

E2SHB 1213 - S COMM AMD

By Committee on Early Learning & K-12 Education

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
4 cited as the fair start for kids act.

5 NEW SECTION. **Sec. 2.** INTENT. (1) The legislature finds that
6 high quality child care and early learning is critical to a child's
7 success in school and life. The legislature recognizes that COVID-19
8 has devastated the existing child care industry, making it unduly
9 burdensome for families to find care. The legislature recognizes that
10 without immediate action to support child care providers, and without
11 expanded access to affordable child care, especially infant and
12 school-age care, parents will not be able to return to work while
13 children lose valuable learning opportunities. In order to bolster a
14 full economic recovery, the legislature finds that every child
15 deserves a fair start.

16 (2) The legislature finds that access to affordable child care
17 increases economic growth and labor force participation. The
18 legislature further finds that an affordable, accessible system of
19 high quality child care is necessary to the health of Washington's
20 economy because employers benefit when parents have safe, stable, and
21 appropriate care for their children. The legislature recognizes that
22 too many working parents are forced to reduce their hours, decline
23 promotional opportunities, or leave the workforce completely due to a
24 lack of affordable and appropriate child care. The legislature finds
25 that a report commissioned by the department of commerce in 2019
26 found that working parents in Washington forego \$14,000,000,000 each
27 year directly due to child care scarcity. The legislature recognizes
28 that this disproportionately impacts women in the workforce and that
29 in September 2020 alone, 78,000 men left the workforce, compared to
30 600,000 women.

1 (3) The legislature recognizes that quality child care can be a
2 stabilizing factor for children experiencing homelessness and is a
3 proven protective factor against the impacts of trauma they may
4 experience. Access to child care is also a necessary support for
5 families with young children in resolving homelessness and securing
6 employment.

7 (4) The legislature finds that the scarcity of child care,
8 exacerbated by COVID-19, most significantly impacts families furthest
9 from opportunity. The legislature recognizes that there are
10 additional barriers to accessing this foundational support for
11 immigrant communities and families whose first language is not
12 English, families who have children with disabilities, rural
13 communities, or other child care deserts. The legislature recognizes
14 that high quality, inclusive child care and early learning programs
15 have been shown to reduce the opportunity gap for low-income children
16 and black, indigenous, and children of color while consistently
17 improving outcomes for all children both inside and outside of the
18 classroom.

19 (5) The legislature finds that without access to comprehensive,
20 high quality prenatal to five services, children often enter
21 kindergarten without the social-emotional, physical, cognitive, and
22 language skills they need to be successful and fall behind their
23 peers, facing compounding developmental challenges throughout their
24 K-12 education. The legislature finds that cascading impacts of
25 inaccessible child care and early learning programs create systemic
26 barriers for children and their families that result in higher
27 special education needs, greater likelihood of needing to repeat
28 grades, increased child welfare and juvenile justice involvement,
29 reduced high school graduation rates, limited postsecondary education
30 attainment, and greater barriers to employment in adulthood.

31 (6) The legislature finds the vast majority of child care
32 providers are small businesses and nonprofit organizations. In
33 addition to adhering to federal, state, and local regulations to
34 ensure healthy and safe environments for children, the legislature
35 recognizes that child care providers must ensure their employees are
36 adequately compensated and supported. However, the legislature
37 acknowledges that the reduced staffing ratios for health and safety,
38 additional cost of personal protective equipment and extra cleaning
39 supplies, increased use of substitutes needed during COVID-19-related
40 absences, and increased technology demands during school closures

1 from the pandemic are further straining the viability of the child
2 care business model in Washington state.

3 (7) The legislature finds that the health and stability of the
4 early learning workforce is pivotal to any expansion of child care in
5 Washington state. The legislature recognizes that the child care
6 workforce, predominantly comprised of women of color, is structurally
7 afflicted by low wages, limited or no health care, and a severe lack
8 of retirement benefits. The legislature further recognizes that the
9 threat of COVID-19 compounds these underlying issues, forcing
10 providers to navigate increased stress, anxiety, and behavioral
11 issues all while risking their lives to care for children. The
12 legislature recognizes that families, friends, and neighbors who
13 provide care are a critical component of the child care system. The
14 legislature finds that child care workers are essential and deserve
15 to be compensated and benefited accordingly.

16 (8) Therefore, the legislature resolves to respond to the
17 COVID-19 crisis by first stabilizing the child care industry and then
18 expanding access to a comprehensive continuum of high quality early
19 childhood development programs, including infant and school-age child
20 care, preschool, parent and family supports, and prenatal to three
21 services. The legislature recognizes this continuum as critical to
22 meeting different families' needs and offering every child in
23 Washington access to a fair start.

24 (9) The legislature recognizes that the federal government has
25 provided substantial additional funding through the coronavirus
26 response and relief supplemental appropriations act, P.L. 116-260,
27 division M., and the American rescue plan act of 2021. The purpose of
28 the additional federal funding is to ensure access to affordable
29 child care and stabilize and support child care providers affected by
30 COVID-19. Therefore, it is the intent of the legislature to use the
31 additional federal funding to supplement state funding in order to
32 accelerate these investments.

33 (10) The legislature recognizes the strengths that multilingual,
34 diverse early learning providers and caregivers contribute to early
35 learning across the state. Therefore, the legislature intends to
36 expand language access services to create an inclusive early learning
37 system that specifically supports underserved providers.

38 (11) The legislature intends to expand eligibility for existing
39 child care and preschool programs to increase access. The legislature
40 recognizes that expansion must be accompanied by an investment to

1 make child care more affordable. Therefore, the legislature intends
2 to eliminate copayments for low-income families and limit copayments
3 for any family on subsidy to no more than seven percent of their
4 income.

5 (12) The legislature further intends to stabilize, support, and
6 grow the diverse early learning workforce by funding living wages and
7 affordable health benefits while providing training, infant and early
8 childhood mental health consultation, shared business services, and a
9 variety of other supports that recognize the critical role that early
10 learning providers serve for all Washington children.

11 (13) The legislature intends to accelerate Washington's economic
12 recovery from the devastating impacts of COVID-19 by dramatically
13 expanding access to affordable, high quality child care and
14 preschool, in order to get parents back to work and provide every
15 child with a fair start.

16 **PART I**

17 **INVESTING IN CHILD CARE AND EARLY LEARNING**

18 NEW SECTION. **Sec. 101.** FAIR START FOR KIDS ACCOUNT. (1) The
19 fair start for kids account is created in the state treasury. Moneys
20 in the account may be spent only after appropriation.

21 (2) Expenditures from the account may be used only for child care
22 and early learning purposes.

23 NEW SECTION. **Sec. 102.** FAIR START FOR KIDS SPENDING GOALS AND
24 STRATEGIES. (1) The spending goals and strategies for the fair start
25 for kids account created under section 101 of this act include, but
26 are not limited to:

27 (a) Increasing child care subsidy rates, with the goal of moving
28 toward the full cost of providing high quality child care;

29 (b) Expanding health care coverage through state sponsorship of
30 child care workers on the Washington health benefit exchange and
31 providing consumer assistance through navigators, as well as any
32 other expansions of access to affordable health care for staff in
33 child care centers, family home providers, outdoor nature-based care,
34 and early childhood education and assistance program staff;

35 (c) Increasing child care and early learning providers'
36 compensation;

1 (d) Implementing the provisions of collective bargaining
2 agreements for family child care providers negotiated pursuant to RCW
3 41.56.028;

4 (e) Supporting and expanding access to the early childhood
5 education and assistance program to reach state-funded entitlement
6 required in RCW 43.216.556;

7 (f) Making child care affordable for families;

8 (g) Providing resources and supports for family, friend, and
9 neighbor caregivers that better reflect the full cost of care;

10 (h) Providing child care subsidies for families working to
11 resolve homelessness;

12 (i) Providing professional development opportunities for child
13 care and early learning providers;

14 (j) Delivering infant and early childhood mental health
15 consultation services;

16 (k) Establishing prekindergarten through third grade systems
17 coordinators at educational service districts;

18 (l) Supporting youth development programs serving children and
19 youth ages birth through 12 including, but not limited to, expanded
20 learning opportunities, mentoring, school-age child care, and
21 wraparound supports or integrated student supports;

22 (m) Awarding grants and loans through the early learning
23 facilities grant and loan program established under chapter 43.31
24 RCW;

25 (n) Funding special designations in the working connections child
26 care programs, early childhood education and assistance programs, and
27 birth to three early childhood education and assistance programs
28 including designations established in sections 302, 304, 305, and 404
29 of this act;

30 (o) Supporting costs for transparent data collection and
31 information technology systems operated by the department and
32 department contractors, in particular, to ensure equitable systemic
33 service provision and outcomes;

34 (p) Providing access to learning technology;

35 (q) Providing child care resource and referral services;

36 (r) Conducting quality rating and improvement system activities
37 through the early achievers program;

38 (s) Expanding prenatal to three services and supports, including
39 the birth to three early childhood education and assistance program

1 and the in-home parent skill-based programs established in RCW
2 43.216.130;

3 (t) Building and delivering a family resource and referral
4 linkage system;

5 (u) Allowing the exploration of options to provide regulatory
6 relief and make licensing more affordable for child care providers;

7 (v) Administering comprehensive shared services hubs to allow the
8 ongoing pooling and shared use of services by licensed or certified
9 child care centers and family home providers;

10 (w) Training department staff to ensure consistent and equitable
11 application of child care licensing and quality standards across the
12 state including antibias and antiracist training;

13 (x) Providing incentives for child care providers to become
14 licensed;

15 (y) Studying and evaluating options to incentivize business
16 participation in child care and early learning systems;

17 (z) Recognizing the benefits of the diverse workforce and
18 facilitating communication in the three most commonly spoken
19 languages by developing a language access plan that centers on equity
20 and access for immigrants, multilingual providers, caregivers, and
21 families; and

22 (aa) Providing start-up grants to eligible organizations as
23 described in RCW 43.31.575 that provide or commit to providing the
24 early childhood education and assistance program or working
25 connections child care. Start-up grants must be used for one-time
26 start-up costs associated with the start up of a new child care or
27 early childhood education and assistance program site.

28 (2) This section does not interfere with, impede, or in any way
29 diminish the right of family child care providers to bargain
30 collectively with the state through the exclusive bargaining
31 representatives as provided for under RCW 41.56.028.

32 **Sec. 103.** RCW 43.88.055 and 2020 c 218 s 2 are each amended to
33 read as follows:

34 LEGISLATIVE BALANCED BUDGET REQUIREMENT. (1) The legislature must
35 adopt a four-year balanced budget as follows:

36 (a) Beginning in the 2013-2015 fiscal biennium, the legislature
37 shall enact a balanced omnibus operating appropriations bill that
38 leaves, in total, a positive ending fund balance in the general fund
39 and related funds.

1 (b) Beginning in the 2013-2015 fiscal biennium, the projected
2 maintenance level of the omnibus appropriations bill enacted by the
3 legislature shall not exceed the available fiscal resources for the
4 next ensuing fiscal biennium.

5 (2) For purposes of this section:

6 (a) "Available fiscal resources" means the beginning general fund
7 and related fund balances and any fiscal resources estimated for the
8 general fund and related funds, adjusted for enacted legislation, and
9 with forecasted revenues adjusted to the greater of (i) the official
10 general fund and related funds revenue forecast for the ensuing
11 biennium, or (ii) the official general fund and related funds
12 forecast for the second fiscal year of the current fiscal biennium,
13 increased by 4.5 percent for each fiscal year of the ensuing
14 biennium;

15 (b) "Projected maintenance level" means estimated appropriations
16 necessary to maintain the continuing costs of program and service
17 levels either funded in that appropriations bill or mandated by other
18 state or federal law, and the amount of any general fund moneys
19 projected to be transferred to the budget stabilization account
20 pursuant to Article VII, section 12 of the state Constitution;

21 (c) "Related funds," as used in this section, means the
22 Washington opportunity pathways account, the workforce education
23 investment account, the fair start for kids account, and the
24 education legacy trust account.

25 (3) Subsection (1)(a) and (b) of this section does not apply to
26 an appropriations bill that makes net reductions in general fund and
27 related funds appropriations and is enacted between July 1st and
28 February 15th of any fiscal year.

29 (4) Subsection (1)(b) of this section does not apply in a fiscal
30 biennium in which money is appropriated from the budget stabilization
31 account pursuant to Article VII, section 12(d)(ii) of the state
32 Constitution.

33 **Sec. 104.** RCW 83.100.230 and 2019 c 415 s 990 are each amended
34 to read as follows:

35 EDUCATION LEGACY TRUST ACCOUNT. The education legacy trust
36 account is created in the state treasury. Money in the account may be
37 spent only after appropriation. Expenditures from the account may be
38 used only for support of the common schools, and for expanding access
39 to higher education through funding for new enrollments and financial

1 aid, early learning and child care programs, and other educational
2 improvement efforts. (~~During the 2015-2017, 2017-2019, and 2019-2021~~
3 ~~fiscal biennia appropriations from the account may be made for~~
4 ~~support of early learning programs. It is the intent of the~~
5 ~~legislature that this policy will be continued in subsequent fiscal~~
6 ~~biennia.~~)

7 **Sec. 105.** RCW 43.216.075 and 2020 c 262 s 4 are each amended to
8 read as follows:

9 INVESTMENT ACCOUNTABILITY AND OVERSIGHT. (1) The early learning
10 advisory council is established to advise the department on statewide
11 early learning issues that contribute to the ongoing efforts of
12 building a comprehensive system of quality early learning programs
13 and services for Washington's young children and families.

14 (2) The council shall work in conjunction with the department to
15 (~~assist~~):

16 (a) Assist in policy development and implementation that (~~assist~~
17 ~~the department in promoting~~) promotes alignment of private and
18 public sector actions, objectives, and resources, (~~ensuring~~) with
19 the overall goal of promoting school readiness for all children;

20 (b) Provide recommendations annually to the governor and the
21 legislature, beginning August 31, 2022, regarding the phased
22 implementation of strategies and priorities identified in section 102
23 of this act;

24 (c) Maintain a focus on racial equity and inclusion in order to
25 dismantle systemic racism at its core and contribute to statewide
26 efforts to break the cycle of intergenerational poverty;

27 (d) Maintain a focus on inclusionary practices for children with
28 disabilities;

29 (e) Partner with nonprofit organizations to collect and analyze
30 data and measure progress; and

31 (f) Assist the department in monitoring and ensuring that the
32 investments funded by the fair start for kids account created in
33 section 101 of this act are designed to support the following
34 objectives:

35 (i) Advance racial equity and strengthen families by recognizing
36 and responding to the growing diversity of our state's population;

37 (ii) Promote access to affordable, high quality child care and
38 early learning opportunities for all families, paying particular
39 attention to the needs of rural and other underserved communities;

1 (iii) Promote kindergarten readiness by enhancing child
2 development, including development of social-emotional skills, and
3 eliminating exclusionary admissions practices and disproportionate
4 removals in child care and early learning programs; and

5 (iv) Contribute to efforts to strengthen and grow our state's
6 economy by supporting working parents as well as stabilizing and
7 supporting the child care and early learning workforce.

8 (3) In collaboration with the council, the department shall
9 consult with its advisory groups and other interested stakeholders
10 and shall submit a biennial report to the governor and legislature
11 describing how the investments funded by the fair start for kids act
12 have impacted the policy objectives stated in subsection (2)(f) of
13 this section. The first report under this section is due September
14 15, 2023. The council shall include diverse, statewide representation
15 from public, nonprofit, and for-profit entities. Its membership shall
16 include critical partners in service delivery and reflect regional,
17 racial, and cultural diversity to adequately represent the ((needs))
18 interests of all children and families in the state.

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

27 (5) The council shall consist of members essential to
28 coordinating services statewide prenatal through age ((five)) 12, as
29 follows:

30 (a) In addition to being staffed and supported by the department,
31 the governor shall appoint one representative from each of the
32 following: The department of commerce and the department of health
33 (~~the student achievement council, and the state board for community~~
34 and ~~technical colleges~~);

35 (b) One representative from the student achievement council, to
36 be appointed by the student achievement council;

37 (c) The military spouse liaison created within the department of
38 veterans affairs under RCW 43.60A.245;

1 (d) One representative from the state board for community and
2 technical colleges, to be appointed by the state board for community
3 and technical colleges;

4 (e) One representative from the office of the superintendent of
5 public instruction, to be appointed by the superintendent of public
6 instruction;

7 ~~((c) The governor shall appoint leaders in early childhood~~
8 ~~education to represent critical service delivery and support sectors,~~
9 ~~with at least one individual representing each of the following:~~

10 ~~(i) The head start state collaboration office director or the~~
11 ~~director's designee;~~

12 ~~(ii) A representative of a head start, early head start, or~~
13 ~~migrant/seasonal head start program;~~

14 ~~(iii) A representative of a local education agency;~~

15 ~~(iv) A representative of the state agency responsible for~~
16 ~~programs under section 619 or part C of the federal individuals with~~
17 ~~disabilities education act;~~

18 ~~(v) A representative of the early childhood education and~~
19 ~~assistance program;~~

20 ~~(vi) A representative of licensed family day care providers;~~

21 ~~(vii) A representative of child day care centers; and~~

22 ~~(viii) A representative from the home visiting advisory committee~~
23 ~~established in RCW 43.216.130;~~

24 ~~(d)) (f) Two members of the house of representatives, one from~~
25 ~~each caucus, to be appointed by the speaker of the house of~~
26 ~~representatives and two members of the senate, one from each caucus,~~
27 ~~to be appointed by the majority leader in the senate and the minority~~
28 ~~leader in the senate;~~

29 ~~((e)) (g) Two parents, one of whom serves on the department's~~
30 ~~parent advisory group, to be appointed by the ((governor)) parent~~
31 ~~advisory group;~~

32 ~~((f)) (h) One representative of the private-public partnership~~
33 ~~created in RCW 43.216.065, to be appointed by the partnership board;~~

34 ~~((g)) (i) One representative from the developmental~~
35 ~~disabilities community representing children and families involved in~~
36 ~~part C of the federal individuals with disabilities education act and~~
37 ~~one representative from the developmental disabilities community~~
38 ~~representing children and families involved in part B of the federal~~
39 ~~individuals with disabilities education act;~~

1 ~~((h))~~ (j) Two representatives from early learning regional
2 coalitions;

3 ~~((i) — Representatives)~~ (k) Up to five representatives of
4 underserved communities who have a special expertise or interest in
5 high quality early learning, one to be appointed by each of the
6 following commissions:

7 (i) The Washington state commission on Asian Pacific American
8 affairs established under chapter 43.117 RCW;

9 (ii) The Washington state commission on African American affairs
10 established under chapter 43.113 RCW; ~~((and))~~

11 (iii) The Washington state commission on Hispanic affairs
12 established under chapter 43.115 RCW;

13 (iv) The Washington state women's commission established under
14 chapter 43.119 RCW; and

15 (v) The Washington state office of equity established under
16 chapter 43.06D RCW;

17 ~~((j))~~ (l) Two representatives designated by sovereign tribal
18 governments, one of whom must be a representative of a tribal early
19 childhood education assistance program or head start program;

20 ~~((k))~~ (m) One representative from the Washington federation of
21 independent schools;

22 ~~((l))~~ (n) One representative from the Washington library
23 association; ~~((and~~

24 ~~(m))~~ (o) One representative from a statewide advocacy coalition
25 of organizations that focuses on early learning;

26 (p) One representative from an association representing statewide
27 business interests, to be appointed by the association and one
28 representative from a regional business coalition;

29 (q) One representative of an advocacy organization for immigrants
30 and refugees;

31 (r) One representative of an organization advocating for expanded
32 learning opportunities and school-age child care programs;

33 (s) One representative from the largest union representing child
34 care providers;

35 (t) A representative of a head start, early head start, or
36 migrant and seasonal head start program, to be appointed by the head
37 start collaboration office;

38 (u) A representative of educational service districts, to be
39 appointed by a statewide association of educational service district
40 board members;

1 (v) A provider responsible for programs under section 619 of the
2 federal individuals with disabilities education act, to be appointed
3 by the superintendent of public instruction;

4 (w) A representative of the state agency responsible for part C
5 of the federal individuals with disabilities education act, to be
6 appointed by the department;

7 (x) A representative of the early childhood education and
8 assistance program, to be appointed by an association representing
9 early childhood education and assistance programs;

10 (y) A representative of licensed family home providers, to be
11 appointed by the largest union representing child care providers;

12 (z) A representative of child care centers, to be appointed by an
13 association representing child care centers;

14 (aa) A representative from the home visiting advisory committee
15 established in RCW 43.216.130, to be appointed by the committee;

16 (bb) An infant or early childhood mental health expert, to be
17 appointed by the Barnard center for infant and early childhood mental
18 health at the University of Washington;

19 (cc) A family, friend, and neighbor caregiver, to be appointed by
20 the largest union representing child care providers;

21 (dd) A representative from prenatal to three services;

22 (ee) A pediatrician, to be appointed by the state chapter of the
23 American academy of pediatrics; and

24 (ff) A representative of the statewide child care resource and
25 referral organization, to be appointed by the statewide child care
26 resource and referral organization.

27 (6) The council shall be cochaired by two members, to be elected
28 by the council for two-year terms and not more than one cochair may
29 represent a state agency.

30 (7) At the direction of the cochairs, the council may convene
31 advisory groups, such as a parent caucus, to evaluate specific issues
32 and report related findings and recommendations to the full council.

33 (8) The council shall appoint two members and stakeholders with
34 expertise in early learning to sit on the technical working group
35 created in section 2, chapter 234, Laws of 2010.

36 ~~((+8))~~ (9) Each member of the ~~((board))~~ council shall be
37 compensated in accordance with RCW 43.03.240 and reimbursed for
38 travel expenses incurred in carrying out the duties of the ~~((board))~~
39 council in accordance with RCW 43.03.050 and 43.03.060.

1 ~~((9))~~ (10)(a) The council shall convene an early achievers
2 review subcommittee to provide feedback and guidance on strategies to
3 improve the quality of instruction and environment for early learning
4 and provide input and recommendations on the implementation and
5 refinement of the early achievers program. The subcommittee shall at
6 a minimum provide feedback and guidance to the department and the
7 council on the following:

8 (i) Adequacy of data collection procedures;

9 (ii) Coaching and technical assistance standards;

10 (iii) Progress in reducing barriers to participation for low-
11 income providers and providers from diverse cultural backgrounds,
12 including a review of the early achievers program's rating tools,
13 quality standard areas, and components, and how they are applied;

14 (iv) Strategies in response to data on the effectiveness of early
15 achievers program standards in relation to providers and children
16 from diverse cultural backgrounds;

17 (v) Status of the life circumstance exemption protocols; ~~(and)~~

18 (vi) Analysis of early achievers program data trends; and

19 (vii) Other relevant early learning data including, but not
20 limited to, progress in serving students with disabilities ages birth
21 to five and least restrictive environment data.

22 (b) The subcommittee must include consideration of cultural
23 linguistic responsiveness when analyzing the areas for review
24 required by (a) of this subsection.

25 (c) The subcommittee shall include representatives from child
26 care centers, family child care, the early childhood education and
27 assistance program, contractors for early achievers program technical
28 assistance and coaching, tribal governments, the organization
29 responsible for conducting early achievers program ratings, and
30 parents of children participating in early learning programs,
31 including working connections child care and early childhood
32 education and assistance programs. The subcommittee shall include
33 representatives from diverse cultural and linguistic backgrounds.

34 ~~((10))~~ (11) The council shall convene a temporary licensing
35 subcommittee to provide feedback and recommendations on improvement
36 to the statewide licensing process. The subcommittee shall examine
37 strategies to increase the number of licensed child care providers in
38 the state. The subcommittee shall develop model policies for licensed
39 child care providers to implement licensing standards including, but
40 not limited to, completing the child care and early learning

1 licensing guidebook, to be made available to support providers with
2 compliance. The subcommittee shall also develop recommendations
3 regarding incentives and financial supports to help prospective
4 providers navigate the licensing process. The subcommittee shall
5 provide feedback and recommendations to the department pursuant to
6 this subsection (11) by December 1, 2022.

7 (12) The department shall provide staff support to the council.

8 NEW SECTION. Sec. 106. INFLATIONARY ADJUSTMENTS. Beginning July
9 1, 2023, and subject to the availability of amounts appropriated for
10 this specific purpose, rates paid under sections 302, 305, and 404 of
11 this act and RCW 43.216.578 must be adjusted every two years
12 according to an inflationary increase. The inflationary increase must
13 be calculated by applying the rate of the increase in the
14 inflationary adjustment index to the rates established in sections
15 302, 305, and 404 of this act and RCW 43.216.578. Any funded
16 inflationary increase must be included in the rate used to determine
17 inflationary increases in subsequent years. For the purposes of this
18 section, "inflationary adjustment index" means the implicit price
19 deflator averaged for each fiscal year, using the official current
20 base rate, compiled by the bureau of economic analysis, United States
21 department of commerce.

22 **PART II**

23 **EXPANDING ACCESS TO CHILD CARE AND EARLY LEARNING PROGRAMS**

24 NEW SECTION. Sec. 201. WORKING CONNECTIONS CHILD CARE PROGRAM
25 ELIGIBILITY AND COPAYMENT. (1) It is the intent of the legislature to
26 increase working families' access to affordable, high quality child
27 care and to support the expansion of the workforce to support
28 businesses and the statewide economy.

29 (2) Beginning July 1, 2021, a family is eligible for working
30 connections child care when the household's annual income is at or
31 below 60 percent of the state median income adjusted for family size
32 and:

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

36 (b) The household meets all other program eligibility
37 requirements.

1 (3) Beginning July 1, 2027, and subject to the availability of
2 amounts appropriated for this specific purpose, a family is eligible
3 for working connections child care when the household's annual income
4 is above 60 percent of the state median income and is at or below 75
5 percent of the state median income adjusted for family size and:

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

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

11 (4) The department must calculate a monthly copayment according
12 to the following phased-in schedule:

Date:	If the household's income is:	Then the household's copayment is:
No later than July 1, 2021	At or below 20 percent of the state median income	\$15 or waived to the extent allowable under federal law
No later than July 1, 2021	Above 20 percent and at or below 36 percent of the state median income	\$65
No later than July 1, 2021	Above 36 percent and at or below 50 percent of the state median income	\$115
No later than July 1, 2021, and until June 30, 2023	Above 50 percent and at or below 60 percent of the state median income	\$115
Beginning July 1, 2023	Above 50 percent and at or below 60 percent of the state median income	\$165
Beginning July 1, 2027	Above 60 percent and at or below 75 percent of the state median income	\$215

26 (5) The department must adopt rules to implement this section,
27 including an income phase-out eligibility period.

28 **Sec. 202.** RCW 43.216.136 and 2020 c 279 s 2 are each amended to
29 read as follows:

30 WORKING CONNECTIONS CHILD CARE FOR STUDENT PARENTS. (1) The
31 department shall establish and implement policies in the working
32 connections child care program to promote stability and quality of
33 care for children from low-income households. These policies shall
34 focus on supporting school readiness for young learners. Policies for
35 the expenditure of funds constituting the working connections child
36 care program must be consistent with the outcome measures established

1 by the department and the standards established in this section
2 intended to promote stability, quality, and continuity of early care
3 and education programming.

4 (2) As recommended by P.L. 113-186, authorizations for the
5 working connections child care subsidy are effective for twelve
6 months beginning July 1, 2016(~~(, unless an earlier date is provided~~
7 ~~in the omnibus appropriations act)~~).

8 (a) A household's 12-month authorization begins on the date that
9 child care is expected to begin.

10 (b) If a newly eligible household does not begin care within 12
11 months of being determined eligible by the department, the household
12 must reapply in order to qualify for subsidy.

13 (3) (a) The department shall establish and implement policies in
14 the working connections child care program to allow eligibility for
15 families with children who:

16 (i) In the last six months have:

17 (A) Received child protective services as defined and used by
18 chapters 26.44 and 74.13 RCW;

19 (B) Received child welfare services as defined and used by
20 chapter 74.13 RCW; or

21 (C) Received services through a family assessment response as
22 defined and used by chapter 26.44 RCW;

23 (ii) Have been referred for child care as part of the family's
24 case management as defined by RCW 74.13.020; and

25 (iii) Are residing with a biological parent or guardian.

26 (b) (~~Children~~) Families who are eligible for working
27 connections child care pursuant to this subsection do not have to
28 keep receiving services identified in this subsection to maintain
29 twelve-month authorization.

30 (4) (a) Beginning (~~August 1, 2020~~) September 1, 2021, and
31 subject to the availability of amounts appropriated for this specific
32 purpose, the department may not require an applicant or consumer to
33 meet work requirements as a condition of receiving working
34 connections child care benefits when the applicant or consumer is(~~+~~

35 ~~(i) A single parent;~~

36 ~~(ii) A) a full-time student of a community, technical, or tribal~~
37 ~~college(+) and ((-iii) Pursuing)) is enrolled in: (i) A vocational
38 education program that leads to a degree or certificate in a specific
39 occupation(~~(, not to result in a bachelor's or advanced degree))~~;~~

40 (ii) An associate degree program; or

1 (iii) A registered apprenticeship program.

2 (b) An applicant or consumer is a full-time student for the
3 purposes of this subsection if he or she meets the college's
4 definition of a full-time student (~~(. The student must maintain~~
5 ~~passing grades and be))~~ and is in good standing ((pursuant to college
6 attendance requirements)).

7 (c) Nothing in this subsection is intended to change how
8 applicants or consumers are prioritized when applicants or consumers
9 are placed on a waitlist for working connections child care benefits.

10 (d) Subject to the availability of amounts appropriated for this
11 specific purpose, the department may extend the provisions of this
12 subsection (4) to full-time students who are enrolled in a bachelor's
13 degree program or applied baccalaureate degree program.

14 (5) (a) The department must extend the homeless grace period, as
15 adopted in department rule as of January 1, 2020, from a four-month
16 grace period to a twelve-month grace period.

17 (b) For the purposes of this section, "homeless" means being
18 without a fixed, regular, and adequate nighttime residence as
19 described in the federal McKinney-Vento homeless assistance act (42
20 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

21 (6) For purposes of this section, "authorization" means a
22 transaction created by the department that allows a child care
23 provider to claim payment for care. The department may adjust an
24 authorization based on a household's eligibility status.

25 NEW SECTION. Sec. 203. EARLY CHILDHOOD EDUCATION AND ASSISTANCE
26 PROGRAM INTENT. (1) The legislature finds that eligibility guidelines
27 for the national school lunch program require free meals for children
28 with household incomes at or below 130 percent of the federal poverty
29 level and that this income level is approximately equivalent to 36
30 percent of the state median income for a household of three. The
31 legislature further finds that eligibility guidelines require
32 reduced-price meals for children with household incomes at or below
33 185 percent of the federal poverty level and that this income level
34 is approximately equivalent to 50 percent of the state median income
35 for a household of three.

36 (2) Therefore, the legislature intends to raise the maximum
37 family income for children entitled to enroll in the early childhood
38 education and assistance program to 36 percent of the state median
39 income beginning July 1, 2026. Beginning in the 2030-31 school year,

1 the legislature intends to raise the maximum family income for
2 children entitled to enroll in this program to 50 percent of the
3 state median income. It is the intent of the legislature to
4 standardize income eligibility levels for assistance programs in
5 order to help families and social workers better understand the
6 benefits for which families qualify and to simplify and align state
7 systems wherever feasible.

8 (3) The legislature further intends to support educational
9 service districts to help school districts partner with early
10 childhood education and assistance program contractors and providers
11 to expand access.

12 **Sec. 204.** RCW 43.216.505 and 2019 c 408 s 2 are each amended to
13 read as follows:

14 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM ENTITLEMENT
15 ELIGIBILITY. Unless the context clearly requires otherwise, the
16 definitions in this section apply throughout RCW 43.216.500 through
17 43.216.559, 43.216.900, and 43.216.901.

18 (1) "Advisory committee" means the advisory committee under RCW
19 43.216.520.

20 (2) "Approved programs" means those state-supported education and
21 special assistance programs which are recognized by the department as
22 meeting the minimum program rules adopted by the department to
23 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
24 43.216.901 and are designated as eligible for funding by the
25 department under RCW 43.216.530 and 43.216.540.

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

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

32 (a) ~~Has a family ((income at or below one hundred ten percent of~~
33 ~~the federal poverty level, as published annually by the federal~~
34 ~~department of health and human services)) with financial need;~~

35 (b) Is experiencing homelessness;

36 (c) Has participated in early head start or a successor federal
37 program providing comprehensive services for children from birth
38 through two years of age, the early support for infants and toddlers
39 program or received class C developmental services, the birth to

1 three early childhood education and assistance program, or the early
2 childhood intervention and prevention services program;

3 (d) Is eligible for special education due to disability under RCW
4 28A.155.020; (~~e~~

5 (-e-)) (e) Is Indian as defined in rule by the department after
6 consultation and agreement with Washington state's federally
7 recognized tribes pursuant to section 207 of this act and is at or
8 below 100 percent of the state median income adjusted for family
9 size; or

10 (f) Meets criteria under rules adopted by the department if the
11 number of such children equals not more than ten percent of the total
12 enrollment in the early childhood program. Preference for enrollment
13 in this group shall be given to children from families with the
14 lowest income, children in foster care, or to eligible children from
15 families with multiple needs.

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

18 (a) Actively participate in their child's early childhood
19 program;

20 (b) Increase their knowledge of child development and parenting
21 skills;

22 (c) Further their education and training;

23 (d) Increase their ability to use needed services in the
24 community;

25 (e) Increase their self-reliance; and

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

28 (6) "Experiencing homelessness" means a child without a fixed,
29 regular, and adequate nighttime residence as described in the federal
30 McKinney-Vento homeless assistance act (42 U.S.C., Chapter 119,
31 Subchapter VI, Part B) as it existed on January 1, 2021.

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

37 **Sec. 205.** RCW 43.216.512 and 2019 c 409 s 2 are each amended to
38 read as follows:

1 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EXPANDED
2 ENROLLMENT. (1) The department shall adopt rules that allow the
3 enrollment of children in the early childhood education and
4 assistance program, as space is available, if the number of such
5 children equals not more than (~~twenty-five~~) 25 percent of total
6 statewide enrollment, when the child is not eligible under RCW
7 43.216.505 and whose family income level is(~~+~~
8 ~~(a) Above one hundred ten percent but less than or equal to one~~
9 ~~hundred thirty percent of the federal poverty level; or~~
10 ~~(b) Above one hundred thirty percent but less than or equal to~~
11 ~~two hundred percent of the federal poverty level if~~) above 36
12 percent of the state median income but at or below 50 percent of the
13 state median income adjusted for family size and the child meets at
14 least one of the risk factor criterion described in subsection (2) of
15 this section.

16 (2) Children enrolled in the early childhood education and
17 assistance program pursuant to (~~subsection (1)(b) of~~) this section
18 must be prioritized for available funded slots according to a
19 prioritization system adopted in rule by the department that
20 considers risk factors that have a disproportionate effect on
21 kindergarten readiness and school performance, including:
22 (a) Family income as a percent of the (~~federal poverty level~~)
23 state median income;
24 (b) (~~Homelessness;~~
25 ~~(c)~~) Child welfare system involvement;
26 (~~(d) Developmental delay or disability that does not meet the~~
27 ~~eligibility criteria for special education described in RCW~~
28 ~~28A.155.020~~) (c) Eligible for services under part C of the federal
29 individuals with disabilities education act but not eligible for
30 services under part B of the federal individuals with disabilities
31 education act;
32 (~~(e)~~) (d) Domestic violence;
33 (~~(f)~~) (e) English as a second language;
34 (~~(g)~~) (f) Expulsion from an early learning setting;
35 (~~(h)~~) (g) A parent who is incarcerated;
36 (~~(i)~~) (h) A parent with a (~~substance use disorder or mental~~)
37 behavioral health treatment need; and
38 (~~(j)~~) (i) Other risk factors determined by the department to be
39 linked by research to school performance.

1 (3) ~~((The department shall adopt rules that allow a child to~~
2 ~~enroll in the early childhood education and assistance program, as~~
3 ~~space is available, when the child is not eligible under RCW~~
4 ~~43.216.505 and the child turns three years old at any time during the~~
5 ~~school year when the child:~~

6 ~~(a) Has a family income at or below two hundred percent of the~~
7 ~~federal poverty level or meets at least one risk factor criterion~~
8 ~~adopted by the department in rule; and~~

9 ~~(b) Has received services from or participated in:~~

10 ~~(i) The early support for infants and toddlers program;~~

11 ~~(ii) The early head start or a successor federal program~~
12 ~~providing comprehensive services for children from birth through two~~
13 ~~years of age; or~~

14 ~~(iii) The birth to three early childhood education and assistance~~
15 ~~program, if such a program is established.~~

16 ~~(4))~~ Children enrolled in the early childhood education and
17 assistance program under this section are not considered eligible
18 children as defined in RCW 43.216.505 and are not considered to be
19 part of the state-funded entitlement required in RCW 43.216.556.

20 (4) This section expires August 1, 2030.

21 NEW SECTION. Sec. 206. EARLY CHILDHOOD EDUCATION AND ASSISTANCE
22 PROGRAM EARLY ENTRY. (1) The department shall adopt rules that allow
23 a child to enroll in the early childhood education and assistance
24 program, as space is available and subject to the availability of
25 amounts appropriated for this specific purpose, when the child is not
26 eligible under RCW 43.216.505 and the child turns three years old at
27 any time during the school year when the child:

28 (a) Has a family income at or below 100 percent of the state
29 median income or meets at least one risk factor criterion adopted by
30 the department in rule; and

31 (b) Has received services from or participated in:

32 (i) The early head start or a successor federal program providing
33 comprehensive services for children from birth through two years of
34 age;

35 (ii) The early support for infants and toddlers program or
36 received class C developmental services;

37 (iii) The birth to three early childhood education and assistance
38 program; or

1 (iv) The early childhood intervention and prevention services
2 program.

3 (2) Children enrolled in the early childhood education and
4 assistance program under this section are not eligible children as
5 defined in RCW 43.216.505 and are not part of the state-funded
6 entitlement required in RCW 43.216.556.

7 NEW SECTION. **Sec. 207.** INDIAN CHILD DEFINITION. (1) The
8 department must consult, and obtain the advice and consent of, the
9 governing bodies of the state's federally recognized tribes in
10 developing an agreed-upon definition of the term "Indian" for the
11 purposes of RCW 43.216.505 and, by July 1, 2024, must adopt the
12 definition in rule.

13 (2) This section expires December 1, 2030.

14 **Sec. 208.** RCW 43.216.556 and 2019 c 408 s 3 are each amended to
15 read as follows:

16 (1) Funding for the program of early learning established under
17 this chapter must be appropriated to the department. The department
18 shall distribute funding to approved early childhood education and
19 assistance program contractors on the basis of eligible children
20 enrolled.

21 (2) The program shall be implemented in phases, so that full
22 implementation is achieved in the ((2022-23)) 2026-27 school year.

23 (3) Funding shall continue to be phased in each year until full
24 statewide implementation of the early learning program is achieved in
25 the ((2022-23)) 2026-27 school year, at which time any eligible child
26 is entitled to be enrolled in the program. Entitlement under this
27 section is voluntary enrollment.

28 (4) School districts and approved community-based early learning
29 providers may contract with the department to provide services under
30 the program. The department shall collaborate with school districts,
31 community-based providers, and educational service districts to
32 promote an adequate supply of approved providers.

33 **PART III**

34 **SUPPORTING CHILD CARE AND EARLY LEARNING PROVIDERS**

35 **Sec. 301.** RCW 43.216.749 and 2019 c 368 s 7 are each amended to
36 read as follows:

1 CHILD CARE SUBSIDY RATES. (1) (~~By January 1, 2025, the~~
2 ~~department of children, youth, and families must~~) It is the intent
3 of the legislature to systemically increase child care subsidy rates
4 over time until rates are equal to the full cost of providing high
5 quality child care.

6 (2) Beginning July 1, 2021, child care subsidy base rates must
7 achieve the 85th percentile of market for licensed or certified child
8 care providers. The state and the exclusive representative for family
9 child care providers must enter into bargaining over the
10 implementation of the subsidy rate increase under this section.

11 (3) (a) The department shall build upon the work of the child care
12 collaborative task force to develop and implement a child care cost
13 estimate model and use the completed child care cost model
14 (~~developed under RCW 43.330.527 to determine child care subsidy~~
15 rates.

16 (~~2) This section expires January 30, 2025~~) to recommend subsidy
17 rates at levels that are sufficient to compensate licensed or
18 certified child care providers for the full costs of providing high
19 quality child care. The department shall consider:

20 (i) Adjusting rates to reflect cost of living such as area median
21 income, cost of living by zip code, and grouping by categories such
22 as rural, suburban, or urban; and

23 (ii) Incorporating the rate model for nonstandard child care
24 hours developed under section 306 of this act.

25 (b) The department shall build upon the work of the child care
26 collaborative task force to evaluate options to support access to
27 affordable health care insurance coverage for licensed or certified
28 child care providers.

29 (4) This section does not interfere with, impede, or in any way
30 diminish the right of family child care providers to bargain
31 collectively with the state through the exclusive bargaining
32 representatives as provided for under RCW 41.56.028.

33 NEW SECTION. Sec. 302. EARLY CHILDHOOD EDUCATION AND ASSISTANCE
34 PROGRAM RATES. (1) For the 2021-22 school year, rates for the early
35 childhood education and assistance program must be set at a level at
36 least 10 percent higher than the rates established in section 225,
37 chapter 415, Laws of 2019.

1 (2) It is the intent of the legislature that rate increases shall
2 be informed by the department's 2020 early childhood education and
3 assistance program rate study.

4 (3) This section expires June 30, 2027.

5 NEW SECTION. **Sec. 303.** COMPLEX NEEDS FUNDS. (1) Subject to the
6 availability of amounts appropriated for this specific purpose, the
7 department shall administer two complex needs funds to promote
8 inclusive, least restrictive environments and to support contractors
9 and providers serving children who have developmental delays,
10 disabilities, behavioral needs, or other unique needs. One fund must
11 support early childhood education and assistance program contractors
12 and providers and birth to three early childhood education and
13 assistance program contractors and providers, and one fund must
14 support licensed or certified child care providers and license-exempt
15 child care programs.

16 (2) Support may include staffing, programming, therapeutic
17 services, and equipment or technology support. Additional support may
18 include activities to assist families with children expelled or at
19 risk of expulsion from child care, and to help families transition in
20 and out of child care.

21 NEW SECTION. **Sec. 304.** TRAUMA-INFORMED CARE SUPPORTS. (1)
22 Beginning July 1, 2022, the department shall provide supports to aid
23 eligible providers in providing trauma-informed care. Trauma-informed
24 care supports may be used by eligible providers for the following
25 purposes:

26 (a) Additional compensation for staff who have an infant and
27 early childhood mental health or other child development specialty
28 credential;

29 (b) Trauma-informed professional development and training;

30 (c) The purchase of screening tools and assessment materials;

31 (d) Supportive services for children with complex needs that are
32 offered as fee-for-service within local communities; or

33 (e) Other related expenses.

34 (2) The department must adopt rules to implement this section.

35 (3) For the purposes of this section, "eligible provider" means:

36 (a) An employee or owner of a licensed or certified child care center
37 or outdoor nature-based care accepting state subsidy; (b) an employee
38 or owner of a licensed family home provider accepting state subsidy;

1 (c) a contractor or provider of the early childhood education and
2 assistance program or birth to three early childhood education and
3 assistance program; (d) a license-exempt child care program; or (e)
4 an early achievers coach.

5 NEW SECTION. **Sec. 305.** DUAL LANGUAGE RATE ENHANCEMENT. (1)
6 Beginning July 1, 2022, the department shall establish a dual
7 language designation and provide subsidy rate enhancements or site-
8 specific grants for licensed or certified child care providers who
9 are accepting state subsidy; early childhood education and assistance
10 program contractors; or birth to three early childhood education and
11 assistance program contractors. It is the intent of the legislature
12 to allow uses of rate enhancements or site-specific grants to include
13 increased wages for individual staff who provide bilingual
14 instruction, professional development training, the purchase of dual
15 language and culturally appropriate curricula and accompanying
16 training programs, instructional materials, or other related
17 expenses.

18 (2) The department must consult with a culturally and
19 linguistically diverse stakeholder advisory group to develop criteria
20 for the dual language designation.

21 (3) The department must adopt rules to implement this section.

22 NEW SECTION. **Sec. 306.** NONSTANDARD HOURS RATE MODEL. (1) In
23 order to expand the supply of critically needed after-hours care to
24 meet the needs of parents and caregivers and a round-the-clock
25 economy and subject to the availability of amounts appropriated for
26 this specific purpose, the department of children, youth, and
27 families, in consultation with diverse stakeholders, must develop a
28 rate model for nonstandard child care hours and submit the model to
29 the governor and the appropriate committees of the legislature by
30 January 1, 2022.

31 (2) This section expires June 30, 2022.

32 NEW SECTION. **Sec. 307.** EARLY CHILDHOOD EQUITY GRANTS. (1)
33 Subject to the availability of amounts appropriated for this specific
34 purpose, the department shall distribute early childhood equity
35 grants to eligible applicants. Eligible applicants include play and
36 learn groups, licensed or certified child care centers and family
37 home providers, license-exempt child care programs, and early

1 childhood education and assistance program contractors. The equity
2 grants are intended to serve as a step toward expanding access to
3 early learning statewide and transforming Washington's early learning
4 system to make it more inclusive and equitable. The department shall
5 administer the early childhood equity grants to support inclusive and
6 culturally and linguistically specific early learning and early
7 childhood and parent support programs across the state.

8 (2) The department must conduct an equitable process to
9 prioritize grant applications for early childhood equity grant
10 assistance. An eligible applicant may receive an early childhood
11 equity grant once every two years. When conducting the equitable
12 grant process, the department must:

13 (a) Solicit project applications from a racially and
14 geographically diverse pool of eligible applicants statewide;

15 (b) Provide application materials in the five most commonly
16 spoken languages in the state and broadly communicate using a variety
17 of strategies to reach diverse communities;

18 (c) Require applicants to demonstrate their proposed uses of
19 early childhood equity grant funds to incorporate either inclusive
20 practices or culturally and linguistically supportive and relevant
21 practices, or both, into early learning program design, delivery,
22 education, training, and evaluation; and

23 (d) Provide technical assistance to any applicant who needs it.

24 NEW SECTION. **Sec. 308.** A new section is added to chapter 43.330
25 RCW to read as follows:

26 EMPLOYER-SUPPORTED CHILD CARE. (1) Subject to the availability of
27 amounts appropriated for this specific purpose, the department, in
28 collaboration with the department of children, youth, and families,
29 shall provide or contract to provide remote or in-person technical
30 assistance to employers interested in supporting their employees'
31 access to high quality child care.

32 (2) Technical assistance may include guidance related to:

33 (a) Operating a licensed child care center at or near the
34 workplace for the benefit of employees;

35 (b) Financing and construction of a licensed child care center at
36 or near the workplace for the benefit of employees;

37 (c) Providing financial assistance to employees for licensed or
38 certified child care providers and license-exempt child care program
39 expenses;

- 1 (d) Encouraging access and support for low-wage employees;
2 (e) Sponsoring dependent care flexible spending accounts for
3 employees; and
4 (f) Developing a "bring your infant to work" program and other
5 family-friendly work policies for employees.

6 NEW SECTION. Sec. 309. INFANT AND EARLY CHILDHOOD MENTAL HEALTH
7 CONSULTATION. (1) Subject to the availability of amounts appropriated
8 for this specific purpose, the department shall administer or
9 contract for infant and early childhood mental health consultation
10 services to child care providers and early learning providers
11 participating in the early achievers program.

12 (2) Infant and early childhood mental health consultation
13 services must be delivered in coordination with the consultants
14 provided under RCW 43.216.090.

15 (3) The department shall provide, or contract with an entity to
16 provide, reflective supervision and professional development for
17 infant and early childhood mental health consultants to meet national
18 competency standards.

19 (4) As capacity allows, the department may provide access to
20 infant and early childhood mental health consultation services to
21 caregivers and licensed or certified, military, and tribal early
22 learning providers, license-exempt family, friend, and neighbor care
23 providers, and families with children expelled or at risk of
24 expulsion from child care.

25 **Sec. 310.** RCW 43.216.090 and 2019 c 360 s 7 are each amended to
26 read as follows:

27 INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION. ((The))
28 Beginning July 1, 2021, and subject to the availability of amounts
29 appropriated for this specific purpose, the department of children,
30 youth, and families must have or contract for one infant and early
31 childhood mental health consultation coordinator and must enter into
32 a contractual agreement with an organization providing coaching
33 services to early achievers program participants to hire ((one)) at
34 least 12 qualified infant and early childhood mental health
35 consultants, with at least one for each of the six department-
36 designated regions. The infant and early childhood mental health
37 consultants must be placed in regions based on the highest need. The
38 infant and early childhood mental health consultants must support

1 early achievers program coaches and child care providers by providing
2 resources, information, and guidance regarding challenging behavior
3 and expulsions and may travel to assist providers in serving families
4 and children with severe behavioral needs. (~~In coordination with the
5 contractor, the department of children, youth, and families must
6 report on the services provided and the outcomes of the consultant
7 activities to the governor and the appropriate policy and fiscal
8 committees of the legislature by June 30, 2021.~~)

9 NEW SECTION. **Sec. 311.** PLAY AND LEARN GROUPS. Subject to the
10 availability of amounts appropriated for this specific purpose, the
11 department, in consultation with community-based programs, shall
12 provide or contract to provide, or both, resources and supports for
13 inclusive and culturally and linguistically relevant play and learn
14 groups. Play and learn groups offer parents and other caregivers
15 culturally responsive opportunities to support their children's early
16 learning, build relationships that reduce isolation and encourage
17 socialization, and promote kindergarten readiness.

18 NEW SECTION. **Sec. 312.** PROFESSIONAL DEVELOPMENT. (1) Subject to
19 the availability of amounts appropriated for this specific purpose,
20 the department shall provide professional development supports to aid
21 eligible providers in reaching the professional education and
22 training standards adopted by the department. Professional
23 development supports may include:

24 (a) Department-required trainings for child care providers
25 conducted by department-approved trainers;

26 (b) Trainings for license-exempt family, friend, and neighbor
27 child care providers conducted by department-approved trainers;

28 (c) Early achievers scholarships;

29 (d) Community-based training pathways and systems developed under
30 RCW 43.216.755; and

31 (e) Other professional development activities such as updating
32 training content, data collection and reporting, trainer recruitment,
33 retention, program monitoring, and trainings delivered by department-
34 approved trainers on topics such as small business management,
35 antibias and antiracist training, providing care for children with
36 developmental disabilities, social-emotional learning, implementing
37 inclusionary practices in early learning environments, infant and

1 toddler care, dual language program development, and providing
2 trauma-informed care.

3 (2) For the purposes of this section, "eligible provider" means:
4 (a) An employee or owner of a licensed or certified child care center
5 or outdoor nature-based care accepting state subsidy; (b) an employee
6 or owner of a licensed family home provider accepting state subsidy;
7 (c) a contractor or provider of the early childhood education and
8 assistance program or birth to three early childhood education and
9 assistance program; or (d) an early achievers coach.

10 NEW SECTION. **Sec. 313.** NEGOTIATED RULE MAKING WITH CHILD CARE
11 CENTERS. The secretary shall engage in negotiated rule making
12 pursuant to RCW 34.05.310(2)(a) with the largest organization
13 representing child care center owners and directors; the largest
14 organization representing supervisors, teachers, and aides; and other
15 affected interests before adopting requirements that affect child
16 care center licensees.

17 NEW SECTION. **Sec. 314.** CAPACITY FLEXIBILITY FOR FAMILY HOME
18 PROVIDERS. The department may waive the limit, as established in RCW
19 43.216.010(1)(c), that restricts family home providers from serving
20 not more than 12 children. The department must establish conditions
21 for such waivers by rule and must assess, at a minimum, the
22 provider's available square footage and staffing capabilities prior
23 to issuing any waiver of the limit of 12 children.

24 **PART IV**
25 **STRENGTHENING PRENATAL TO THREE SUPPORTS**

26 NEW SECTION. **Sec. 401.** PRENATAL TO THREE INTENT. (1) The
27 legislature finds that parental relationships and healthy
28 interactions in the first few years of life help shape the
29 development of babies' and toddlers' brains and bodies. Eighty
30 percent of the brain is developed by the age of three and parents are
31 a child's first teachers.

32 (2) The legislature finds that the federal family first
33 prevention services act (P.L. 115-123) offers the state the
34 opportunity to leverage federal funding for certain programs,
35 including in-home parent skill-based programs, substance use disorder
36 support, and mental health interventions. Culturally relevant,

1 evidence-based programs that may qualify for these federal funds are
2 limited. Therefore, state support may be necessary to serve
3 traditionally underrepresented communities and increase positive
4 engagement from parents and caregivers of children from before birth
5 to age three.

6 (3) The legislature finds that small teacher-child ratios for
7 infant and toddler care, as well as the existence of child care
8 deserts with low levels of access to care for the birth to three age
9 group, contribute to higher expenses for providers and families with
10 babies and young children.

11 (4) Therefore, the legislature intends to expand parent and
12 family education and support, incentivize the provision of infant and
13 toddler care, and make early therapeutic and preventative services
14 more readily available to families and young children.

15 NEW SECTION. **Sec. 402.** EDUCATION AND SUPPORT FOR PARENTS AND
16 FAMILY, FRIEND, AND NEIGHBOR CAREGIVERS. (1) Subject to the
17 availability of amounts appropriated for this specific purpose, the
18 department shall administer a prenatal to three family engagement
19 strategy to support expectant parents, babies and toddlers from birth
20 to three years of age, and their caregivers.

21 (2) Components of the prenatal to three family engagement
22 strategy must include supports and services to improve maternal and
23 infant health outcomes, reduce and mitigate trauma, promote
24 attachment and other social-emotional assets, strengthen parenting
25 skills, and provide early supports to help maximize healthy and
26 robust childhood development and reduce isolation. Services and
27 supports may include:

28 (a) In-home parent skill-based programs and training established
29 in RCW 43.216.130;

30 (b) Facilitated play and learn groups;

31 (c) Parent peer-support groups, including groups designed for
32 families with children with complex needs; families whose primary
33 home language is not English; incarcerated parents; families coping
34 with substance use disorder or mental health support needs; black,
35 indigenous, and families of color; or other specific needs; and

36 (d) Other prenatal to age three programs and services.

37 (3) Continuity of services for babies and toddlers are important
38 for early childhood brain development. Therefore, the services and
39 supports described in this section may be made available to

1 biological parents, foster parents, kinship care providers, and other
2 family, friend, and neighbor caregivers.

3 **Sec. 403.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to
4 read as follows:

5 BIRTH TO THREE EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

6 (1) ~~((Within resources available under the federal preschool
7 development grant birth to five grant award received in December
8 2018,))~~ Subject to the availability of amounts appropriated for this
9 specific purpose, the department shall ~~((develop a plan for phased
10 implementation of))~~ administer a birth to three early childhood
11 education and assistance program ~~((pilot project))~~ for eligible
12 children under thirty-six months old. Funds to implement the ~~((pilot
13 project))~~ program may include a combination of federal, state, or
14 private sources.

15 (2) The department may adopt rules to implement the ~~((pilot
16 project))~~ program and may waive or adapt early childhood education
17 and assistance program requirements when necessary to allow for the
18 operation of the birth to three early childhood education and
19 assistance program. The department shall consider early head start
20 rules and regulations when developing the provider and family
21 eligibility requirements and program requirements. ~~((Any deviations
22 from early head start standards, rules, or regulations must be
23 identified and explained by the department in its annual report under
24 subsection (6) of this section.))~~

25 (3) (a) ~~((Upon securing adequate funds to begin implementation,
26 the pilot project))~~ The birth to three early childhood education and
27 assistance program(s) must be delivered through child care centers
28 and family home providers who meet minimum licensing standards and
29 are enrolled in the early achievers program.

30 (b) The department must determine minimum early achievers ratings
31 scores for ~~((programs))~~ participating ~~((in the pilot project))~~
32 contractors.

33 (4) ~~((When selecting pilot project locations for service
34 delivery, the department may allow each pilot project location to
35 have up to three classrooms per location. When selecting and
36 approving pilot project locations, the department shall attempt to
37 select a combination of rural, urban, and suburban locations. The
38 department shall prioritize locations with programs currently~~

1 ~~operating early head start, head start, or the early childhood~~
2 ~~education and assistance program.~~

3 ~~(5))~~ To be eligible for the birth to three early childhood
4 education and assistance program, a child's family income must be at
5 or below ~~((one hundred thirty))~~ 50 percent of the ~~((federal poverty~~
6 ~~level))~~ state median income and the child must be under thirty-six
7 months old.

8 ~~((6) Beginning November 1, 2020, and each November 1st~~
9 ~~thereafter during pilot project activity, the department shall submit~~
10 ~~an annual report to the governor and legislature that includes a~~
11 ~~status update that describes the planning work completed, the status~~
12 ~~of funds secured, and any implementation activities of the pilot~~
13 ~~project. Implementation activity reports must include a description~~
14 ~~of the participating programs and number of children and families~~
15 ~~served.))~~

16 NEW SECTION. **Sec. 404.** INFANT CARE INCENTIVES. (1) The
17 legislature finds that our state suffers from an extreme shortage of
18 infant child care, impacting the ability of parents to participate in
19 the workforce. Further, parents returning to work after using paid
20 family leave to care for a new child struggle to find readily
21 available, high quality care during a time of critical growth and
22 brain development for young children. Therefore, the legislature
23 intends to incentivize the provision of high quality infant care.

24 (2) Beginning July 1, 2022, the department shall provide an
25 infant rate enhancement for licensed or certified child care
26 providers and birth to three early childhood education and assistance
27 program contractors who are:

- 28 (a) Accepting state subsidy;
 - 29 (b) In good standing with the early achievers quality rating and
30 improvement system; and
 - 31 (c) Caring for a child between the ages of birth and 11 months.
- 32 (3) The department must adopt rules to implement this section.

33 NEW SECTION. **Sec. 405.** EARLY THERAPEUTIC AND PREVENTATIVE
34 SERVICES. (1) Subject to the availability of amounts appropriated for
35 this specific purpose, the department shall administer early
36 therapeutic and preventative services and programs, such as the early
37 childhood intervention and prevention services program, and other
38 related services for children who are:

1 (a) Between the ages of birth and five years; and

2 (b) Referred by a child welfare worker, a department of social
3 and health services social worker, a primary care physician, a
4 behavioral health provider, or a public health nurse due to: (i) Risk
5 of child abuse or neglect; (ii) exposure to complex trauma; or (iii)
6 significant developmental delays.

7 (2) Subject to the availability of amounts appropriated for this
8 specific purpose, the department shall make all reasonable efforts to
9 deliver early therapeutic and preventative services and programs
10 statewide. These services and programs must focus first on children
11 and families furthest from opportunity as defined by income and be
12 delivered by programs that emphasize greater racial equity.

13 **PART V**

14 **CONFORMING AMENDMENTS**

15 **Sec. 501.** RCW 43.216.010 and 2020 c 270 s 11 are each reenacted
16 and amended to read as follows:

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

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

23 (a) "Child day care center" and "child care center" mean(~~s~~) an
24 agency that regularly provides early childhood education and early
25 learning services for a group of children for periods of less than
26 twenty-four hours;

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

32 (c) "Family day care provider" and "family home provider"
33 mean(~~s~~) a child care provider who regularly provides early
34 childhood education and early learning services for not more than
35 twelve children at any given time in the provider's home in the
36 family living quarters, except as provided in section 314 of this
37 act;

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

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

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

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

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

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

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

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

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

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

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

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

32 (f) Schools, including boarding schools, that are engaged
33 primarily in education, operate on a definite school year schedule,
34 follow a stated academic curriculum, and accept only school age
35 children;

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

38 (h) Facilities providing child care for periods of less than
39 twenty-four hours when a parent or legal guardian of the child

1 remains on the premises of the facility for the purpose of
2 participating in:

3 (i) Activities other than employment; or

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

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

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

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

16 (iii) The entity is a local affiliate of a national nonprofit;
17 and

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

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

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

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

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

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

32 (4) "Certificate of parental improvement" means a certificate
33 issued under RCW 74.13.720 to an individual who has a founded finding
34 of physical abuse or negligent treatment or maltreatment, or a court
35 finding that the individual's child was dependent as a result of a
36 finding that the individual abused or neglected their child pursuant
37 to RCW 13.34.030(6)(b).

38 (5) "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 (6) "Department" means the department of children, youth, and
2 families.

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

6 (8) "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 (9) "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 (10) (~~"Early start" means an integrated high quality continuum~~
16 ~~of 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 ~~(11))~~ (11) "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 ~~((12))~~ (12) "Employer" means a person or business that engages
29 the services of one or more people, especially for wages or salary to
30 work in an agency.

31 ~~((13))~~ (13) "Enforcement action" means denial, suspension,
32 revocation, 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 ~~((14))~~ (14) "Extended day program" means an early childhood
36 education and assistance program that offers early learning education
37 for at least ten hours per day, a minimum of two thousand hours per
38 year, at least four days per week, and operates year-round.

39 (14) "Family resource and referral linkage system" means a system
40 that connects families to resources, services, and programs for which

1 families are eligible and uses a database that is developed and
2 maintained in partnership with communities, health care providers,
3 and early learning providers.

4 (15) "Full day program" means an early childhood education and
5 assistance program that offers early learning education for a minimum
6 of one thousand hours per year.

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

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

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

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

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

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

26 (d) A revocation, denial, or restriction placed on any
27 professional license; or

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

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

32 (20) "Nonschool age child" means a child who is age six years or
33 younger and who is not enrolled in a public or private school.

34 (21) "Part day program" means an early childhood education and
35 assistance program that offers early learning education for at least
36 two and one-half hours per class session, at least three hundred
37 twenty hours per year, for a minimum of thirty weeks per year.

38 (22) "Private school" means a private school approved by the
39 state under chapter 28A.195 RCW.

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

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

6 (25) "School age child" means a child who is five years of age
7 through (~~twelve~~) 12 years of age and is attending a public or
8 private school or is receiving home-based instruction under chapter
9 28A.200 RCW.

10 (26) "Secretary" means the secretary of the department.

11 (27) "Washington state preschool program" means an education
12 program for children three-to-five years of age who have not yet
13 entered kindergarten, such as the early childhood education and
14 assistance program.

15 **Sec. 502.** RCW 28B.50.248 and 2020 c 355 s 4 and 2020 c 279 s 3
16 are each reenacted and amended to read as follows:

17 Nothing in RCW 43.216.135(~~(r)~~) or 43.216.136(~~(r or 43.216.1365)~~)
18 requires a community or technical college to expand any of its
19 existing child care facilities. Any additional child care services
20 provided by a community or technical college as a result of RCW
21 43.216.135(~~(r)~~) or 43.216.136(~~(r or 43.216.1365)~~) must be provided
22 within existing resources and existing facilities.

23 **Sec. 503.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5,
24 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to
25 read as follows:

26 (1) All earnings of investments of surplus balances in the state
27 treasury shall be deposited to the treasury income account, which
28 account is hereby established in the state treasury.

29 (2) The treasury income account shall be utilized to pay or
30 receive funds associated with federal programs as required by the
31 federal cash management improvement act of 1990. The treasury income
32 account is subject in all respects to chapter 43.88 RCW, but no
33 appropriation is required for refunds or allocations of interest
34 earnings required by the cash management improvement act. Refunds of
35 interest to the federal treasury required under the cash management
36 improvement act fall under RCW 43.88.180 and shall not require
37 appropriation. The office of financial management shall determine the
38 amounts due to or from the federal government pursuant to the cash

1 management improvement act. The office of financial management may
2 direct transfers of funds between accounts as deemed necessary to
3 implement the provisions of the cash management improvement act, and
4 this subsection. Refunds or allocations shall occur prior to the
5 distributions of earnings set forth in subsection (4) of this
6 section.

7 (3) Except for the provisions of RCW 43.84.160, the treasury
8 income account may be utilized for the payment of purchased banking
9 services on behalf of treasury funds including, but not limited to,
10 depository, safekeeping, and disbursement functions for the state
11 treasury and affected state agencies. The treasury income account is
12 subject in all respects to chapter 43.88 RCW, but no appropriation is
13 required for payments to financial institutions. Payments shall occur
14 prior to distribution of earnings set forth in subsection (4) of this
15 section.

16 (4) Monthly, the state treasurer shall distribute the earnings
17 credited to the treasury income account. The state treasurer shall
18 credit the general fund with all the earnings credited to the
19 treasury income account except:

20 (a) The following accounts and funds shall receive their
21 proportionate share of earnings based upon each account's and fund's
22 average daily balance for the period: The abandoned recreational
23 vehicle disposal account, the aeronautics account, the Alaskan Way
24 viaduct replacement project account, the ambulance transport fund,
25 the brownfield redevelopment trust fund account, the budget
26 stabilization account, the capital vessel replacement account, the
27 capitol building construction account, the Central Washington
28 University capital projects account, the charitable, educational,
29 penal and reformatory institutions account, the Chehalis basin
30 account, the Chehalis basin taxable account, the cleanup settlement
31 account, the Columbia river basin water supply development account,
32 the Columbia river basin taxable bond water supply development
33 account, the Columbia river basin water supply revenue recovery
34 account, the common school construction fund, the community forest
35 trust account, the connecting Washington account, the county arterial
36 preservation account, the county criminal justice assistance account,
37 the deferred compensation administrative account, the deferred
38 compensation principal account, the department of licensing services
39 account, the department of retirement systems expense account, the
40 developmental disabilities community (~~trust~~) services account, the

1 diesel idle reduction account, the drinking water assistance account,
2 the administrative subaccount of the drinking water assistance
3 account, the early learning facilities development account, the early
4 learning facilities revolving account, the Eastern Washington
5 University capital projects account, the education construction fund,
6 the education legacy trust account, the election account, the
7 electric vehicle account, the energy freedom account, the energy
8 recovery act account, the essential rail assistance account, The
9 Evergreen State College capital projects account, the fair start for
10 kids account, the ferry bond retirement fund, the freight mobility
11 investment account, the freight mobility multimodal account, the
12 grade crossing protective fund, the public health services account,
13 the state higher education construction account, the higher education
14 construction account, the higher education retirement plan
15 supplemental benefit fund, the highway bond retirement fund, the
16 highway infrastructure account, the highway safety fund, the hospital
17 safety net assessment fund, the Interstate 405 and state route number
18 167 express toll lanes account, the judges' retirement account, the
19 judicial retirement administrative account, the judicial retirement
20 principal account, the local leasehold excise tax account, the local
21 real estate excise tax account, the local sales and use tax account,
22 the marine resources stewardship trust account, the medical aid
23 account, the money-purchase retirement savings administrative
24 account, the money-purchase retirement savings principal account, the
25 motor vehicle fund, the motorcycle safety education account, the
26 multimodal transportation account, the multiuse roadway safety
27 account, the municipal criminal justice assistance account, the
28 oyster reserve land account, the pension funding stabilization
29 account, the perpetual surveillance and maintenance account, the
30 pilotage account, the pollution liability insurance agency
31 underground storage tank revolving account, the public employees'
32 retirement system plan 1 account, the public employees' retirement
33 system combined plan 2 and plan 3 account, the public facilities
34 construction loan revolving account, the public health supplemental
35 account, the public works assistance account, the Puget Sound capital
36 construction account, the Puget Sound ferry operations account, the
37 Puget Sound Gateway facility account, the Puget Sound taxpayer
38 accountability account, the real estate appraiser commission account,
39 the recreational vehicle account, the regional mobility grant program
40 account, the resource management cost account, the rural arterial

1 trust account, the rural mobility grant program account, the rural
2 Washington loan fund, the sexual assault prevention and response
3 account, the site closure account, the skilled nursing facility
4 safety net trust fund, the small city pavement and sidewalk account,
5 the special category C account, the special wildlife account, the
6 state investment board expense account, the state investment board
7 commingled trust fund accounts, the state patrol highway account, the
8 state reclamation revolving account, the state route number 520 civil
9 penalties account, the state route number 520 corridor account, the
10 state wildlife account, the statewide broadband account, the
11 statewide tourism marketing account, the supplemental pension
12 account, the Tacoma Narrows toll bridge account, the teachers'
13 retirement system plan 1 account, the teachers' retirement system
14 combined plan 2 and plan 3 account, the tobacco prevention and
15 control account, the tobacco settlement account, the toll facility
16 bond retirement account, the transportation 2003 account (nickel
17 account), the transportation equipment fund, the transportation
18 future funding program account, the transportation improvement
19 account, the transportation improvement board bond retirement
20 account, the transportation infrastructure account, the
21 transportation partnership account, the traumatic brain injury
22 account, the University of Washington bond retirement fund, the
23 University of Washington building account, the voluntary cleanup
24 account, the volunteer firefighters' and reserve officers' relief and
25 pension principal fund, the volunteer firefighters' and reserve
26 officers' administrative fund, the vulnerable roadway user education
27 account, the Washington judicial retirement system account, the
28 Washington law enforcement officers' and firefighters' system plan 1
29 retirement account, the Washington law enforcement officers' and
30 firefighters' system plan 2 retirement account, the Washington public
31 safety employees' plan 2 retirement account, the Washington school
32 employees' retirement system combined plan 2 and 3 account, the
33 Washington state patrol retirement account, the Washington State
34 University building account, the Washington State University bond
35 retirement fund, the water pollution control revolving administration
36 account, the water pollution control revolving fund, the Western
37 Washington University capital projects account, the Yakima integrated
38 plan implementation account, the Yakima integrated plan
39 implementation revenue recovery account, and the Yakima integrated
40 plan implementation taxable bond account. Earnings derived from

1 investing balances of the agricultural permanent fund, the normal
2 school permanent fund, the permanent common school fund, the
3 scientific permanent fund, and the state university permanent fund
4 shall be allocated to their respective beneficiary accounts.

5 (b) Any state agency that has independent authority over accounts
6 or funds not statutorily required to be held in the state treasury
7 that deposits funds into a fund or account in the state treasury
8 pursuant to an agreement with the office of the state treasurer shall
9 receive its proportionate share of earnings based upon each account's
10 or fund's average daily balance for the period.

11 (5) In conformance with Article II, section 37 of the state
12 Constitution, no treasury accounts or funds shall be allocated
13 earnings without the specific affirmative directive of this section.

14 **Sec. 504.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5,
15 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted
16 and amended to read as follows:

17 (1) All earnings of investments of surplus balances in the state
18 treasury shall be deposited to the treasury income account, which
19 account is hereby established in the state treasury.

20 (2) The treasury income account shall be utilized to pay or
21 receive funds associated with federal programs as required by the
22 federal cash management improvement act of 1990. The treasury income
23 account is subject in all respects to chapter 43.88 RCW, but no
24 appropriation is required for refunds or allocations of interest
25 earnings required by the cash management improvement act. Refunds of
26 interest to the federal treasury required under the cash management
27 improvement act fall under RCW 43.88.180 and shall not require
28 appropriation. The office of financial management shall determine the
29 amounts due to or from the federal government pursuant to the cash
30 management improvement act. The office of financial management may
31 direct transfers of funds between accounts as deemed necessary to
32 implement the provisions of the cash management improvement act, and
33 this subsection. Refunds or allocations shall occur prior to the
34 distributions of earnings set forth in subsection (4) of this
35 section.

36 (3) Except for the provisions of RCW 43.84.160, the treasury
37 income account may be utilized for the payment of purchased banking
38 services on behalf of treasury funds including, but not limited to,
39 depository, safekeeping, and disbursement functions for the state

1 treasury and affected state agencies. The treasury income account is
2 subject in all respects to chapter 43.88 RCW, but no appropriation is
3 required for payments to financial institutions. Payments shall occur
4 prior to distribution of earnings set forth in subsection (4) of this
5 section.

6 (4) Monthly, the state treasurer shall distribute the earnings
7 credited to the treasury income account. The state treasurer shall
8 credit the general fund with all the earnings credited to the
9 treasury income account except:

10 (a) The following accounts and funds shall receive their
11 proportionate share of earnings based upon each account's and fund's
12 average daily balance for the period: The abandoned recreational
13 vehicle disposal account, the aeronautics account, the Alaskan Way
14 viaduct replacement project account, the ambulance transport fund,
15 the brownfield redevelopment trust fund account, the budget
16 stabilization account, the capital vessel replacement account, the
17 capitol building construction account, the Central Washington
18 University capital projects account, the charitable, educational,
19 penal and reformatory institutions account, the Chehalis basin
20 account, the Chehalis basin taxable account, the cleanup settlement
21 account, the Columbia river basin water supply development account,
22 the Columbia river basin taxable bond water supply development
23 account, the Columbia river basin water supply revenue recovery
24 account, the common school construction fund, the community forest
25 trust account, the connecting Washington account, the county arterial
26 preservation account, the county criminal justice assistance account,
27 the deferred compensation administrative account, the deferred
28 compensation principal account, the department of licensing services
29 account, the department of retirement systems expense account, the
30 developmental disabilities community (~~trust~~) services account, the
31 diesel idle reduction account, the drinking water assistance account,
32 the administrative subaccount of the drinking water assistance
33 account, the early learning facilities development account, the early
34 learning facilities revolving account, the Eastern Washington
35 University capital projects account, the education construction fund,
36 the education legacy trust account, the election account, the
37 electric vehicle account, the energy freedom account, the energy
38 recovery act account, the essential rail assistance account, The
39 Evergreen State College capital projects account, the fair start for
40 kids account, the ferry bond retirement fund, the fish, wildlife, and

1 conservation account, the freight mobility investment account, the
2 freight mobility multimodal account, the grade crossing protective
3 fund, the public health services account, the state higher education
4 construction account, the higher education construction account, the
5 higher education retirement plan supplemental benefit fund, the
6 highway bond retirement fund, the highway infrastructure account, the
7 highway safety fund, the hospital safety net assessment fund, the
8 Interstate 405 and state route number 167 express toll lanes account,
9 the judges' retirement account, the judicial retirement
10 administrative account, the judicial retirement principal account,
11 the limited fish and wildlife account, the local leasehold excise tax
12 account, the local real estate excise tax account, the local sales
13 and use tax account, the marine resources stewardship trust account,
14 the medical aid account, the money-purchase retirement savings
15 administrative account, the money-purchase retirement savings
16 principal account, the motor vehicle fund, the motorcycle safety
17 education account, the multimodal transportation account, the
18 multiuse roadway safety account, the municipal criminal justice
19 assistance account, the oyster reserve land account, the pension
20 funding stabilization account, the perpetual surveillance and
21 maintenance account, the pilotage account, the pollution liability
22 insurance agency underground storage tank revolving account, the
23 public employees' retirement system plan 1 account, the public
24 employees' retirement system combined plan 2 and plan 3 account, the
25 public facilities construction loan revolving account, the public
26 health supplemental account, the public works assistance account, the
27 Puget Sound capital construction account, the Puget Sound ferry
28 operations account, the Puget Sound Gateway facility account, the
29 Puget Sound taxpayer accountability account, the real estate
30 appraiser commission account, the recreational vehicle account, the
31 regional mobility grant program account, the resource management cost
32 account, the rural arterial trust account, the rural mobility grant
33 program account, the rural Washington loan fund, the sexual assault
34 prevention and response account, the site closure account, the
35 skilled nursing facility safety net trust fund, the small city
36 pavement and sidewalk account, the special category C account, the
37 special wildlife account, the state investment board expense account,
38 the state investment board commingled trust fund accounts, the state
39 patrol highway account, the state reclamation revolving account, the
40 state route number 520 civil penalties account, the state route

1 number 520 corridor account, the statewide broadband account, the
2 statewide tourism marketing account, the supplemental pension
3 account, the Tacoma Narrows toll bridge account, the teachers'
4 retirement system plan 1 account, the teachers' retirement system
5 combined plan 2 and plan 3 account, the tobacco prevention and
6 control account, the tobacco settlement account, the toll facility
7 bond retirement account, the transportation 2003 account (nickel
8 account), the transportation equipment fund, the transportation
9 future funding program account, the transportation improvement
10 account, the transportation improvement board bond retirement
11 account, the transportation infrastructure account, the
12 transportation partnership account, the traumatic brain injury
13 account, the University of Washington bond retirement fund, the
14 University of Washington building account, the voluntary cleanup
15 account, the volunteer firefighters' and reserve officers' relief and
16 pension principal fund, the volunteer firefighters' and reserve
17 officers' administrative fund, the vulnerable roadway user education
18 account, the Washington judicial retirement system account, the
19 Washington law enforcement officers' and firefighters' system plan 1
20 retirement account, the Washington law enforcement officers' and
21 firefighters' system plan 2 retirement account, the Washington public
22 safety employees' plan 2 retirement account, the Washington school
23 employees' retirement system combined plan 2 and 3 account, the
24 Washington state patrol retirement account, the Washington State
25 University building account, the Washington State University bond
26 retirement fund, the water pollution control revolving administration
27 account, the water pollution control revolving fund, the Western
28 Washington University capital projects account, the Yakima integrated
29 plan implementation account, the Yakima integrated plan
30 implementation revenue recovery account, and the Yakima integrated
31 plan implementation taxable bond account. Earnings derived from
32 investing balances of the agricultural permanent fund, the normal
33 school permanent fund, the permanent common school fund, the
34 scientific permanent fund, and the state university permanent fund
35 shall be allocated to their respective beneficiary accounts.

36 (b) Any state agency that has independent authority over accounts
37 or funds not statutorily required to be held in the state treasury
38 that deposits funds into a fund or account in the state treasury
39 pursuant to an agreement with the office of the state treasurer shall

1 receive its proportionate share of earnings based upon each account's
2 or fund's average daily balance for the period.

3 (5) In conformance with Article II, section 37 of the state
4 Constitution, no treasury accounts or funds shall be allocated
5 earnings without the specific affirmative directive of this section.

6 **Sec. 505.** RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020
7 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read
8 as follows:

9 (1) All earnings of investments of surplus balances in the state
10 treasury shall be deposited to the treasury income account, which
11 account is hereby established in the state treasury.

12 (2) The treasury income account shall be utilized to pay or
13 receive funds associated with federal programs as required by the
14 federal cash management improvement act of 1990. The treasury income
15 account is subject in all respects to chapter 43.88 RCW, but no
16 appropriation is required for refunds or allocations of interest
17 earnings required by the cash management improvement act. Refunds of
18 interest to the federal treasury required under the cash management
19 improvement act fall under RCW 43.88.180 and shall not require
20 appropriation. The office of financial management shall determine the
21 amounts due to or from the federal government pursuant to the cash
22 management improvement act. The office of financial management may
23 direct transfers of funds between accounts as deemed necessary to
24 implement the provisions of the cash management improvement act, and
25 this subsection. Refunds or allocations shall occur prior to the
26 distributions of earnings set forth in subsection (4) of this
27 section.

28 (3) Except for the provisions of RCW 43.84.160, the treasury
29 income account may be utilized for the payment of purchased banking
30 services on behalf of treasury funds including, but not limited to,
31 depository, safekeeping, and disbursement functions for the state
32 treasury and affected state agencies. The treasury income account is
33 subject in all respects to chapter 43.88 RCW, but no appropriation is
34 required for payments to financial institutions. Payments shall occur
35 prior to distribution of earnings set forth in subsection (4) of this
36 section.

37 (4) Monthly, the state treasurer shall distribute the earnings
38 credited to the treasury income account. The state treasurer shall

1 credit the general fund with all the earnings credited to the
2 treasury income account except:

3 (a) The following accounts and funds shall receive their
4 proportionate share of earnings based upon each account's and fund's
5 average daily balance for the period: The abandoned recreational
6 vehicle disposal account, the aeronautics account, the Alaskan Way
7 viaduct replacement project account, the brownfield redevelopment
8 trust fund account, the budget stabilization account, the capital
9 vessel replacement account, the capitol building construction
10 account, the Central Washington University capital projects account,
11 the charitable, educational, penal and reformatory institutions
12 account, the Chehalis basin account, the Chehalis basin taxable
13 account, the cleanup settlement account, the Columbia river basin
14 water supply development account, the Columbia river basin taxable
15 bond water supply development account, the Columbia river basin water
16 supply revenue recovery account, the common school construction fund,
17 the community forest trust account, the connecting Washington
18 account, the county arterial preservation account, the county
19 criminal justice assistance account, the deferred compensation
20 administrative account, the deferred compensation principal account,
21 the department of licensing services account, the department of
22 retirement systems expense account, the developmental disabilities
23 community (~~trust~~) services account, the diesel idle reduction
24 account, the drinking water assistance account, the administrative
25 subaccount of the drinking water assistance account, the early
26 learning facilities development account, the early learning
27 facilities revolving account, the Eastern Washington University
28 capital projects account, the education construction fund, the
29 education legacy trust account, the election account, the electric
30 vehicle account, the energy freedom account, the energy recovery act
31 account, the essential rail assistance account, The Evergreen State
32 College capital projects account, the fair start for kids account,
33 the ferry bond retirement fund, the fish, wildlife, and conservation
34 account, the freight mobility investment account, the freight
35 mobility multimodal account, the grade crossing protective fund, the
36 public health services account, the state higher education
37 construction account, the higher education construction account, the
38 higher education retirement plan supplemental benefit fund, the
39 highway bond retirement fund, the highway infrastructure account, the
40 highway safety fund, the hospital safety net assessment fund, the

1 Interstate 405 and state route number 167 express toll lanes account,
2 the judges' retirement account, the judicial retirement
3 administrative account, the judicial retirement principal account,
4 the limited fish and wildlife account, the local leasehold excise tax
5 account, the local real estate excise tax account, the local sales
6 and use tax account, the marine resources stewardship trust account,
7 the medical aid account, the money-purchase retirement savings
8 administrative account, the money-purchase retirement savings
9 principal account, the motor vehicle fund, the motorcycle safety
10 education account, the multimodal transportation account, the
11 multiuse roadway safety account, the municipal criminal justice
12 assistance account, the oyster reserve land account, the pension
13 funding stabilization account, the perpetual surveillance and
14 maintenance account, the pilotage account, the pollution liability
15 insurance agency underground storage tank revolving account, the
16 public employees' retirement system plan 1 account, the public
17 employees' retirement system combined plan 2 and plan 3 account, the
18 public facilities construction loan revolving account, the public
19 health supplemental account, the public works assistance account, the
20 Puget Sound capital construction account, the Puget Sound ferry
21 operations account, the Puget Sound Gateway facility account, the
22 Puget Sound taxpayer accountability account, the real estate
23 appraiser commission account, the recreational vehicle account, the
24 regional mobility grant program account, the resource management cost
25 account, the rural arterial trust account, the rural mobility grant
26 program account, the rural Washington loan fund, the sexual assault
27 prevention and response account, the site closure account, the
28 skilled nursing facility safety net trust fund, the small city
29 pavement and sidewalk account, the special category C account, the
30 special wildlife account, the state investment board expense account,
31 the state investment board commingled trust fund accounts, the state
32 patrol highway account, the state reclamation revolving account, the
33 state route number 520 civil penalties account, the state route
34 number 520 corridor account, the statewide broadband account, the
35 statewide tourism marketing account, the supplemental pension
36 account, the Tacoma Narrows toll bridge account, the teachers'
37 retirement system plan 1 account, the teachers' retirement system
38 combined plan 2 and plan 3 account, the tobacco prevention and
39 control account, the tobacco settlement account, the toll facility
40 bond retirement account, the transportation 2003 account (nickel

1 account), the transportation equipment fund, the transportation
2 future funding program account, the transportation improvement
3 account, the transportation improvement board bond retirement
4 account, the transportation infrastructure account, the
5 transportation partnership account, the traumatic brain injury
6 account, the University of Washington bond retirement fund, the
7 University of Washington building account, the voluntary cleanup
8 account, the volunteer firefighters' and reserve officers' relief and
9 pension principal fund, the volunteer firefighters' and reserve
10 officers' administrative fund, the vulnerable roadway user education
11 account, the Washington judicial retirement system account, the
12 Washington law enforcement officers' and firefighters' system plan 1
13 retirement account, the Washington law enforcement officers' and
14 firefighters' system plan 2 retirement account, the Washington public
15 safety employees' plan 2 retirement account, the Washington school
16 employees' retirement system combined plan 2 and 3 account, the
17 Washington state patrol retirement account, the Washington State
18 University building account, the Washington State University bond
19 retirement fund, the water pollution control revolving administration
20 account, the water pollution control revolving fund, the Western
21 Washington University capital projects account, the Yakima integrated
22 plan implementation account, the Yakima integrated plan
23 implementation revenue recovery account, and the Yakima integrated
24 plan implementation taxable bond account. Earnings derived from
25 investing balances of the agricultural permanent fund, the normal
26 school permanent fund, the permanent common school fund, the
27 scientific permanent fund, and the state university permanent fund
28 shall be allocated to their respective beneficiary accounts.

29 (b) Any state agency that has independent authority over accounts
30 or funds not statutorily required to be held in the state treasury
31 that deposits funds into a fund or account in the state treasury
32 pursuant to an agreement with the office of the state treasurer shall
33 receive its proportionate share of earnings based upon each account's
34 or fund's average daily balance for the period.

35 (5) In conformance with Article II, section 37 of the state
36 Constitution, no treasury accounts or funds shall be allocated
37 earnings without the specific affirmative directive of this section.

38 **Sec. 506.** RCW 43.216.710 and 2017 3rd sp.s. c 6 s 213 are each
39 amended to read as follows:

1 The department shall:

2 (1) Work in conjunction with the statewide child care resource
3 and referral network as well as local governments, nonprofit
4 organizations, businesses, and community child care advocates to
5 create local child care resource and referral organizations. These
6 organizations may carry out needs assessments, resource development,
7 provider training, technical assistance, and parent information and
8 training;

9 (2) Actively seek public and private money for distribution as
10 grants to the statewide child care resource and referral network and
11 to existing or potential local child care resource and referral
12 organizations;

13 (3) Adopt rules regarding the application for and distribution of
14 grants to local child care resource and referral organizations. The
15 rules shall, at a minimum, require an applicant to submit a plan for
16 achieving the following objectives:

17 (a) Provide parents with information about child care resources,
18 including location of services and subsidies;

19 (b) Carry out child care provider recruitment and training
20 programs, including training under RCW 74.25.040;

21 (c) Offer support services, such as parent and provider seminars,
22 toy-lending libraries, and substitute banks;

23 (d) Provide information for businesses regarding child care
24 supply and demand;

25 (e) Advocate for increased public and private sector resources
26 devoted to child care;

27 (f) Provide technical assistance to employers regarding employee
28 child care services; and

29 (g) Serve recipients of temporary assistance for needy families
30 and working parents with household incomes at or below (~~household~~
31 ~~incomes of two hundred~~) 100 percent of the (~~federal poverty line~~)
32 state median income;

33 (4) Provide staff support and technical assistance to the
34 statewide child care resource and referral network and local child
35 care resource and referral organizations;

36 (5) Maintain a statewide child care licensing data bank and work
37 with department licensors to provide information to local child care
38 resource and referral organizations about licensed or certified child
39 care providers in the state;

1 (6) Through the statewide child care resource and referral
2 network and local resource and referral organizations, compile data
3 about local child care needs and availability for future planning and
4 development;

5 (7) Coordinate with the statewide child care resource and
6 referral network and local child care resource and referral
7 organizations for the provision of training and technical assistance
8 to child care providers;

9 (8) Collect and assemble information regarding the availability
10 of insurance and of federal and other child care funding to assist
11 state and local agencies, businesses, and other child care providers
12 in offering child care services;

13 (9) Subject to the availability of amounts appropriated for this
14 specific purpose, increase the base rate for all child care providers
15 by ten percent;

16 (10) Subject to the availability of amounts appropriated for this
17 specific purpose, provide tiered subsidy rate enhancements to child
18 care providers if the provider meets the following requirements:

19 (a) The provider enrolls in quality rating and improvement system
20 levels 2, 3, 4, or 5;

21 (b) The provider is actively participating in the early achievers
22 program;

23 (c) The provider continues to advance towards level 5 of the
24 early achievers program; and

25 (d) The provider must complete level 2 within thirty months or
26 the reimbursement rate returns the level 1 rate; and

27 (11) Require exempt providers to participate in continuing
28 education, if adequate funding is available.

29 **Sec. 507.** RCW 43.216.514 and 2020 c 343 s 3 are each amended to
30 read as follows:

31 (1)(a) The department shall prioritize children for enrollment in
32 the early childhood education and assistance program who are eligible
33 pursuant to RCW 43.216.505.

34 (b) A child who is eligible at the time of enrollment in the
35 early childhood education and assistance program maintains program
36 eligibility until the child begins kindergarten.

37 (2) As space is available, children may be included in the early
38 childhood education and assistance program pursuant to RCW
39 43.216.512. (~~Priority within this group must be given first to~~

1 ~~children with incomes up to one hundred thirty percent of the federal~~
2 ~~poverty level.))~~

3 **Sec. 508.** RCW 43.216.136 and 2020 c 279 s 2 are each amended to
4 read as follows:

5 (1) The department shall establish and implement policies in the
6 working connections child care program to promote stability and
7 quality of care for children from low-income households. These
8 policies shall focus on supporting school readiness for young
9 learners. Policies for the expenditure of funds constituting the
10 working connections child care program must be consistent with the
11 outcome measures established by the department and the standards
12 established in this section intended to promote stability, quality,
13 and continuity of early care and education programming.

14 (2) As recommended by P.L. 113-186, authorizations for the
15 working connections child care subsidy are effective for twelve
16 months beginning July 1, 2016(~~, unless an earlier date is provided~~
17 ~~in the omnibus appropriations act~~)).

18 (a) A household's 12-month authorization must begin on the date
19 that child care is expected to begin.

20 (b) If a newly eligible household does not begin care within 12
21 months of being determined eligible by the department, the household
22 must reapply in order to qualify for subsidy.

23 (3)(a) The department shall establish and implement policies in
24 the working connections child care program to allow eligibility for
25 families with children who:

26 (i) In the last six months have:

27 (A) Received child protective services as defined and used by
28 chapters 26.44 and 74.13 RCW;

29 (B) Received child welfare services as defined and used by
30 chapter 74.13 RCW; or

31 (C) Received services through a family assessment response as
32 defined and used by chapter 26.44 RCW;

33 (ii) Have been referred for child care as part of the family's
34 case management as defined by RCW 74.13.020; and

35 (iii) Are residing with a biological parent or guardian.

36 (b) (~~Children~~) Families who are eligible for working
37 connections child care pursuant to this subsection do not have to
38 keep receiving services identified in this subsection to maintain
39 twelve-month authorization.

1 (4) (a) Beginning August 1, 2020, the department may not require
2 an applicant or consumer to meet work requirements as a condition of
3 receiving working connections child care benefits when the applicant
4 or consumer is:

5 (i) A single parent;

6 (ii) A full-time student of a community, technical, or tribal
7 college; and

8 (iii) Pursuing vocational education that leads to a degree or
9 certificate in a specific occupation, not to result in a bachelor's
10 or advanced degree.

11 (b) An applicant or consumer is a full-time student for the
12 purposes of this subsection if he or she meets the college's
13 definition of a full-time student. The student must maintain passing
14 grades and be in good standing pursuant to college attendance
15 requirements.

16 (c) Nothing in this subsection is intended to change how
17 applicants or consumers are prioritized when applicants or consumers
18 are placed on a waitlist for working connections child care benefits.

19 (5) (a) The department must extend the homeless grace period, as
20 adopted in department rule as of January 1, 2020, from a four-month
21 grace period to a twelve-month grace period.

22 (b) For the purposes of this section, "homeless" means being
23 without a fixed, regular, and adequate nighttime residence as
24 described in the federal McKinney-Vento homeless assistance act (42
25 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

26 (6) For purposes of this section, "authorization" means a
27 transaction created by the department that allows a child care
28 provider to claim payment for care. The department may adjust an
29 authorization based on a household's eligibility status.

30 **PART VI**

31 **MISCELLANEOUS**

32 NEW SECTION. **Sec. 601.** Nothing in this act changes the
33 department's responsibility to collectively bargain over mandatory
34 subjects consistent with RCW 41.56.028(3) or limits the legislature's
35 authority to make programmatic modifications to licensed child care
36 and early learning programs consistent with legislative reservation
37 of rights under RCW 41.56.028(4) (d).

1 NEW SECTION. **Sec. 602.** RCW 43.216.1365 (Working connections
2 child care program—Eligibility) and 2020 c 355 s 3 are each repealed.

3 NEW SECTION. **Sec. 603.** If any part of this act is found to be
4 in conflict with federal requirements that are a prescribed condition
5 to the allocation of federal funds to the state, the conflicting part
6 of this act is inoperative solely to the extent of the conflict and
7 with respect to the agencies directly affected, and this finding does
8 not affect the operation of the remainder of this act in its
9 application to the agencies concerned. Rules adopted under this act
10 must meet federal requirements that are a necessary condition to the
11 receipt of federal funds by the state.

12 NEW SECTION. **Sec. 604.** Section 202 of this act takes effect
13 September 1, 2021.

14 NEW SECTION. **Sec. 605.** Sections 204 through 206 and 403 of this
15 act take effect July 1, 2026.

16 NEW SECTION. **Sec. 606.** Section 508 of this act expires
17 September 1, 2021.

18 NEW SECTION. **Sec. 607.** Sections 101, 102, 106, 201, 206, 207,
19 302 through 307, 309, 311 through 314, 402, 404, 405, and 601 of this
20 act are each added to chapter 43.216 RCW.

21 NEW SECTION. **Sec. 608.** Section 503 of this act expires July 1,
22 2021.

23 NEW SECTION. **Sec. 609.** Sections 201, 301, 310, and 504 of this
24 act are necessary for the immediate preservation of the public peace,
25 health, or safety, or support of the state government and its
26 existing public institutions, and take effect July 1, 2021.

27 NEW SECTION. **Sec. 610.** Section 504 of this act expires July 1,
28 2024.

29 NEW SECTION. **Sec. 611.** Section 505 of this act takes effect
30 July 1, 2024.

1 NEW SECTION. **Sec. 612.** Sections 104 and 503 of this act are
2 necessary for the immediate preservation of the public peace, health,
3 or safety, or support of the state government and its existing public
4 institutions, and take effect immediately.

5 NEW SECTION. **Sec. 613.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 2021, in the omnibus appropriations act, this
8 act is null and void."

E2SHB 1213 - S COMM AMD

By Committee on Early Learning & K-12 Education

9 On page 1, line 2 of the title, after "programs;" strike the
10 remainder of the title and insert "amending RCW 43.88.055,
11 83.100.230, 43.216.075, 43.216.136, 43.216.505, 43.216.512,
12 43.216.556, 43.216.749, 43.216.090, 43.216.578, 43.216.710,
13 43.216.514, and 43.216.136; reenacting and amending RCW 43.216.010,
14 28B.50.248, 43.84.092, 43.84.092, and 43.84.092; adding new sections
15 to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW;
16 creating new sections; repealing RCW 43.216.1365; providing effective
17 dates; providing expiration dates; and declaring an emergency."

EFFECT: (1) Intent:

(a) Recognizes that quality child care can be a stabilizing factor for children experiencing homelessness and is a proven protective factor against the impacts of trauma they may experience. Access to child care is also a necessary support for families with young children in resolving homelessness and securing employment.

(b) Adds references to additional federal funding through the coronavirus response and relief supplemental appropriations act and the American rescue plan act to ensure access to affordable child care and stabilize and support child care providers from the effects of COVID-19. Intends to use the additional federal funding to supplement state funding in order to accelerate these investments.

(2) Accounts and Spending Goals and Strategies:

(a) Moves the nonexhaustive list of allowable uses for the Fair Start for Kids Account to a new spending goals and strategies section.

(b) Adds supporting youth development programs serving children and youth ages birth through 12 to the spending goals and strategies section.

(c) Adds providing child care subsidies for families working to resolve homelessness to the spending goals and strategies section.

(d) Adds the Fair Start for Kids Account to the definition of related funds, which includes it in the legislative balanced budget requirement.

(e) Amends the education legacy trust account to allow expenditures for early learning and child care programs effective immediately.

(3) Early Learning Advisory Council (ELAC):

(a) Removes the requirement that the Governor appoint certain ELAC members.

(b) Provides that certain entities appoint their own representative and identifies the appointment authority.

(c) States that ELAC consists of members essential to coordinating services statewide prenatal through age 12 instead of 5.

(d) Removes a reference to recognizing that system capacity must be developed and revenue expanded as it relates to annual recommendations regarding phased implementation of strategies and priorities.

(e) Directs ELAC to convene a temporary licensing subcommittee to provide feedback and recommendations to DCYF by December 1, 2022, on: (i) Improvement to the statewide licensing process; (ii) strategies to increase the number of licensed child care providers; (iii) model policies for licensed child care providers, including a licensing guidebook; and (iv) incentives and financial supports to help prospective providers navigate the licensing process.

(f) Removes an annual report on general findings and recommendations and retains other reports.

(4) Working Connections Child Care (WCCC):

(a) Removes 13-year olds and 19-year olds with verified special needs or under court supervision from WCCC eligibility.

(b) Makes WCCC eligibility for households with annual incomes at or below 60 percent of the state median income (SMI) beginning July 1, 2021, instead of 75 percent of SMI by July 1, 2025.

(c) Makes WCCC eligibility for households with annual incomes at 60 to 75 percent of SMI beginning July 1, 2027, subject to appropriations, instead of 75 to 100 percent of SMI beginning July 1, 2025.

(d) Changes the copayment schedule to add another tier: (i) At or below 20 percent of SMI is \$15 or waived to the extent allowable under federal law; and (ii) above 20 percent and at or below 36 percent of SMI is \$65 instead of waiving copayments for at or below 36 percent of SMI.

(e) Makes copayment changes effective no later than July 1, 2021, for tiers at or below 60 percent of SMI.

(f) Allows copayments to be capped at \$115 until June 30, 2023.

(g) Removes provisions regarding a copayment model for incomes above 75 percent of SMI.

(h) Directs DCYF to adopt rules to implement an income phase-out eligibility period.

(i) Makes provisions related to exempting certain student parents from work requirements as a condition of receiving Working Connections Child Care benefits beginning September 1, 2021, instead of July 1, 2023.

(j) Requires student parents to be in good standing for this work requirement exemption.

(k) Increases child care subsidy base rates to the 85th percentile of market instead of 75th percentile beginning July 1, 2021.

(l) Adds that DCYF must consider area median income and incorporate the nonstandard child care hours rate model into the child care cost estimate model.

(5) Early Childhood Education and Assistance Program (ECEAP):

(a) Allows families with incomes at or below 100 percent of SMI, instead of 50 percent of SMI, and received certain early intervention services to enroll in ECEAP early as space is available.

(b) Adds that ECEAP early entry is subject to appropriations.

(c) Increases ECEAP rates to 10 percent in the 2021-22 school year instead of phasing in increases to 10 percent in the 2023-24 school year.

(6) Provider Supports:

(a) Changes "by" to "beginning" when referencing dates of when certain policies begin: Trauma-informed care supports, dual language rate enhancement, infant and early childhood mental health consultation, and infant rate enhancement.

(b) Makes the following provisions subject to appropriation: Complex needs funds, infant and early childhood mental health consultation, and the nonstandard hours rate model.

(c) Removes the requirement that DCYF work in conjunction with the Office of the Superintendent of Public Instruction to administer the complex needs funds.

(d) Adds outdoor nature-based care as an eligible provider for trauma-informed care supports and adds that the supports may be used by eligible providers.

(e) Provides that infant and early childhood mental health consultants be placed in regions based on the highest need instead of DCYF collaborating with the statewide child care resources and referral network to determine where additional consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need.

(f) Requires child care center directors and employees to have a program that accepts state subsidy to access professional development supports.

(g) Requires DCYF to engage in negotiated rule making with the largest organization representing child care center owners and directors; the largest organization representing supervisors, teachers, and aides; and other affected interests before adopting requirements that affect child care center licensees.

(h) Allows DCYF to waive the limit that restricts family home providers from serving not more than 12 children. Directs DCYF to establish conditions for such waivers by rule and must assess, at minimum, the provider's available square footage and staffing capabilities prior to issuing any waiver of the limit of 12 children.

(7) Prenatal-to-Three Supports: Adds that DCYF must adopt rules to implement infant rate enhancements.

(8) Collective Bargaining:

(a) Adds that the spending goals and strategies section and child care subsidy rates section do not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives.

(b) Adds that the state and exclusive representative for family child care providers must enter into bargaining over the implementation of child care subsidy rate increases effective July 1, 2021.

(c) Adds a new section that provides that nothing in this act changes DCYF's responsibility to collectively bargain over mandatory subjects consist with current law or limits the legislature's authority to make programmatic modifications consistent with legislative reservation of rights under current law.

(9) Other:

(a) Restores the definition of school age child to mean a child who is 5 through 12 years of age instead of 13.

(b) Updates effective and expiration clauses to match effective dates of policies.

(c) Includes an emergency clause to make the sections with policies that begin July 1, 2021, effective on that date: Working Connections Child Care eligibility and copayments, child care subsidy rates, and infant and early childhood mental health consultation. Includes an emergency clause to make the education legacy trust account amendments effective immediately.

--- END ---