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**SECOND SUBSTITUTE HOUSE BILL 2124**

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AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

**State of Washington                      68th Legislature                      2024 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Eslick, Senn, Leavitt, Chapman, Reed, Ramel, Callan, Rule, Goodman, Tharinger, Wylie, Timmons, Stonier, Reeves, and Kloba)

READ FIRST TIME 02/05/24.

1            AN ACT Relating to supporting and expanding access to child care  
2 and early learning programs; amending RCW 43.216.1364, 43.216.775,  
3 and 43.216.---; reenacting and amending RCW 43.216.136; creating new  
4 sections; and providing an effective date.

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

6            **Sec. 1.** RCW 43.216.136 and 2023 c 294 s 1 and 2023 c 222 s 3 are  
7 each reenacted and amended to read as follows:

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

17            (2) As recommended by P.L. 113-186, authorizations for the  
18 working connections child care subsidy are effective for 12 months  
19 beginning July 1, 2016.

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

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

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

7 (i) In the last six months have:

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

10 (B) Received child welfare services as defined and used by  
11 chapter 74.13 RCW;

12 (C) Received services through a family assessment response as  
13 defined and used by chapter 26.44 RCW; or

14 (D) A parent or guardian participating in a specialty court or  
15 therapeutic court or who is a listed victim in a case in a specialty  
16 court or therapeutic court;

17 (ii) Have been referred for child care as part of the family's  
18 case management as defined by RCW 74.13.020 or as part of the  
19 specialty court or therapeutic court's proceedings; and

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

21 (b) Families who are eligible for working connections child care  
22 pursuant to this subsection do not have to keep receiving services or  
23 keep participating in a specialty court or therapeutic court  
24 identified in this subsection to maintain 12-month authorization.

25 (4)(a) Beginning July 1, 2021, and subject to the availability of  
26 amounts appropriated for this specific purpose, the department may  
27 not require an applicant or consumer to meet work requirements as a  
28 condition of receiving working connections child care benefits when  
29 the applicant or consumer is in a state registered apprenticeship  
30 program or is a full-time student of a community, technical, or  
31 tribal college and is enrolled in:

32 (i) A vocational education program that leads to a degree or  
33 certificate in a specific occupation; or

34 (ii) An associate degree program.

35 (b) An applicant or consumer is a full-time student for the  
36 purposes of this subsection if the applicant or consumer meets the  
37 college's definition of a full-time student.

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

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

5 (5) The department may not consider the immigration status of an  
6 applicant or consumer's child when determining eligibility for  
7 working connections child care benefits.

8 (6) The department must consider an applicant or consumer's  
9 participation in the birth to three early childhood education and  
10 assistance program or the early head start program as an approved  
11 activity when determining eligibility for working connections child  
12 care benefits.

13 (7)(a) An applicant or consumer is eligible to receive working  
14 connections child care benefits for the care of one or more eligible  
15 children for the first 12 months of the applicant's or consumer's  
16 enrollment in a state registered apprenticeship program under chapter  
17 49.04 RCW when:

18 (i) The applicant or consumer's household annual income adjusted  
19 for family size does not exceed 75 percent of the state median income  
20 at the time of application, or, beginning July 1, 2027, does not  
21 exceed 85 percent of the state median income if funds are  
22 appropriated for the purpose of RCW 43.216.1368(4);

23 (ii) The child receiving care is: (A) Less than 13 years of age;  
24 or (B) less than 19 years of age and either has a verified special  
25 need according to department rule or is under court supervision; and

26 (iii) The household meets all other program eligibility  
27 requirements.

28 (b) The department must adopt a copayment model for benefits  
29 granted under this subsection, which must align with any copayment  
30 identified or adopted for households with the same income level under  
31 RCW 43.216.1368.

32 (~~(7)~~) (8)(a) The department must extend the homeless grace  
33 period, as adopted in department rule as of January 1, 2020, from a  
34 four-month grace period to a 12-month grace period.

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

39 (~~(8)~~) (9) For purposes of this section, "authorization" means a  
40 transaction created by the department that allows a child care

1 provider to claim payment for care. The department may adjust an  
2 authorization based on a household's eligibility status.

3 **Sec. 2.** RCW 43.216.1364 and 2023 c 222 s 2 are each amended to  
4 read as follows:

5 (1) Beginning October 1, 2023, a family is eligible for working  
6 connections child care when the household's annual income is at or  
7 below 85 percent of the state median income adjusted for family size  
8 and:

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

12 (b) The applicant or consumer is employed (~~in a licensed child~~  
13 ~~care center or family home provider~~), as verified in the agency's  
14 electronic workforce registry, in a:

15 (i) Licensed or certified child care center or family home  
16 provider;

17 (ii) Early childhood education and assistance program or birth to  
18 three early childhood education and assistance program; or

19 (iii) Head start or early head start program or a successor  
20 federal program; and

21 (c) The household meets all other program eligibility  
22 requirements.

23 (2) The department must waive the copayment to the extent  
24 allowable under federal law; otherwise, a maximum of \$15 for any  
25 applicant or consumer that meets the requirements under this section.

26 **Sec. 3.** RCW 43.216.775 and 2021 c 199 s 106 are each amended to  
27 read as follows:

28 (~~Beginning July 1, 2023, and subject to the availability of~~  
29 ~~amounts appropriated for this specific purpose, rates~~) (1) Rates  
30 paid under RCW ((43.216.579, 43.216.585,)) 43.216.592((, and  
31 43.216.578)) must be adjusted every two years according to an  
32 inflationary increase. The inflationary increase must be calculated  
33 by applying the rate of the increase in the inflationary adjustment  
34 index to the rates established ((in RCW 43.216.579, 43.216.585,))  
35 pursuant to RCW 43.216.592((, and 43.216.578. Any)).

36 (2) Subject to the availability of amounts appropriated for this  
37 specific purpose, rates paid under RCW 43.216.579, 43.216.585, and  
38 43.216.578 must be adjusted every two years according to an

1 inflationary increase. The inflationary increase must be calculated  
2 by applying the rate of the increase in the inflationary adjustment  
3 index to the rates established pursuant to RCW 43.216.579,  
4 43.216.585, and 43.216.578.

5 (3) Inflationary increases under subsection (1) of this section  
6 and any funded inflationary increase under subsection (2) of this  
7 section must be included in the rate used to determine inflationary  
8 increases in subsequent years.

9 (4) For the purposes of this section, "inflationary adjustment  
10 index" means the implicit price deflator averaged for each fiscal  
11 year, using the official current base rate, compiled by the bureau of  
12 economic analysis, United States department of commerce.

13 **Sec. 4.** RCW 43.216.--- and 2024 c ... (HB 2111) s 4 are each  
14 amended to read as follows:

15 (1)(a) Subject to the availability of amounts appropriated for  
16 this specific purpose, the department may not require an applicant or  
17 consumer to meet work requirements as a condition of receiving  
18 working connections child care benefits when the applicant or  
19 consumer is in a state registered apprenticeship program or is a  
20 full-time student of a community, technical, or tribal college and is  
21 enrolled in:

22 (i) A vocational education program that leads to a degree or  
23 certificate in a specific occupation; or

24 (ii) An associate degree program.

25 (b) An applicant or consumer is a full-time student for the  
26 purposes of this subsection if the applicant or consumer meets the  
27 college's definition of a full-time student.

28 ~~((+2))~~ (c) Subject to the availability of amounts appropriated  
29 for this specific purpose, the department may extend the provisions  
30 of this subsection to full-time students who are enrolled in a  
31 bachelor's degree program or applied baccalaureate degree program.

32 (2) The department must consider an applicant or consumer's  
33 participation in the birth to three early childhood education and  
34 assistance program or the early head start program as an approved  
35 activity when determining eligibility for working connections child  
36 care benefits.

37 NEW SECTION. **Sec. 5.** This act takes effect November 1, 2024.

1        NEW SECTION.    **Sec. 6.**    (1) Section 4 of this act is null and void  
2 if chapter . . . (House Bill No. 2111), Laws of 2024 is not enacted  
3 by November 1, 2024.

4        (2) Section 1 of this act is null and void if section 4 of this  
5 act takes effect.

6        NEW SECTION.    **Sec. 7.**    If specific funding for the purposes of  
7 this act, referencing this act by bill or chapter number, is not  
8 provided by June 30, 2024, in the omnibus appropriations act, this  
9 act is null and void.

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