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**HOUSE BILL 1945**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Alvarado and Gregerson

Prefiled 12/14/23.

1 AN ACT Relating to streamlining and enhancing program access for  
2 persons eligible for food assistance; amending RCW 43.216.1368,  
3 43.216.505, 43.216.578, and 43.216.578; reenacting and amending RCW  
4 43.216.505; providing an effective date; and providing an expiration  
5 date.

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

7 **Sec. 1.** RCW 43.216.1368 and 2023 c 222 s 4 are each amended to  
8 read as follows:

9 (1) It is the intent of the legislature to increase working  
10 families' access to affordable, high quality child care and to  
11 support the expansion of the workforce to support businesses and the  
12 statewide economy.

13 (2) Beginning October 1, 2021, a family is eligible for working  
14 connections child care when the household's annual income is at or  
15 below 60 percent of the state median income adjusted for family size  
16 and:

17 (a) The child receiving care is: (i) Less than 13 years of age;  
18 or (ii) less than 19 years of age and has a verified special need  
19 according to department rule or is under court supervision; and

20 (b) The household meets all other program eligibility  
21 requirements.

1 (3) Beginning July 1, 2025, a family is eligible for working  
2 connections child care when the household's annual income is above 60  
3 percent and at or below 75 percent of the state median income  
4 adjusted for family size and:

5 (a) The child receiving care is: (i) Less than 13 years of age;  
6 or (ii) less than 19 years of age and has a verified special need  
7 according to department rule or is under court supervision; and

8 (b) The household meets all other program eligibility  
9 requirements.

10 (4) Beginning July 1, 2027, and subject to the availability of  
11 amounts appropriated for this specific purpose, a family is eligible  
12 for working connections child care when the household's annual income  
13 is above 75 percent of the state median income and is at or below 85  
14 percent of the state median income adjusted for family size and:

15 (a) The child receiving care is: (i) Less than 13 years of age;  
16 or (ii) less than 19 years of age and has a verified special need  
17 according to department rule or is under court supervision; and

18 (b) The household meets all other program eligibility  
19 requirements.

20 (5) (a) Beginning October 1, 2021, through June 30, 2023, the  
21 department must calculate a monthly copayment according to the  
22 following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	\$115

32 (b) Beginning July 1, 2023, the department must calculate a  
33 monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15

1	Above 20 percent and at or below 36 percent of the state	\$65
2	median income	
3	Above 36 percent and at or below 50 percent of the state	\$90
4	median income	
5	Above 50 percent and at or below 60 percent of the state	\$165
6	median income	

7 (c) Beginning July 1, 2025, the department must calculate a  
8 maximum monthly copayment of \$215 for households with incomes above  
9 60 percent and at or below 75 percent of the state median income.

10 (d) Subject to the availability of amounts appropriated for this  
11 specific purpose, the department shall adopt a copayment model for  
12 households with annual incomes above 75 percent of the state median  
13 income and at or below 85 percent of the state median income. The  
14 model must calculate a copayment for each household that is no  
15 greater than seven percent of the household's countable income within  
16 this income range.

17 (e) The department may adjust the copayment schedule to comply  
18 with federal law.

19 (6) When an applicant or consumer is a member of an assistance  
20 unit that is eligible for or receiving basic food benefits under the  
21 federal supplemental nutrition assistance program or the state food  
22 assistance program the department must determine that the household  
23 income eligibility requirements in this section are met.

24 (7) The department must adopt rules to implement this section,  
25 including an income phase-out eligibility period.

26 ((+7)) (8) This section does not apply to households eligible  
27 for the working connections child care program under RCW 43.216.145  
28 and 43.216.1364.

29 **Sec. 2.** RCW 43.216.505 and 2021 c 67 s 1 are each amended to  
30 read as follows:

31 Unless the context clearly requires otherwise, the definitions in  
32 this section apply throughout RCW 43.216.500 through 43.216.559,  
33 43.216.900, and 43.216.901.

34 (1) "Advisory committee" means the advisory committee under RCW  
35 43.216.520.

36 (2) "Approved programs" means those state-supported education and  
37 special assistance programs which are recognized by the department as  
38 meeting the minimum program rules adopted by the department to

1 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and  
2 43.216.901 and are designated as eligible for funding by the  
3 department under RCW 43.216.530 and 43.216.540.

4 (3) "Comprehensive" means an assistance program that focuses on  
5 the needs of the child and includes education, health, and family  
6 support services.

7 (4) "Eligible child" means a three to five-year old child who is  
8 not age-eligible for kindergarten, is not a participant in a federal  
9 or state program providing comprehensive services, and who:

10 (a) Has a family income at or below one hundred ten percent of  
11 the federal poverty level, as published annually by the federal  
12 department of health and human services;

13 (b) Is eligible for special education due to disability under RCW  
14 28A.155.020; (~~(e)~~)

15 (c) Is a member of an assistance unit that is eligible for or is  
16 receiving basic food benefits under the federal supplemental  
17 nutrition assistance program or the state food assistance program; or

18 (d) Meets criteria under rules adopted by the department if the  
19 number of such children equals not more than ten percent of the total  
20 enrollment in the early childhood program. Preference for enrollment  
21 in this group shall be given to children from families with the  
22 lowest income, children in foster care, or to eligible children from  
23 families with multiple needs.

24 (5) "Family support services" means providing opportunities for  
25 parents to:

26 (a) Actively participate in their child's early childhood  
27 program;

28 (b) Increase their knowledge of child development and parenting  
29 skills;

30 (c) Further their education and training;

31 (d) Increase their ability to use needed services in the  
32 community;

33 (e) Increase their self-reliance.

34 (6) "Homeless" means a child without a fixed, regular, and  
35 adequate nighttime residence as described in the federal McKinney-  
36 Vento homeless assistance act (Title 42 U.S.C., chapter 119,  
37 subchapter VI, part B) as it existed on January 1, 2021.

38 **Sec. 3.** RCW 43.216.505 and 2021 c 199 s 204 are each reenacted  
39 and amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout RCW 43.216.500 through 43.216.559,  
3 43.216.900, and 43.216.901.

4 (1) "Advisory committee" means the advisory committee under RCW  
5 43.216.520.

6 (2) "Approved programs" means those state-supported education and  
7 special assistance programs which are recognized by the department as  
8 meeting the minimum program rules adopted by the department to  
9 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and  
10 43.216.901 and are designated as eligible for funding by the  
11 department under RCW 43.216.530 and 43.216.540.

12 (3) "Comprehensive" means an assistance program that focuses on  
13 the needs of the child and includes education, health, and family  
14 support services.

15 (4) "Eligible child" means a three to five-year old child who is  
16 not age-eligible for kindergarten, is not a participant in a federal  
17 or state program providing comprehensive services, and who:

18 (a) Has a family with financial need;

19 (b) Is experiencing homelessness;

20 (c) Has participated in early head start or a successor federal  
21 program providing comprehensive services for children from birth  
22 through two years of age, the early support for infants and toddlers  
23 program or received class C developmental services, the birth to  
24 three early childhood education and assistance program, or the early  
25 childhood intervention and prevention services program;

26 (d) Is eligible for special education due to disability under RCW  
27 28A.155.020;

28 (e) Is a member of an assistance unit that is eligible for or is  
29 receiving basic food benefits under the federal supplemental  
30 nutrition assistance program or the state food assistance program;

31 (f) Is Indian as defined in rule by the department after  
32 consultation and agreement with Washington state's federally  
33 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100  
34 percent of the state median income adjusted for family size; or

35 (~~(f)~~) (g) Meets criteria under rules adopted by the department  
36 if the number of such children equals not more than ten percent of  
37 the total enrollment in the early childhood program. Preference for  
38 enrollment in this group shall be given to children from families  
39 with the lowest income, children in foster care, or to eligible  
40 children from families with multiple needs.

1 (5) "Experiencing homelessness" means a child without a fixed,  
2 regular, and adequate nighttime residence as described in the federal  
3 McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119,  
4 subchapter VI, part B) as it existed on January 1, 2021.

5 (6) "Family support services" means providing opportunities for  
6 parents to:

7 (a) Actively participate in their child's early childhood  
8 program;

9 (b) Increase their knowledge of child development and parenting  
10 skills;

11 (c) Further their education and training;

12 (d) Increase their ability to use needed services in the  
13 community;

14 (e) Increase their self-reliance; and

15 (f) Connect with culturally competent, disability positive  
16 therapists and supports where appropriate.

17 (7) "Family with financial need" means families with incomes at  
18 or below 36 percent of the state median income adjusted for family  
19 size until the 2030-31 school year. Beginning in the 2030-31 school  
20 year, "family with financial need" means families with incomes at or  
21 below 50 percent of the state median income adjusted for family size.

22 **Sec. 4.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to  
23 read as follows:

24 (1) Within resources available under the federal preschool  
25 development grant birth to five grant award received in December  
26 2018, the department shall develop a plan for phased implementation  
27 of a birth to three early childhood education and assistance program  
28 pilot project for eligible children under thirty-six months old.  
29 Funds to implement the pilot project may include a combination of  
30 federal, state, or private sources.

31 (2) The department may adopt rules to implement the pilot project  
32 and may waive or adapt early childhood education and assistance  
33 program requirements when necessary to allow for the operation of the  
34 birth to three early childhood education and assistance program. The  
35 department shall consider early head start rules and regulations when  
36 developing the provider and family eligibility requirements and  
37 program requirements. Any deviations from early head start standards,  
38 rules, or regulations must be identified and explained by the  
39 department in its annual report under subsection (6) of this section.

1 (3) (a) Upon securing adequate funds to begin implementation, the  
2 pilot project programs must be delivered through child care centers  
3 and family home providers who meet minimum licensing standards and  
4 are enrolled in the early achievers program.

5 (b) The department must determine minimum early achievers ratings  
6 scores for programs participating in the pilot project.

7 (4) When selecting pilot project locations for service delivery,  
8 the department may allow each pilot project location to have up to  
9 three classrooms per location. When selecting and approving pilot  
10 project locations, the department shall attempt to select a  
11 combination of rural, urban, and suburban locations. The department  
12 shall prioritize locations with programs currently operating early  
13 head start, head start, or the early childhood education and  
14 assistance program.

15 (5) To be eligible for the birth to three early childhood  
16 education and assistance program, a ~~((child's family income must be  
17 at or below one hundred thirty percent of the federal poverty level  
18 and the child must be under thirty-six months old))~~ child must be  
19 under 36 months old and either:

20 (a) From a family with a household income at or below 130 percent  
21 of the federal poverty level; or

22 (b) A member of an assistance unit that is eligible for or is  
23 receiving basic food benefits under the federal supplemental  
24 nutrition assistance program or the state food assistance program.

25 (6) Beginning November 1, 2020, and each November 1st thereafter  
26 during pilot project activity, the department shall submit an annual  
27 report to the governor and legislature that includes a status update  
28 that describes the planning work completed, the status of funds  
29 secured, and any implementation activities of the pilot project.  
30 Implementation activity reports must include a description of the  
31 participating programs and number of children and families served.

32 **Sec. 5.** RCW 43.216.578 and 2021 c 199 s 403 are each amended to  
33 read as follows:

34 (1) Subject to the availability of amounts appropriated for this  
35 specific purpose, the department shall administer a birth to three  
36 early childhood education and assistance program for eligible  
37 children under thirty-six months old. Funds to implement the program  
38 may include a combination of federal, state, or private sources.

1 (2) The department may adopt rules to implement the program and  
2 may waive or adapt early childhood education and assistance program  
3 requirements when necessary to allow for the operation of the birth  
4 to three early childhood education and assistance program. The  
5 department shall consider early head start rules and regulations when  
6 developing the provider and family eligibility requirements and  
7 program requirements.

8 (3) (a) The birth to three early childhood education and  
9 assistance program must be delivered through child care centers and  
10 family home providers who meet minimum licensing standards and are  
11 enrolled in the early achievers program.

12 (b) The department must determine minimum early achievers ratings  
13 scores for participating contractors.

14 (4) To be eligible for the birth to three early childhood  
15 education and assistance program, a ~~((child's family income must be  
16 at or below 50 percent of the state median income and the child must  
17 be under thirty-six months old))~~ child must be under 36 months old  
18 and either:

19 (a) From a family with a household income at or below 50 percent  
20 of the state median income; or

21 (b) A member of an assistance unit that is eligible for or is  
22 receiving basic food benefits under the federal supplemental  
23 nutrition assistance program or the state food assistance program.

24 NEW SECTION. Sec. 6. Sections 2 and 4 of this act expire July  
25 1, 2026.

26 NEW SECTION. Sec. 7. Sections 3 and 5 of this act take effect  
27 July 1, 2026.

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