AN ACT Relating to child care reform; reenacting and amending RCW 43.215.010; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;
(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

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

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

(i) Activities other than employment; or

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

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

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

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

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

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

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

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

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

(7) "Early achievers" means a program designed to accomplish the following goals:

(a) Provide parents clear and easily accessible information about quality child care and early education programs;
(b) Improve early learning programs throughout Washington state;
(c) Increase school readiness for children;
(d) Close the disparity between segments of the population with regard to access to quality child care; and
(e) Establish a uniform set of expectations and standards that define, measure, and improve the quality of the early learning environments.

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

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

(10) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:
   (a) A decision issued by an administrative law judge;
   (b) A final determination, decision, or finding made by an agency following an investigation;
   (c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;
   (d) A revocation, denial, or restriction placed on any professional license; or
   (e) A final decision of a disciplinary board.

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

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

(13) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.
NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

(1) An applicant may be eligible for working connections child care benefits for the following additional educational activities:
   (a) Four-year bachelor's degree programs;
   (b) Vocational and training programs;
   (c) Two-year associate degree programs; and
   (d) Worker retraining programs.

(2) The department shall draft rules in accordance with this section.

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

(1) All licensed and certified child care programs may enroll in the early achievers program. Child care programs may voluntarily decide whether to participate.

(2) There are five quality levels to the early achievers program:
   (a) Level one is licensing or certification that includes all licensed child care centers and family child care, military, tribal head start and early childhood education and assistance programs, and other state funded programs.
   (b) Level two focuses on ensuring that program leaders understand the quality rating and improvement system, the program standards and requirements and the child outcome and readiness goals of the system. To attain level two, programs must complete a self-assessment and attend trainings that support program improvements and policy development. Programs must also participate in the department's statewide professional development registry by creating program profiles and ensuring all employees have an active record of their educational achievements.
   (c) Levels three through five are points-based ratings based on four program standards:
      (i) Child outcomes;
      (ii) Curriculum, learning, environments, and training;
      (iii) Professional development and training; and
      (iv) Family engagement and partnership.

(3) The department shall develop rules consistent with this section.
NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW to read as follows:

(1) This section may be known as the "child care consumer and provider bill of rights."

(a) The department shall return all calls from consumers within two business days of receiving them.

(b) Departmental employees working with child care consumers shall receive training on professionalism.

(c) As soon as practicable, the department shall develop a process by which consumers can submit required forms and information electronically.

(d) The department shall provide consumers with a document that explains in detail and in easily understood language what services they are eligible for, how they can appeal an adverse decision, the consumers' responsibilities in obtaining and maintaining eligibility for working connections child care, and their rights as a consumer. The department shall work collaboratively with the parent and provider oversight board to develop the document required by this subsection.

(2)(a) The department shall convene a parent and provider oversight board.

(b) The board must consist of ten members from across the state, five representing consumers and five representing providers. There must be geographic representation.

(c) The board shall meet at least three times a year.

(d) The purpose of the board is to listen to issues raised by consumers and providers and provide feedback to the department on recommended policy changes to address the issues raised.

(e) The department is not responsible for any of the expenses incurred by the board members.

(3) For the purposes of this section, "department" means both the department of early learning and the department of social and health services.

(4) Nothing in this section is intended to create any right or benefit, substantive or procedural, enforceable at law. Nothing in this section creates any defense on the part of any consumer or provider in any prosecution.
NEW SECTION.  Sec. 5. (1)(a) A legislative task force on child care improvements for the future is established with members as provided in this subsection.

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

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

(iii) The president of the senate and the speaker of the house of representatives shall appoint thirteen members representing the following interests:

(A) The department of early learning;
(B) The department of social and health services;
(C) The early learning advisory committee;
(D) Thrive by five;
(E) Private pay child care consumers;
(F) Child care consumers receiving a subsidy;
(G) Family child care providers;
(H) Child care center providers;
(I) Exempt child care providers;
(J) The collective bargaining unit representing child care providers;
(K) School-age child care providers;
(L) Child care aware; and
(M) The Washington state association of head start and the early childhood education and assistance program.

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

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

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

(b) The long-term administrative changes that will help consumers enroll their children in child care accurately and efficiently;

(c) The expansion of outreach to consumers of child care;

(d) Administrative improvements and structural changes to the payment system;
(e) Increased and stable child care funding as a pivotal early
learning tool;

(f) An increase in reimbursement rates to increase low-income
families' access to high-quality providers;

(g) An increase in the eligibility threshold to achieve cross-
subsidies and allow parents to grow professionally without losing
affordable child care; and

(h) A further graduation of the copay scale to eliminate the cliff
that occurs at subsidy cut off.

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

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

(5) This section expires July 1, 2014.

NEW SECTION. Sec. 6. (1) The legislature finds that the Aclara
group report on the eligibility requirements for working connections
child care which came from the pedagogy of lean management and focused
on identifying and eliminating nonvalue added work should be followed.
The legislature further finds that, following some of the
recommendations in the report, would result in simplifying and
streamlining the child care system to improve access and customer
service without decreasing the program's integrity.

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

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

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

(c) Eliminate the activity schedule and reduce the number of minor
changes that families are required to report; and

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