
21 and support the alignment of existing funding streams and coordination
22 of efforts across sectors;

23 (c) In conjunction with the department, provide leadership to early
24 learning private-public partnerships forming in communities across the
25 state. These local partnerships shall be encouraged to seek local
26 funding and develop strategies to improve coordination and exchange
27 information between the community, early care and education programs,
28 and the K-12 system; and

29 (d) Assist the statewide movement to high quality early learning
30 and the support of parents as a child's first and best teacher.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.215 RCW
32 to read as follows:

33 RULES REVIEW. In conjunction with child care providers and other
34 early learning leaders, the department shall review and revise child
35 care provider rules in order to emphasize the need for mutual respect
36 among parents, providers, and state staff who enforce rules. Revised

1 rules shall clearly focus on keeping children safe and improving early
2 learning outcomes for children. The department shall develop a plan by
3 July 2007 that outlines the process and timelines to complete the rules
4 review. Nothing in this section changes the department's
5 responsibility to collectively bargain over mandatory subjects.

6 NEW SECTION. **Sec. 8.** Captions used in this act are not any part
7 of the law.

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