
SUBSTITUTE SENATE BILL 6482

State of Washington

66th Legislature

2020 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Wilson, C. and Darneille; by request of Department of Children, Youth, and Families)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to licensing by the department of children,
2 youth, and families; amending RCW 43.216.255, 43.216.305, 43.216.395,
3 72.40.250, 72.40.280, 74.15.125, 43.216.015, and 43.44.010; and
4 reenacting and amending RCW 43.216.010.

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

6 **Sec. 1.** RCW 43.216.010 and 2017 3rd sp.s. c 6 s 201 are each
7 reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (e) Nursery schools that are engaged primarily in early childhood
34 education with preschool children and in which no child is enrolled
35 on a regular basis for more than four hours per day;

36 (f) Schools, including boarding schools, that are engaged
37 primarily in education, operate on a definite school year schedule,
38 follow a stated academic curriculum, and accept only school age
39 children;

1 (g) Seasonal camps (~~of three months' or less duration~~) engaged
2 primarily in recreational or educational activities for three
3 consecutive months or less in duration, within each period of twelve
4 consecutive months;

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

9 (i) Activities other than employment; or

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

14 (i) Any entity that provides recreational or educational
15 programming for school age children only and the entity meets all of
16 the following requirements:

17 (i) The entity utilizes a drop-in model for programming, where
18 children are able to attend during any or all program hours without a
19 formal reservation;

20 (ii) The entity does not assume responsibility in lieu of the
21 parent, unless for coordinated transportation;

22 (iii) The entity is a local affiliate of a national nonprofit;
23 and

24 (iv) The entity is in compliance with all safety and quality
25 standards set by the associated national agency;

26 (j) A program operated by any unit of local, state, or federal
27 government;

28 (k) A program located within the boundaries of a federally
29 recognized Indian reservation, licensed by the Indian tribe;

30 (l) A program located on a federal military reservation, except
31 where the military authorities request that such agency be subject to
32 the licensing requirements of this chapter;

33 (m) A program that offers early learning and support services,
34 such as parent education, and does not provide child care services on
35 a regular basis.

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

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

1 (5) "Department" means the department of children, youth, and
2 families.

3 (6) "Early achievers" means a program that improves the quality
4 of early learning programs and supports and rewards providers for
5 their participation.

6 (7) "Early childhood education and assistance program contractor"
7 means an organization that provides early childhood education and
8 assistance program services under a signed contract with the
9 department.

10 (8) "Early childhood education and assistance program provider"
11 means an organization that provides site level, direct, and high
12 quality early childhood education and assistance program services
13 under the direction of an early childhood education and assistance
14 program contractor.

15 (9) "Early start" means an integrated high quality continuum of
16 early learning programs for children birth-to-five years of age.
17 Components of early start include, but are not limited to, the
18 following:

19 (a) Home visiting and parent education and support programs;
20 (b) The early achievers program described in RCW 43.216.085;
21 (c) Integrated full-day and part-day high quality early learning
22 programs; and

23 (d) High quality preschool for children whose family income is at
24 or below one hundred ten percent of the federal poverty level.

25 (10) "Education data center" means the education data center
26 established in RCW 43.41.400, commonly referred to as the education
27 research and data center.

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

31 (12) "Enforcement action" means denial, suspension, revocation,
32 modification, or nonrenewal of a license pursuant to RCW
33 43.216.325(1) or assessment of civil monetary penalties pursuant to
34 RCW 43.216.325(3).

35 (13) "Extended day program" means an early childhood education
36 and assistance program that offers early learning education for at
37 least ten hours per day, a minimum of two thousand hours per year, at
38 least four days per week, and operates year-round.

1 (14) "Full day program" means an early childhood education and
2 assistance program that offers early learning education for a minimum
3 of one thousand hours per year.

4 (15) "Inspection report" means a written or digital record
5 developed by the department that identifies violations of licensing
6 standards. An inspection report does not include a child care
7 facility licensing compliance agreement as defined in RCW 43.216.395.

8 (16) "Low-income child care provider" means a person who
9 administers a child care program that consists of at least eighty
10 percent of children receiving working connections child care subsidy.

11 ((~~16~~)) (17) "Low-income neighborhood" means a district or
12 community where more than twenty percent of households are below the
13 federal poverty level.

14 ((~~17~~)) (18) "Negative action" means a court order, court
15 judgment, or an adverse action taken by an agency, in any state,
16 federal, tribal, or foreign jurisdiction, which results in a finding
17 against the applicant reasonably related to the individual's
18 character, suitability, and competence to care for or have
19 unsupervised access to children in child care. This may include, but
20 is not limited to:

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

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

24 (c) An adverse agency action, including termination, revocation,
25 or denial of a license or certification, or if pending adverse agency
26 action, the voluntary surrender of a license, certification, or
27 contract in lieu of the adverse action;

28 (d) A revocation, denial, or restriction placed on any
29 professional license; or

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

31 ((~~18~~)) (19) "Nonconviction information" means arrest, founded
32 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
33 or other negative action adverse to the applicant.

34 ((~~19~~)) (20) "Nonschool age child" means a child who is age six
35 years or younger and who is not enrolled in a public or private
36 school.

37 ((~~20~~)) (21) "Part day program" means an early childhood
38 education and assistance program that offers early learning education
39 for at least two and one-half hours per class session, at least three

1 hundred twenty hours per year, for a minimum of thirty weeks per
2 year.

3 ~~((21))~~ (22) "Private school" means a private school approved by
4 the state under chapter 28A.195 RCW.

5 ~~((22))~~ (23) "Probationary license" means a license issued as a
6 disciplinary measure to an agency that has previously been issued a
7 full license but is out of compliance with licensing standards.

8 ~~((23))~~ (24) "Requirement" means any rule, regulation, or
9 standard of care to be maintained by an agency.

10 ~~((24))~~ (25) "School age child" means a child who is five years
11 of age through twelve years of age and is attending a public or
12 private school or is receiving home-based instruction under chapter
13 28A.200 RCW.

14 ~~((25))~~ (26) "Secretary" means the secretary of the department.

15 ~~((26))~~ (27) "Washington state preschool program" means an
16 education program for children three-to-five years of age who have
17 not yet entered kindergarten, such as the early childhood education
18 and assistance program.

19 **Sec. 2.** RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each
20 amended to read as follows:

21 (1) No later than November 1, 2016, the department shall
22 implement a single set of licensing standards for child care and the
23 early childhood education and assistance program. The department
24 shall produce the single set of licensing standards within the
25 department's available appropriations. The new licensing standards
26 must:

27 (a) Provide minimum ~~((health and safety standards))~~ licensing
28 requirements for child care and preschool programs;

29 (b) Rely on the standards established in the early achievers
30 program to address quality issues in participating early childhood
31 programs;

32 (c) Take into account the separate needs of family care providers
33 and child care centers; and

34 (d) Promote the continued safety of child care settings.

35 (2) Private schools that operate early learning programs and do
36 not receive state subsidy payments shall be subject only to the
37 minimum health and safety standards ~~((in subsection (1)(a) of this~~
38 ~~section))~~ as defined in RCW 43.216.395(2)(b) and the requirements
39 necessary to assure a sufficient early childhood education to meet

1 usual requirements needed for transition into elementary school. The
2 state, and any agency thereof, shall not restrict or dictate any
3 specific educational or other programs for early learning programs
4 operated by private schools except for programs that receive state
5 subsidy payments.

6 **Sec. 3.** RCW 43.216.305 and 2018 c 58 s 40 are each amended to
7 read as follows:

8 (1) Each agency shall make application for a license or the
9 continuation of a full license to the department (~~(on forms)~~) using a
10 method prescribed by the department. Upon receipt of such
11 application, the department shall either grant or deny a license or
12 continuation of a full license within ninety days. A license or
13 continuation shall be granted if the agency meets the minimum
14 requirements set forth in this chapter and the departmental
15 requirements consistent with this chapter, except that an initial
16 license may be issued as provided in RCW 43.216.315. The department
17 shall consider whether an agency is in good standing, as defined in
18 subsection (4)(b) of this section, before granting a continuation of
19 a full license. Full licenses provided for in this chapter shall
20 continue to remain valid so long as the licensee meets the
21 requirements for a nonexpiring license in subsection (2) of this
22 section. The licensee, however, shall advise the secretary of any
23 material change in circumstances which might constitute grounds for
24 reclassification of license as to category. The license issued under
25 this chapter is not transferable and applies only to the licensee and
26 the location stated in the application. For licensed family day care
27 homes having an acceptable history of child care, the license may
28 remain in effect for two weeks after a move.

29 (2) In order to qualify for a nonexpiring full license, a
30 licensee must meet the following requirements on an annual basis as
31 established from the date of initial licensure:

32 (a) Submit the annual licensing fee;

33 (b) Submit a declaration to the department indicating the
34 licensee's intent to continue operating a licensed child care
35 program, or the intent to cease operation on a date certain;

36 (c) Submit a declaration of compliance with all licensing rules;
37 and

38 (d) Submit background check applications into the department's
39 electronic workforce registry, as defined by rule and on the schedule

1 established by the department, for all current employees of the
2 agency.

3 (3) If a licensee fails to meet the requirements in subsection
4 (2) of this section for continuation of a full license the license
5 expires and the licensee must submit a new application for licensure
6 under this chapter.

7 (4)(a) Nothing about the nonexpiring license process may
8 interfere with the department's established monitoring practice.

9 (b) For the purpose of this section, an agency is considered to
10 be in good standing if in the intervening period between monitoring
11 visits the agency does not have any of the following:

12 (i) Valid complaints;

13 (ii) A history of noncompliance related to those valid complaints
14 or pending from prior monitoring visits; or

15 (iii) Other information that when evaluated would result in a
16 finding of noncompliance with this section.

17 (c) The department shall consider whether an agency is in good
18 standing when determining the most appropriate approach and process
19 for monitoring visits, for the purposes of administrative efficiency
20 while protecting children, consistent with this chapter. If the
21 department determines that an agency is not in good standing, the
22 department may issue a probationary license, as provided in RCW
23 43.216.320.

24 **Sec. 4.** RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each
25 amended to read as follows:

26 (1) The department shall develop an internal review process to
27 determine whether department licensors have appropriately and
28 consistently applied agency rules (~~(in child care facility licensing~~
29 ~~compliance agreements)) on inspection reports that do not involve a
30 violation of health and safety standards. Adverse licensing decisions
31 including license denial, suspension, revocation, modification, or
32 nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines
33 pursuant to RCW 43.216.335 are not subject to the internal review
34 process in this section, but may be appealed using the administrative
35 procedure act, chapter 34.05 RCW.~~

36 (2) The definitions in this subsection apply throughout this
37 section.

38 (a) "Child care facility licensing compliance agreement" means an
39 agreement issued by the department in lieu of the department taking

1 enforcement action against a child care provider that contains: (i) A
2 description of the violation and the rule or law that was violated;
3 (ii) a statement from the licensee regarding the proposed plan to
4 comply with the rule or law; (iii) the date the violation must be
5 corrected; (iv) information regarding other licensing action that may
6 be imposed if compliance does not occur by the required date; and (v)
7 the signature of the licensor and licensee or the licensee's
8 delegate.

9 (b) "Health and safety standards" means rules or requirements
10 developed by the department to protect the health and safety of
11 children against ~~((substantial))~~ risk of bodily, mental, or
12 psychological injury, harm, illness, or death.

13 (3) The internal review process shall be conducted by the
14 following six individuals:

15 (a) Three department employees who may include child care
16 licensors; and

17 (b) Three child care providers selected by the department from
18 names submitted by the oversight board for children, youth, and
19 families established in RCW 43.216.015.

20 (4) The internal review process established in this section may
21 overturn, change, or uphold a department licensing decision by
22 majority vote. In the event that the six individuals conducting the
23 internal review process are equally divided, the secretary or the
24 secretary's designee shall make the decision of the internal review
25 process. The internal review process must provide the parties with a
26 written decision of the outcome after completion of the internal
27 review process. A licensee must request a review under the internal
28 review process within ten days of the development of ~~((a child care~~
29 ~~facility licensing compliance agreement))~~ an inspection report and
30 the internal review process must be completed within ~~((thirty))~~ sixty
31 days after the request from the licensee to initiate the internal
32 review process is received.

33 (5) A licensee may request a final review by the oversight board
34 for children, youth, and families after completing the internal
35 review process established in this section by giving notice to the
36 department and the oversight board for children, youth, and families
37 within ten days of receiving the written decision produced by the
38 internal review process.

39 ~~((6) The department shall not develop a child care facility~~
40 ~~licensing compliance agreement with a child care provider for first-~~

1 ~~time violations of rules that do not relate to health and safety~~
2 ~~standards and that can be corrected on the same day that the~~
3 ~~violation is identified. The department shall develop a procedure for~~
4 ~~providing a warning and offering technical assistance to providers in~~
5 ~~response to these first-time violations.))~~

6 **Sec. 5.** RCW 72.40.250 and 2019 c 266 s 11 are each amended to
7 read as follows:

8 In addition to the powers and duties under RCW 72.40.022 and
9 72.40.024, the director of the Washington center for deaf and hard of
10 hearing youth, or the director's designee, and the superintendent of
11 the state school for the blind shall:

12 (1) Develop written procedures for the supervision of employees
13 and volunteers who have the potential for contact with students. Such
14 procedures shall be designed to prevent child abuse and neglect by
15 providing for adequate supervision of such employees and volunteers,
16 taking into consideration such factors as the student population
17 served, architectural factors, and the size of the facility. Such
18 procedures shall include, but need not be limited to, the following:

19 (a) Staffing patterns and the rationale for such;

20 (b) Responsibilities of supervisors;

21 (c) The method by which staff and volunteers are made aware of
22 the identity of all supervisors, including designated on-site
23 supervisors;

24 (d) Provision of written supervisory guidelines to employees and
25 volunteers;

26 (e) Periodic supervisory conferences for employees and
27 volunteers; and

28 (f) Written performance evaluations of staff to be conducted by
29 supervisors in a manner consistent with applicable provisions of the
30 civil service law.

31 (2) Develop written procedures for the protection of students
32 when there is reason to believe an incident has occurred which would
33 render a minor student an abused or neglected child within the
34 meaning of RCW 26.44.020. Such procedures shall include, but need not
35 be limited to, the following:

36 (a) Investigation. Immediately upon notification that a report of
37 child abuse or neglect has been made to the department of (~~social~~
38 ~~and health services~~) children, youth, and families or a law

1 enforcement agency, the superintendent or the director, or the
2 director's designee, shall:

3 (i) Preserve any potential evidence through such actions as
4 securing the area where suspected abuse or neglect occurred;

5 (ii) Obtain proper and prompt medical evaluation and treatment,
6 as needed, with documentation of any evidence of abuse or neglect;
7 and

8 (iii) Provide necessary assistance to the department of (~~social~~
9 ~~and health services~~) children, youth, and families and local law
10 enforcement in their investigations;

11 (b) Safety. Upon notification that a report of suspected child
12 abuse or neglect has been made to the department of (~~social~~
13 ~~and health services~~) children, youth, and families or a law enforcement
14 agency, the superintendent or the director or his or her designee,
15 with consideration for causing as little disruption as possible to
16 the daily routines of the students, shall evaluate the situation and
17 immediately take appropriate action to assure the health and safety
18 of the students involved in the report and of any other students
19 similarly situated, and take such additional action as is necessary
20 to prevent future acts of abuse or neglect. Such action may include:

21 (i) Consistent with federal and state law:

22 (A) Removing the alleged perpetrator from the school;

23 (B) Increasing the degree of supervision of the alleged
24 perpetrator; and

25 (C) Initiating appropriate disciplinary action against the
26 alleged perpetrator;

27 (ii) Provision of increased training and increased supervision to
28 volunteers and staff pertinent to the prevention and remediation of
29 abuse and neglect;

30 (iii) Temporary removal of the students from a program and
31 reassignment of the students within the school, as an emergency
32 measure, if it is determined that there is a risk to the health or
33 safety of such students in remaining in that program. Whenever a
34 student is removed, pursuant to this subsection (2)(b)(iii), from a
35 special education program or service specified in his or her
36 individualized education program, the action shall be reviewed in an
37 individualized education program meeting; and

38 (iv) Provision of counseling to the students involved in the
39 report or any other students, as appropriate;

1 (c) Corrective action plans. Upon receipt of the results of an
2 investigation by the department of (~~social and health services~~)
3 children, youth, and families pursuant to a report of suspected child
4 abuse or neglect, the superintendent or the director, or the
5 director's designee, after consideration of any recommendations by
6 the department of (~~social and health services~~) children, youth, and
7 families for preventive and remedial action, shall implement a
8 written plan of action designed to assure the continued health and
9 safety of students and to provide for the prevention of future acts
10 of abuse or neglect.

11 **Sec. 6.** RCW 72.40.280 and 2009 c 381 s 21 are each amended to
12 read as follows:

13 (1) The department of (~~social and health services~~) children,
14 youth, and families must periodically monitor the residential program
15 at the state school for the deaf, including but not limited to
16 examining the residential-related policies and procedures as well as
17 the residential facilities. The department of (~~social and health~~
18 ~~services~~) children, youth, and families must make recommendations to
19 the director and the board of trustees of the center or its successor
20 board on health and safety improvements related to child safety and
21 well-being. The department of (~~social and health services~~)
22 children, youth, and families must conduct the monitoring reviews at
23 least annually. The director or the director's designee may from time
24 to time request technical assistance from the department of (~~social~~
25 ~~and health services~~) children, youth, and families.

26 (2) (~~The department of social and health services must conduct a~~
27 ~~comprehensive child health and safety review, as defined in rule, of~~
28 ~~the residential program at the state school for the deaf every three~~
29 ~~years.~~

30 ~~(3))~~ The state school for the deaf must provide the department
31 of (~~social and health services'~~) children, youth, and families'
32 staff with full and complete access to all records and documents that
33 the department staff may request to carry out the requirements of
34 this section. The department of (~~social and health services~~)
35 children, youth, and families must have full and complete access to
36 all students and staff of the state school for the deaf to conduct
37 interviews to carry out the requirements of this section.

38 (~~(4))~~ (3) For the purposes of this section, the department of
39 (~~social and health services~~) children, youth, and families must use

1 the safety standards established in this chapter when conducting the
2 reviews.

3 **Sec. 7.** RCW 74.15.125 and 1995 c 302 s 7 are each amended to
4 read as follows:

5 (1) The department may issue a probationary license to a licensee
6 who has had a license but is temporarily unable to comply with a rule
7 or has been the subject of multiple complaints or concerns about
8 noncompliance if:

9 (a) The noncompliance does not present an immediate threat to the
10 health and well-being of the children but would be likely to do so if
11 allowed to continue; and

12 (b) The licensee has a plan approved by the department to correct
13 the area of noncompliance within the probationary period.

14 (2) A probationary license may be issued for up to six months,
15 and at the discretion of the department it may be extended for an
16 additional six months. The department shall immediately terminate the
17 probationary license, if at any time the noncompliance for which the
18 probationary license was issued presents an immediate threat to the
19 health or well-being of the children.

20 (3) The department may, at any time, issue a probationary license
21 for due cause that states the conditions of probation.

22 (4) An existing license is invalidated when a probationary
23 license is issued.

24 (5) At the expiration of the probationary license, the department
25 shall reinstate the original license for the remainder of its term,
26 issue a new license, or revoke the original license.

27 (6) A right to an adjudicative proceeding shall not accrue to the
28 licensee whose license has been placed on probationary status unless
29 the licensee does not agree with the placement on probationary status
30 and the department then suspends, revokes, or modifies the license.

31 (7) (a) The department may issue a child-specific license to
32 individuals listed in RCW 13.34.030(21) who opt to become licensed
33 for placement of relative children in the department's care, custody,
34 and control.

35 (b) Such individuals must meet all minimum licensing requirements
36 for foster family homes established pursuant to RCW 74.15.030 and are
37 subject to child-specific license criteria, which the department is
38 authorized to establish by rule.

1 (c) For purposes of federal funding, a child-specific license is
2 considered a full license with all of the rights and responsibilities
3 of a foster family home license, except that at the discretion of the
4 department the licensee may only receive placement of specific
5 children who are related to the licensee.

6 (d) Placement with a relative who holds a child-specific license
7 is subject to the department's sole discretion. A child-specific
8 license does not confer upon the licensee a right to placement of a
9 particular child, nor does it confer party status in any proceeding
10 under chapter 13.34 RCW.

11 **Sec. 8.** RCW 43.216.015 and 2019 c 429 s 1 are each amended to
12 read as follows:

13 (1)(a) The department of children, youth, and families is created
14 as an executive branch agency. The department is vested with all
15 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
16 sp. sess. and such other powers and duties as may be authorized by
17 law. The vision for the department is that Washington state's
18 children and youth grow up safe and healthy—thriving physically,
19 emotionally, and academically, nurtured by family and community.

20 (b) The department, in partnership with state and local agencies,
21 tribes, and communities, shall protect children and youth from harm
22 and promote healthy development with effective, high quality
23 prevention, intervention, and early education services delivered in
24 an equitable manner. An important role for the department shall be to
25 provide preventative services to help secure and preserve families in
26 crisis. The department shall partner with the federally recognized
27 Indian tribes to develop effective services for youth and families
28 while respecting the sovereignty of those tribes and the government-
29 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
30 sp. sess. alters the duties, requirements, and policies of the
31 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
32 as amended, or the Indian child welfare act, chapter 13.38 RCW.

33 (2) Beginning July 1, 2018, the department must develop
34 definitions for, work plans to address, and metrics to measure the
35 outcomes for children, youth, and families served by the department
36 and must work with state agencies to ensure services for children,
37 youth, and families are science-based, outcome-driven, data-informed,
38 and collaborative.

1 (3) (a) Beginning July 1, 2018, the department must establish
2 short and long-term population level outcome measure goals, including
3 metrics regarding reducing disparities by family income, race, and
4 ethnicity in each outcome.

5 (b) The department must report to the legislature on outcome
6 measures, actions taken, progress toward these goals, and plans for
7 the future year, no less than annually, beginning December 1, 2018.

8 (c) The outcome measures must include, but are not limited to:

9 (i) Improving child development and school readiness through
10 voluntary, high quality early learning opportunities as measured by:

11 (A) Increasing the number and proportion of children kindergarten-
12 ready as measured by the Washington kindergarten inventory of
13 developing skills (WAKids) assessment including mathematics; (B)
14 increasing the proportion of children in early learning programs that
15 have achieved the level 3 or higher early achievers quality standard;
16 and (C) increasing the available supply of licensed child care in
17 both child care centers and family homes, including providers not
18 receiving state subsidy;

19 (ii) Preventing child abuse and neglect;

20 (iii) Improving child and youth safety, permanency, and well-
21 being as measured by: (A) Reducing the number of children entering
22 out-of-home care; (B) reducing a child's length of stay in out-of-
23 home care; (C) reducing maltreatment of youth while in out-of-home
24 care; (D) licensing more foster homes than there are children in
25 foster care; (E) reducing the number of children that reenter out-of-
26 home care within twelve months; (F) increasing the stability of
27 placements for children in out-of-home care; and (G) developing
28 strategies to demonstrate to foster families that their service and
29 involvement is highly valued by the department, as demonstrated by
30 the development of strategies to consult with foster families
31 regarding future placement of a foster child currently placed with a
32 foster family;

33 (iv) Improving reconciliation of children and youth with their
34 families as measured by: (A) Increasing family reunification; and (B)
35 increasing the number of youth who are reunified with their family of
36 origin;

37 (v) In collaboration with county juvenile justice programs,
38 improving adolescent outcomes including reducing multisystem
39 involvement and homelessness; and increasing school graduation rates

1 and successful transitions to adulthood for youth involved in the
2 child welfare and juvenile justice systems;

3 (vi) Reducing future demand for mental health and substance use
4 disorder treatment for youth involved in the child welfare and
5 juvenile justice systems;

6 (vii) In collaboration with county juvenile justice programs,
7 reducing criminal justice involvement and recidivism as measured by:
8 (A) An increase in the number of youth who successfully complete the
9 terms of diversion or alternative sentencing options; (B) a decrease
10 in the number of youth who commit subsequent crimes; and (C)
11 eliminating the discharge of youth from institutional settings into
12 homelessness; and

13 (viii) Reducing racial and ethnic disproportionality and
14 disparities in system involvement and across child and youth outcomes
15 in collaboration with other state agencies.

16 (4) Beginning July 1, 2018, the department must:

17 (a) Lead ongoing collaborative work to minimize or eliminate
18 systemic barriers to effective, integrated services in collaboration
19 with state agencies serving children, youth, and families;

20 (b) Identify necessary improvements and updates to statutes
21 relevant to their responsibilities and proposing legislative changes
22 to the governor no less than biennially;

23 (c) Help create a data-focused environment in which there are
24 aligned outcomes and shared accountability for achieving those
25 outcomes, with shared, real-time data that is accessible to
26 authorized persons interacting with the family, child, or youth to
27 identify what is needed and which services would be effective;

28 (d) Lead the provision of state services to adolescents, focusing
29 on key transition points for youth, including exiting foster care and
30 institutions, and coordinating with the office of homeless youth
31 prevention and protection programs to address the unique needs of
32 homeless youth; and

33 (e) Create and annually update a list of the rights and
34 responsibilities of foster parents in partnership with foster parent
35 representatives. The list of foster parent rights and
36 responsibilities must be posted on the department's web site,
37 provided to individuals participating in a foster parent orientation
38 before licensure, provided to foster parents in writing at the time
39 of licensure, and provided to foster parents applying for license
40 renewal.

1 (5) The department is accountable to the public. To ensure
2 transparency, beginning December 30, 2018, agency performance data
3 for the services provided by the department, including outcome data
4 for contracted services, must be available to the public, consistent
5 with confidentiality laws, federal protections, and individual rights
6 to privacy. Publicly available data must include budget and funding
7 decisions, performance-based contracting data, including data for
8 contracted services, and performance data on metrics identified in
9 this section. The board must work with the secretary and director to
10 develop the most effective and cost-efficient ways to make department
11 data available to the public, including making this data readily
12 available on the department's web site.

13 (6) The department shall ensure that all new and renewed
14 contracts for services are performance-based.

15 (7) The department must execute all new and renewed contracts for
16 services in accordance with this section and consistent with RCW
17 74.13B.020. When contracted services are managed through a network
18 administrator or other third party, the department must execute data-
19 sharing agreements with the entities managing the contracts to track
20 provider performance measures. Contracts with network administrators
21 or other third parties must provide the contract administrator the
22 ability to shift resources from one provider to another, to evaluate
23 individual provider performance, to add or delete services in
24 consultation with the department, and to reinvest savings from
25 increased efficiencies into new or improved services in their
26 catchment area. Whenever possible, contractor performance data must
27 be made available to the public, consistent with confidentiality laws
28 and individual rights to privacy.

29 (8)(a) The board shall begin its work and call the first meeting
30 of the board on or after July 1, 2018. The board shall immediately
31 assume the duties of the legislative children's oversight committee,
32 as provided for in RCW 74.13.570 and assume the full functions of the
33 board as provided for in this section by July 1, 2019. The office of
34 innovation, alignment, and accountability shall provide quarterly
35 updates regarding the implementation of the department to the board
36 between July 1, 2018, and July 1, 2019.

37 (b) The office of the family and children's ombuds shall
38 establish the board. The board is authorized for the purpose of
39 monitoring and ensuring that the department achieves the stated
40 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with

1 administrative acts, relevant statutes, rules, and policies
2 pertaining to early learning, juvenile rehabilitation, juvenile
3 justice, and children and family services.

4 (9) (a) The board shall consist of the following members:

5 (i) Two senators and two representatives from the legislature
6 with one member from each major caucus;

7 (ii) One nonvoting representative from the governor's office;

8 (iii) One subject matter expert in early learning;

9 (iv) One subject matter expert in child welfare;

10 (v) One subject matter expert in juvenile rehabilitation and
11 justice;

12 (vi) One subject matter expert in reducing disparities in child
13 outcomes by family income and race and ethnicity;

14 (vii) One tribal representative from west of the crest of the
15 Cascade mountains;

16 (viii) One tribal representative from east of the crest of the
17 Cascade mountains;

18 (ix) One current or former foster parent representative;

19 (x) One representative of an organization that advocates for the
20 best interest of the child;

21 (xi) One parent stakeholder group representative;

22 (xii) One law enforcement representative;

23 (xiii) One child welfare caseworker representative;

24 (xiv) One early childhood learning program implementation
25 practitioner;

26 (xv) One current or former foster youth under age twenty-five;

27 (xvi) One individual under age twenty-five with current or
28 previous experience with the juvenile justice system;

29 (xvii) One physician with experience working with children or
30 youth; and

31 (xviii) One judicial representative presiding over child welfare
32 court proceedings or other children's matters.

33 (b) The senate members of the board shall be appointed by the
34 leaders of the two major caucuses of the senate. The house of
35 representatives members of the board shall be appointed by the
36 leaders of the two major caucuses of the house of representatives.
37 Members shall be appointed before the close of each regular session
38 of the legislature during an odd-numbered year.

39 (c) The remaining board members shall be nominated by the
40 governor, subject to the approval of the appointed legislators by

1 majority vote, and serve four-year terms. When nominating and
2 approving members after July 28, 2019, the governor and appointed
3 legislators must ensure that at least five of the board members
4 reside east of the crest of the Cascade mountains.

5 (10) The board has the following powers, which may be exercised
6 by majority vote of the board:

7 (a) To receive reports of the office of the family and children's
8 ombuds;

9 (b) To obtain access to all relevant records in the possession of
10 the office of the family and children's ombuds, except as prohibited
11 by law;

12 (c) To select its officers and adoption of rules for orderly
13 procedure;

14 (d) To request investigations by the office of the family and
15 children's ombuds of administrative acts;

16 (e) To request and receive information, outcome data, documents,
17 materials, and records from the department relating to children and
18 family welfare, juvenile rehabilitation, juvenile justice, and early
19 learning;

20 (f) To determine whether the department is achieving the
21 performance measures;

22 (g) If final review is requested by a licensee, to review whether
23 department licensors appropriately and consistently applied agency
24 rules (~~(in child care facility licensing compliance agreements as~~
25 ~~defined in RCW 43.216.395)) on inspection reports that do not involve
26 a violation of health and safety standards as defined in RCW
27 43.216.395 in cases that have already been reviewed by the internal
28 review process described in RCW 43.216.395 with the authority to
29 overturn, change, or uphold such decisions;~~

30 (h) To conduct annual reviews of a sample of department contracts
31 for services from a variety of program and service areas to ensure
32 that those contracts are performance-based and to assess the measures
33 included in each contract; and

34 (i) Upon receipt of records or data from the office of the family
35 and children's ombuds or the department, the board is subject to the
36 same confidentiality restrictions as the office of the family and
37 children's ombuds is under RCW 43.06A.050. The provisions of RCW
38 43.06A.060 also apply to the board.

1 (11) The board has general oversight over the performance and
2 policies of the department and shall provide advice and input to the
3 department and the governor.

4 (12) The board must no less than twice per year convene
5 stakeholder meetings to allow feedback to the board regarding
6 contracting with the department, departmental use of local, state,
7 private, and federal funds, and other matters as relating to carrying
8 out the duties of the department.

9 (13) The board shall review existing surveys of providers,
10 customers, parent groups, and external services to assess whether the
11 department is effectively delivering services, and shall conduct
12 additional surveys as needed to assess whether the department is
13 effectively delivering services.

14 (14) The board is subject to the open public meetings act,
15 chapter 42.30 RCW, except to the extent disclosure of records or
16 information is otherwise confidential under state or federal law.

17 (15) Records or information received by the board is confidential
18 to the extent permitted by state or federal law. This subsection does
19 not create an exception for records covered by RCW 13.50.100.

20 (16) The board members shall receive no compensation for their
21 service on the board, but shall be reimbursed for travel expenses
22 incurred while conducting business of the board when authorized by
23 the board and within resources allocated for this purpose, except
24 appointed legislators who shall be reimbursed for travel expenses in
25 accordance with RCW 43.03.050 and 43.03.060.

26 (17) The board shall select, by majority vote, an executive
27 director who shall be the chief administrative officer of the board
28 and shall be responsible for carrying out the policies adopted by the
29 board. The executive director is exempt from the provisions of the
30 state civil service law, chapter 41.06 RCW, and shall serve at the
31 pleasure of the board established in this section.

32 (18) The board shall maintain a staff not to exceed one full-time
33 equivalent employee. The board-selected executive director of the
34 board is responsible for coordinating staff appointments.

35 (19) The board shall issue an annual report to the governor and
36 legislature by December 1st of each year with an initial report
37 delivered by December 1, 2019. The report must review the
38 department's progress towards meeting stated performance measures and
39 desired performance outcomes, and must also include a review of the
40 department's strategic plan, policies, and rules.

1 (20) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Board" means the oversight board for children, youth, and
4 families established in subsection (8) of this section.

5 (b) "Director" means the director of the office of innovation,
6 alignment, and accountability.

7 (c) "Performance-based contract" means results-oriented
8 contracting that focuses on the quality or outcomes that tie at least
9 a portion of the contractor's payment, contract extensions, or
10 contract renewals to the achievement of specific measurable
11 performance standards and requirements.

12 **Sec. 9.** RCW 43.44.010 and 1995 c 369 s 25 are each amended to
13 read as follows:

14 (1) The chief of the Washington state patrol, through the
15 director of fire protection or his or her authorized deputy, shall
16 have authority at all times of day and night, in the performance of
17 duties imposed by this chapter, to enter upon and examine any
18 building or premises where any fire has occurred and other buildings
19 and premises adjoining or near thereto.

20 (2) The chief of the Washington state patrol, through the
21 director of fire protection or his or her authorized deputy, shall
22 have authority at any reasonable hour to enter into any public
23 building or premises or any building or premises used for public
24 purposes to inspect for fire hazards, except that the local fire
25 authority shall inspect child day care centers as defined in RCW
26 43.216.010(1)(a). However, if the local fire authority cannot
27 complete such an inspection, then the chief of the Washington state
28 patrol, through the director of fire protection, shall complete the
29 inspection.

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