

---

HOUSE BILL 1638

---

State of Washington

65th Legislature

2017 Regular Session

By Representatives Ortiz-Self, Frame, and Kagi

1 AN ACT Relating to the provision of trauma-informed child care;  
2 reenacting and amending RCW 43.215.010; adding new sections to  
3 chapter 43.215 RCW; creating a new section; and providing an  
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that all children  
7 deserve the opportunity to learn and thrive. Further, the legislature  
8 finds that children who experience trauma and children with  
9 developmental disabilities are more likely to exhibit severe  
10 emotional and behavioral problems. These problems may result in  
11 expulsion from early learning and child care programs, excluding  
12 these children from the very early learning opportunities they need.

13 The legislature further finds that children with social,  
14 emotional, and behavioral differences may develop self-management and  
15 other life skills with the help of intervention and habilitative  
16 care. However, without effective behavior assessment and support,  
17 underlying trauma, disabilities, or other conditions may go  
18 unaddressed and lead to underdeveloped intellectual functioning and  
19 adaptive behavior, including more extreme behavioral differences from  
20 their peers. The legislature further finds that brain science on

1 developing brains has shown that earlier intervention is more  
2 effective for children who require additional support.

3 Therefore, the legislature intends to provide training in trauma  
4 identification and positive behavior supports for early learning  
5 providers in order to improve outcomes for young children.

6 **Sec. 2.** RCW 43.215.010 and 2016 c 231 s 1 and 2016 c 169 s 3 are  
7 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (f) Schools, including boarding schools, that are engaged  
20 primarily in education, operate on a definite school year schedule,  
21 follow a stated academic curriculum, and accept only school age  
22 children;

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

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

29 (i) Activities other than employment; or

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

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

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

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

3 (iii) The entity is a local affiliate of a national nonprofit;  
4 and

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

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

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

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

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

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

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

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

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

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

27 (8) "Early childhood education and assistance program contractor"  
28 means an organization that provides early childhood education and  
29 assistance program services under a signed contract with the  
30 department.

31 (9) "Early childhood education and assistance program provider"  
32 means an organization that provides site level, direct, and high  
33 quality early childhood education and assistance program services  
34 under the direction of an early childhood education and assistance  
35 program contractor.

36 (10) "Early start" means an integrated high quality continuum of  
37 early learning programs for children birth-to-five years of age.  
38 Components of early start include, but are not limited to, the  
39 following:

40 (a) Home visiting and parent education and support programs;

1 (b) The early achievers program described in RCW 43.215.100;

2 (c) Integrated full-day and part-day high quality early learning  
3 programs; and

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

6 (11) "Education data center" means the education data center  
7 established in RCW 43.41.400, commonly referred to as the education  
8 research and data center.

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

12 (13) "Enforcement action" means denial, suspension, revocation,  
13 modification, or nonrenewal of a license pursuant to RCW  
14 43.215.300(1) or assessment of civil monetary penalties pursuant to  
15 RCW 43.215.300(3).

16 (14) "Extended day program" means an early childhood education  
17 and assistance program that offers early learning education for at  
18 least ten hours per day, a minimum of two thousand hours per year, at  
19 least four days per week, and operates year round.

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

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

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

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

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

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

38 (c) An adverse agency action, including termination, revocation,  
39 or denial of a license or certification, or if pending adverse agency

1 action, the voluntary surrender of a license, certification, or  
2 contract in lieu of the adverse action;

3 (d) A revocation, denial, or restriction placed on any  
4 professional license; or

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

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

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

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

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

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

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

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

26 (26) "Trauma-informed care" means child care in which providers:

27 (a) Recognize the signs and symptoms of trauma in children;

28 (b) Incorporate an understanding of both the impact of trauma and  
29 the potential paths for recovery; and

30 (c) Respond by fully integrating knowledge about trauma into  
31 policies, procedures, and practices while actively seeking to avoid  
32 retraumatization.

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

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

1 (1) The department must convene an advisory group of stakeholders  
2 to review the early achievers rating system under RCW 43.215.100 and  
3 make recommendations for modifications to the rating system criteria.  
4 When recommending criteria changes, the advisory group must consider  
5 the following goals:

6 (a) Provide flexibility within the rating system in order to  
7 avoid a penalty or disincentive for child care providers serving  
8 high-needs children, including but not limited to children:

9 (i) Living with the effects of homelessness;  
10 (ii) Who are involved in the child welfare system;  
11 (iii) Who have a developmental delay or disability; or  
12 (iv) Who have experienced an adverse childhood experience as  
13 defined in RCW 70.305.010;

14 (b) Encourage child retention within individual programs and  
15 discourage child expulsions;

16 (c) Establish a method for tracking the number of expulsions and  
17 the reasons for those expulsions; and

18 (d) Provide parents with information about which programs have  
19 expertise in universal design for learning, including multitiered  
20 behavior support and trauma-informed care.

21 (2) Members of the advisory group must include:

22 (a) One or more child psychologists;

23 (b) A child care provider specializing in working with  
24 traumatized children;

25 (c) A child care provider specializing in working with children  
26 with developmental disabilities;

27 (d) An expert in research on adverse childhood experiences and  
28 its impact on child development;

29 (e) A child care provider who operates a facility in which at  
30 least fifty percent of the children served are children of color; and

31 (f) An expert in racial bias in education.

32 (3) The department must complete the review of the early  
33 achievers rating system and implement changes based on the results of  
34 the review by September 1, 2018.

35 (4) This section expires December 31, 2018.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.215  
37 RCW to read as follows:

38 The department must provide voluntary training on trauma-informed  
39 care to child care providers and administrators participating in the

1 early achievers program under RCW 43.215.100. The training must  
2 include the following components:

3 (1) An overview of the impact of experience on brain development  
4 and on the current scientific understanding of trauma;

5 (2) An understanding of how the experience of trauma impacts  
6 children's behavior in an early learning environment;

7 (3) Basic principles for responding to children and caregivers in  
8 a trauma-informed way;

9 (4) Training for administrators on how to integrate trauma-  
10 informed care principles into center policies, procedures, and  
11 service delivery;

12 (5) How to develop and support programs to respond to children  
13 and caregivers who are struggling in the classroom or center due to a  
14 history of trauma; and

15 (6) Information about implicit bias and its role in student  
16 discipline.

--- END ---