SUBSTITUTE SENATE BILL 5820

State of Washington   **66th Legislature**   **2019 Regular Session**

By Senate Early Learning & K-12 Education (originally sponsored by Senators Nguyen, Randall, Hasegawa, Keiser, Hunt, Kuderer, and Wilson, C.)

READ FIRST TIME 02/22/19.

1   AN ACT Relating to increasing eligibility for child care and
2 early learning programs for homeless and other vulnerable children;
3 amending RCW 43.216.135; creating a new section; and providing an
4 expiration date.

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

6   **Sec. 1.** RCW 43.216.135 and 2018 c 52 s 6 are each amended to
7 read as follows:
8   (1) The department shall establish and implement policies in the
9 working connections child care program to promote stability and
10 quality of care for children from low-income households. These
11 policies shall focus on supporting school readiness for young
12 learners. Policies for the expenditure of funds constituting the
13 working connections child care program must be consistent with the
14 outcome measures established by the department and the standards
15 established in this section intended to promote stability, quality,
16 and continuity of early care and education programming.
17   (2) As recommended by Public Law 113-186, authorizations for the
18 working connections child care subsidy shall be effective for twelve
19 months beginning July 1, 2016, unless an earlier date is provided in
20 the omnibus appropriations act.

1   (3) Existing child care providers serving nonschool-age children
2 and receiving state subsidy payments must complete the following
3 requirements to be eligible for a state subsidy under this section:
4   (a) Enroll in the early achievers program by August 1, 2016;
5   (b) Complete level 2 activities in the early achievers program by
6 August 1, 2017; and
7   (c) Rate at a level 3 or higher in the early achievers program by
8 December 31, 2019. If a child care provider rates below a level 3 by
9 December 31, 2019, the provider must complete remedial activities
10 with the department, and rate at a level 3 or higher no later than
11 June 30, 2020.
12   (4) Effective July 1, 2016, a new child care provider serving
13 nonschool-age children and receiving state subsidy payments must
14 complete the following activities to be eligible to receive a state
15 subsidy under this section:
16   (a) Enroll in the early achievers program within thirty days of
17 receiving the initial state subsidy payment;
18   (b) Complete level 2 activities in the early achievers program
19 within twelve months of enrollment; and
20   (c) Rate at a level 3 or higher in the early achievers program
21 within thirty months of enrollment. If a child care provider rates
22 below a level 3 within thirty months from enrollment into the early
23 achievers program, the provider must complete remedial activities
24 with the department, and rate at a level 3 or higher within six
25 months of beginning remedial activities.
26   (5) If a child care provider does not rate at a level 3 or higher
27 following the remedial period, the provider is no longer eligible to
28 receive state subsidy under this section.
29   (6) If a child care provider serving nonschool-age children and
30 receiving state subsidy payments has successfully completed all level
31 2 activities and is waiting to be rated by the deadline provided in
32 this section, the provider may continue to receive a state subsidy
33 pending the successful completion of the level 3 rating activity.
34   (7) The department shall implement tiered reimbursement for early
35 achievers program participants in the working connections child care
36 program rating at level 3, 4, or 5.
37   (8) The department shall account for a child care copayment
38 collected by the provider from the family for each contracted slot
39 and establish the copayment fee by rule.

1   (9)(a) The department shall establish and implement policies in
2   the working connections child care program to allow eligibility for
3   families with children who:
4   (i) In the last six months have:
5   (A) Received child protective services as defined and used by
6   chapters 26.44 and 74.13 RCW;
7   (B) Received child welfare services as defined and used by
8   chapter 74.13 RCW; or
9   (C) Received services through a family assessment response as
10 defined and used by chapter 26.44 RCW;
11   (ii) Have been referred for child care as part of the family's
12 case management as defined by RCW 74.13.020; and
13   (iii) Are residing with a biological parent or guardian.
14   (b) Children who are eligible for working connections child care
15 pursuant to this subsection do not have to keep receiving services
16 identified in this subsection to maintain twelve-month authorization.
17 The department of social and health services' involvement with the
18 family referred for working connections child care ends when the
19 family's child protective services, child welfare services, or family
20 assessment response case is closed.
21   (10)(a) The department shall designate homeless children and
22 Indian children as vulnerable populations pursuant to 45 C.F.R. Sec.
23 98.20 as it existed on January 1, 2019, to allow eligibility and
24 twelve-month authorizations for working connections child care
25 subsidies for homeless children and Indian children.
26   (b) For purposes of this subsection:
27   (i) "Homeless" means without a fixed, regular, and adequate
28 nighttime residence as set forth in the federal McKinney-Vento
29 homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482,
30 and runaway and homeless youth act, P.L. 93-415, Title III, September
31 7, 1974, 88 Stat. 1129; and
32   (ii) "Indian children" has the same meaning as "Indian child" is
33 defined in rule by the department after consultation and agreement
34 with tribes as described in section 2 of this act.

35   NEW SECTION. **Sec. 2.** (1) The department of children, youth, and
36 families must consult with tribal representatives to develop an
37 agreed-upon definition of Indian child for the purposes of RCW
38 43.216.135 and, by July 1, 2020, must adopt the definition in rule.

1   (2) This section expires December 1, 2020.

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