
SENATE BILL 6287

State of Washington

65th Legislature

2018 Regular Session

By Senators Darneille, O'Ban, Carlyle, and Zeiger; by request of Department of Children, Youth, and Families

Read first time 01/11/18. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to making technical changes regarding the
2 department of children, youth, and families; amending RCW
3 28A.655.080, 74.09.470, 43.63A.068, 43.63A.066, 43.31.571, 41.06.097,
4 74.12.340, 74.08A.260, 74.04.014, 70.305.020, 70.305.010, 70.198.020,
5 43.216.065, 43.121.100, 43.88C.050, 43.31.583, 43.31.581, 43.31.575,
6 43.20.275, 42.48.010, 41.04.385, 36.70A.450, 36.70.757, 35A.63.215,
7 35.63.185, 35.21.688, 28B.77.005, 28A.655.220, 28A.300.570,
8 28A.188.040, 28A.175.075, 28A.155.160, 19.02.050, 43.216.555,
9 43.216.370, 43.216.355, 43.216.350, 43.216.325, 43.216.315,
10 43.216.305, 43.216.300, 43.216.265, 43.216.045, 43.216.105,
11 9.94A.655, 26.44.220, 9.94A.6551, 74.13.632, 74.13.341, 28A.300.525,
12 74.13.020, 72.05.435, 13.34.030, 74.31.020, 74.15.038, 74.13.660,
13 74.13.570, 71.24.065, 43.185C.285, 43.185C.260, 28B.105.060,
14 28A.300.592, 26.44.125, 7.68.801, 2.70.090, 43.216.380, 43.216.165,
15 43.216.250, 13.34.062, 13.34.069, 74.13A.005, 74.14A.060, 13.90.010,
16 43.216.015, 43.06A.030, 13.50.010, 74.14B.010, 43.216.906, and
17 43.216.905; reenacting and amending RCW 43.216.270; providing an
18 effective date; and providing an expiration date.

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

20 **Sec. 1.** RCW 28A.655.080 and 2012 c 51 s 2 are each amended to
21 read as follows:

1 (1) To the extent funds are available, beginning in the 2012-13
2 school year, the Washington kindergarten inventory of developing
3 skills shall be administered at the beginning of the school year to
4 all students enrolled in state-funded full-day kindergarten programs
5 under RCW 28A.150.315 with the exception of students who have been
6 excused from participation by their parents or guardians.

7 (2)(a) The superintendent of public instruction, in consultation
8 with the department of (~~early learning~~) children, youth, and
9 families, shall convene a work group to provide:

10 (i) Input and recommendations with respect to implementation of
11 the Washington kindergarten inventory of developing skills;

12 (ii) Recommendations regarding the optimum way to administer the
13 Washington kindergarten inventory of developing skills to children in
14 half-day kindergarten while ensuring that they receive the maximum
15 instruction as required in RCW 28A.150.205; and

16 (iii) Recommendations with respect to achieving the goal of
17 replacing assessments currently required by school districts with the
18 Washington kindergarten inventory of developing skills.

19 (b) The work group shall include:

20 (i) One representative from the office of the superintendent of
21 public instruction;

22 (ii) One representative from the department of (~~early learning~~)
23 children, youth, and families;

24 (iii) One representative from the nongovernmental private-public
25 partnership defined in RCW (~~43.215.010~~) 43.216.010;

26 (iv) Five representatives, including both teachers and
27 principals, from school districts that participated in the pilot
28 project, with every effort made to make sure that there is
29 representation from across the state;

30 (v) Two parents who are familiar with and participated in the
31 Washington kindergarten inventory of developing skills pilot during
32 the 2010-11 school year; and

33 (vi) A representative from an independent, nonprofit children and
34 family services organization with a main campus in North Bend,
35 Washington.

36 (c) The work group may solicit input from people who are recent
37 implementers of the Washington kindergarten inventory of developing
38 skills.

39 (d) A preliminary report and recommendations shall be submitted
40 to the education committees of the senate and the house of

1 representatives by December 1, 2012. A subsequent report and
2 recommendations shall be submitted to the education committees of the
3 senate and the house of representatives by December 1, 2013, and
4 annually by December 1st thereafter.

5 (e) The work group shall terminate upon full statewide
6 implementation of all-day kindergarten.

7 (3) To the extent funds are available, additional support in the
8 form of implementation grants shall be offered to schools on a
9 schedule to be determined by the office of (~~the~~) the
10 superintendent of public instruction, in consultation with the
11 department of (~~early learning~~) children, youth, and families.

12 (4) Until full statewide implementation of all-day kindergarten
13 programs, the superintendent of public instruction, in consultation
14 with the (~~director~~) secretary of the department of (~~early~~
15 ~~learning~~) children, youth, and families, may grant annual, renewable
16 waivers from the requirement of subsection (1) of this section to
17 administer the Washington kindergarten inventory of developing
18 skills. A school district seeking a waiver for one or more of its
19 schools must submit an application to the office of the
20 superintendent of public instruction that includes:

21 (a) A description of the kindergarten readiness assessment and
22 transition processes that it proposes to administer instead of the
23 Washington kindergarten inventory of developing skills;

24 (b) An explanation of why the administration of the Washington
25 kindergarten inventory of developing skills would be unduly
26 burdensome; and

27 (c) An explanation of how administration of the alternative
28 kindergarten readiness assessment will support social-emotional,
29 physical, and cognitive growth and development of individual
30 children; support early learning provider and parent involvement; and
31 inform instruction.

32 **Sec. 2.** RCW 74.09.470 and 2011 1st sp.s. c 33 s 2 are each
33 amended to read as follows:

34 (1) Consistent with the goals established in RCW 74.09.402,
35 through the apple health for kids program authorized in this section,
36 the authority shall provide affordable health care coverage to
37 children under the age of nineteen who reside in Washington state and
38 whose family income at the time of enrollment is not greater than two
39 hundred fifty percent of the federal poverty level as adjusted for

1 family size and determined annually by the federal department of
2 health and human services, and effective January 1, 2009, and only to
3 the extent that funds are specifically appropriated therefor, to
4 children whose family income is not greater than three hundred
5 percent of the federal poverty level. In administering the program,
6 the authority shall take such actions as may be necessary to ensure
7 the receipt of federal financial participation under the medical
8 assistance program, as codified at Title XIX of the federal social
9 security act, the state children's health insurance program, as
10 codified at Title XXI of the federal social security act, and any
11 other federal funding sources that are now available or may become
12 available in the future. The authority and the caseload forecast
13 council shall estimate the anticipated caseload and costs of the
14 program established in this section.

15 (2) The authority shall accept applications for enrollment for
16 children's health care coverage; establish appropriate minimum-
17 enrollment periods, as may be necessary; and determine eligibility
18 based on current family income. The authority shall make eligibility
19 determinations within the time frames for establishing eligibility
20 for children on medical assistance, as defined by RCW 74.09.510. The
21 application and annual renewal processes shall be designed to
22 minimize administrative barriers for applicants and enrolled clients,
23 and to minimize gaps in eligibility for families who are eligible for
24 coverage. If a change in family income results in a change in the
25 source of funding for coverage, the authority shall transfer the
26 family members to the appropriate source of funding and notify the
27 family with respect to any change in premium obligation, without a
28 break in eligibility. The authority shall use the same eligibility
29 redetermination and appeals procedures as those provided for children
30 on medical assistance programs. The authority shall modify its
31 eligibility renewal procedures to lower the percentage of children
32 failing to annually renew. The authority shall manage its outreach,
33 application, and renewal procedures with the goals of: (a) Achieving
34 year by year improvements in enrollment, enrollment rates, renewals,
35 and renewal rates; (b) maximizing the use of existing program
36 databases to obtain information related to earned and unearned income
37 for purposes of eligibility determination and renewals, including,
38 but not limited to, the basic food program, the child care subsidy
39 program, federal social security administration programs, and the
40 employment security department wage database; (c) streamlining

1 renewal processes to rely primarily upon data matches, online
2 submissions, and telephone interviews; and (d) implementing any other
3 eligibility determination and renewal processes to allow the state to
4 receive an enhanced federal matching rate and additional federal
5 outreach funding available through the federal children's health
6 insurance program reauthorization act of 2009 by January 2010. The
7 department shall advise the governor and the legislature regarding
8 the status of these efforts by September 30, 2009. The information
9 provided should include the status of the department's efforts, the
10 anticipated impact of those efforts on enrollment, and the costs
11 associated with that enrollment.

12 (3) To ensure continuity of care and ease of understanding for
13 families and health care providers, and to maximize the efficiency of
14 the program, the amount, scope, and duration of health care services
15 provided to children under this section shall be the same as that
16 provided to children under medical assistance, as defined in RCW
17 74.09.520.

18 (4) The primary mechanism for purchasing health care coverage
19 under this section shall be through contracts with managed health
20 care systems as defined in RCW 74.09.522, subject to conditions,
21 limitations, and appropriations provided in the biennial
22 appropriations act. However, the authority shall make every effort
23 within available resources to purchase health care coverage for
24 uninsured children whose families have access to dependent coverage
25 through an employer-sponsored health plan or another source when it
26 is cost-effective for the state to do so, and the purchase is
27 consistent with requirements of Title XIX and Title XXI of the
28 federal social security act. To the extent allowable under federal
29 law, the authority shall require families to enroll in available
30 employer-sponsored coverage, as a condition of participating in the
31 program established under this section, when it is cost-effective for
32 the state to do so. Families who enroll in available employer-
33 sponsored coverage under this section shall be accounted for
34 separately in the annual report required by RCW 74.09.053.

35 (5)(a) To reflect appropriate parental responsibility, the
36 authority shall develop and implement a schedule of premiums for
37 children's health care coverage due to the authority from families
38 with income greater than two hundred percent of the federal poverty
39 level. For families with income greater than two hundred fifty
40 percent of the federal poverty level, the premiums shall be

1 established in consultation with the senate majority and minority
2 leaders and the speaker and minority leader of the house of
3 representatives. For children eligible for coverage under the
4 federally funded children's health insurance program, Title XXI of
5 the federal social security act, premiums shall be set at a
6 reasonable level that does not pose a barrier to enrollment. The
7 amount of the premium shall be based upon family income and shall not
8 exceed the premium limitations in Title XXI of the federal social
9 security act. For children who are not eligible for coverage under
10 the federally funded children's health insurance program, premiums
11 shall be set every two years in an amount no greater than the average
12 state-only share of the per capita cost of coverage in the state-
13 funded children's health program.

14 (b) Premiums shall not be imposed on children in households at or
15 below two hundred percent of the federal poverty level as articulated
16 in RCW 74.09.055.

17 (c) Beginning no later than January 1, 2010, the authority shall
18 offer families whose income is greater than three hundred percent of
19 the federal poverty level the opportunity to purchase health care
20 coverage for their children through the programs administered under
21 this section without an explicit premium subsidy from the state. The
22 design of the health benefit package offered to these children should
23 provide a benefit package substantially similar to that offered in
24 the apple health for kids program, and may differ with respect to
25 cost-sharing, and other appropriate elements from that provided to
26 children under subsection (3) of this section including, but not
27 limited to, application of preexisting conditions, waiting periods,
28 and other design changes needed to offer affordable coverage. The
29 amount paid by the family shall be in an amount equal to the rate
30 paid by the state to the managed health care system for coverage of
31 the child, including any associated and administrative costs to the
32 state of providing coverage for the child. Any pooling of the program
33 enrollees that results in state fiscal impact must be identified and
34 brought to the legislature for consideration.

35 (6) The authority shall undertake and continue a proactive,
36 targeted outreach and education effort with the goal of enrolling
37 children in health coverage and improving the health literacy of
38 youth and parents. The authority shall collaborate with the
39 department of social and health services, department of health, local
40 public health jurisdictions, the office of the superintendent of

1 public instruction, the department of (~~early learning~~) children,
2 youth, and families, health educators, health care providers, health
3 carriers, community-based organizations, and parents in the design
4 and development of this effort. The outreach and education effort
5 shall include the following components:

6 (a) Broad dissemination of information about the availability of
7 coverage, including media campaigns;

8 (b) Assistance with completing applications, and community-based
9 outreach efforts to help people apply for coverage. Community-based
10 outreach efforts should be targeted to the populations least likely
11 to be covered;

12 (c) Use of existing systems, such as enrollment information from
13 the free and reduced-price lunch program, the department of (~~early~~
14 ~~learning~~) children, youth, and families child care subsidy program,
15 the department of health's women, infants, and children program, and
16 the early childhood education and assistance program, to identify
17 children who may be eligible but not enrolled in coverage;

18 (d) Contracting with community-based organizations and government
19 entities to support community-based outreach efforts to help families
20 apply for coverage. These efforts should be targeted to the
21 populations least likely to be covered. The authority shall provide
22 informational materials for use by government entities and community-
23 based organizations in their outreach activities, and should identify
24 any available federal matching funds to support these efforts;

25 (e) Development and dissemination of materials to engage and
26 inform parents and families statewide on issues such as: The benefits
27 of health insurance coverage; the appropriate use of health services,
28 including primary care provided by health care practitioners licensed
29 under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency
30 services; the value of a medical home, well-child services and
31 immunization, and other preventive health services with linkages to
32 department of health child profile efforts; identifying and managing
33 chronic conditions such as asthma and diabetes; and the value of good
34 nutrition and physical activity;

35 (f) An evaluation of the outreach and education efforts, based
36 upon clear, cost-effective outcome measures that are included in
37 contracts with entities that undertake components of the outreach and
38 education effort;

39 (g) An implementation plan to develop online application
40 capability that is integrated with the automated client eligibility

1 system, and to develop data linkages with the office of the
2 superintendent of public instruction for free and reduced-price lunch
3 enrollment information and the department of ((early-learning))
4 children, youth, and families for child care subsidy program
5 enrollment information.

6 (7) The authority shall take action to increase the number of
7 primary care physicians providing dental disease preventive services
8 including oral health screenings, risk assessment, family education,
9 the application of fluoride varnish, and referral to a dentist as
10 needed.

11 (8) The department shall monitor the rates of substitution
12 between private-sector health care coverage and the coverage provided
13 under this section.

14 **Sec. 3.** RCW 43.63A.068 and 2009 c 518 s 18 are each amended to
15 read as follows:

16 (1)(a) The department of ((community, trade, and economic
17 development)) commerce shall establish an advisory committee to
18 monitor, guide, and report on recommendations relating to policies
19 and programs for children and families with incarcerated parents.

20 (b) The advisory committee shall include representatives of the
21 department of corrections, the department of social and health
22 services, the department of ((early-learning)) children, youth, and
23 families, the office of the superintendent of public instruction,
24 representatives of the private nonprofit and business sectors, child
25 advocates, representatives of Washington state Indian tribes as
26 defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et
27 seq.), court administrators, the administrative office of the courts,
28 the Washington association of sheriffs and police chiefs, jail
29 administrators, the office of the governor, and others who have an
30 interest in these issues.

31 (c) The advisory committee shall:

32 (i) Gather the data collected by the departments as required in
33 RCW 72.09.495, 74.04.800, ((43.215.065)) 43.216.060, and 28A.300.520;

34 (ii) Monitor and provide consultation on the implementation of
35 recommendations contained in the 2006 children of incarcerated
36 parents report;

37 (iii) Identify areas of need and develop recommendations for the
38 legislature, the department of social and health services, the
39 department of corrections, the department of ((early-learning))

1 children, youth, and families, and the office of the superintendent
2 of public instruction to better meet the needs of children and
3 families of persons incarcerated in department of corrections
4 facilities; and

5 (iv) Advise the department of (~~community, trade, and economic~~
6 ~~development~~) commerce regarding community programs the department
7 should fund with moneys appropriated for this purpose in the
8 operating budget. The advisory committee shall provide
9 recommendations to the department regarding the following:

10 (A) The goals for geographic distribution of programs and
11 funding;

12 (B) The scope and purpose of eligible services and the priority
13 of such services;

14 (C) Grant award funding limits;

15 (D) Entities eligible to apply for the funding;

16 (E) Whether the funding should be directed towards starting or
17 supporting new programs, expanding existing programs, or whether the
18 funding should be open to all eligible services and providers; and

19 (F) Other areas the advisory committee determines appropriate.

20 (d) The children of incarcerated parents advisory committee shall
21 update the legislature and governor biennially on committee
22 activities, with the first update due by January 1, 2010.

23 (2) The department of (~~community, trade, and economic~~
24 ~~development~~) commerce shall select community programs or services to
25 receive funding that focus on children and families of inmates
26 incarcerated in a department of corrections facility and sustaining
27 the family during the period of the inmate's incarceration.

28 (a) Programs or services which meet the needs of the children of
29 incarcerated parents should be the greatest consideration in the
30 programs that are identified by the department.

31 (b) The department shall consider the recommendations of the
32 advisory committee regarding which services or programs the
33 department should fund.

34 (c) The programs selected shall collaborate with an agency, or
35 agencies, experienced in providing services to aid families and
36 victims of sexual assault and domestic violence to ensure that the
37 programs identify families who have a history of sexual assault or
38 domestic violence and ensure the services provided are appropriate
39 for the children and families.

1 **Sec. 4.** RCW 43.63A.066 and 2006 c 265 s 212 are each amended to
2 read as follows:

3 The department of (~~early learning~~) children, youth, and
4 families shall have primary responsibility for providing child abuse
5 and neglect prevention training to preschool age children
6 participating in the federal head start program or the early
7 childhood education and assistance program established under RCW
8 28A.215.010 through 28A.215.050, (~~43.215.400~~) 43.216.500 through
9 (~~43.215.450~~) 43.216.550, 43.216.900, and (~~43.215.900 through~~
10 ~~43.215.903~~) 43.216.901.

11 **Sec. 5.** RCW 43.31.571 and 2017 3rd sp.s. c 12 s 5 are each
12 amended to read as follows:

13 (1) The department, in consultation with the department of
14 (~~early learning~~) children, youth, and families, shall oversee the
15 early learning facilities revolving account and the early learning
16 facilities development account, and is the lead state agency for the
17 early learning facilities grant and loan program.

18 (2) It is the intent of the legislature that state funds invested
19 in the accounts be matched by private or local government funding.
20 Every effort shall be made to maximize funding available for early
21 learning facilities from public schools, community colleges,
22 (~~education~~) educational service districts, local governments,
23 and private funders.

24 (3) Amounts used for program administration by the department may
25 not exceed an average of four percent of the appropriated funds.

26 (4) Commitment of state funds for construction, purchase, or
27 renovation of early learning facilities may be given only after
28 private or public match funds are committed. Private or public match
29 funds may consist of cash, equipment, land, buildings, or like-kind.
30 In determining the level of match required, the department shall take
31 into consideration the financial need of the applicant and the
32 economic conditions of the location of the proposed facility.

33 **Sec. 6.** RCW 41.06.097 and 2006 c 265 s 110 are each amended to
34 read as follows:

35 In addition to the exemptions under RCW 41.06.070, the provisions
36 of this chapter shall not apply in the department of (~~early~~
37 ~~learning~~) children, youth, and families to the (~~director~~)
38 secretary, the (~~director's~~) secretary's personal secretary, and any

1 other exempt staff members provided for in RCW ((43.215.030))
2 43.216.025(2).

3 **Sec. 7.** RCW 74.12.340 and 2006 c 265 s 208 are each amended to
4 read as follows:

5 (1) The department is authorized to adopt rules governing the
6 provision of day care as a part of child welfare services when the
7 secretary determines that a need exists for such day care and that it
8 is in the best interests of the child, the parents, or the custodial
9 parent and in determining the need for such day care priority shall
10 be given to geographical areas having the greatest need for such care
11 and to members of low-income groups in the population(~~(;—PROVIDED,~~
12 ~~That where))~~). If the family is financially able to pay part or all of
13 the costs of such care, fees shall be imposed and paid according to
14 the financial ability of the family.

15 (2) This section does not affect the authority of the department
16 of (~~early learning~~) children, youth, and families to adopt rules
17 governing child day care and early learning programs.

18 **Sec. 8.** RCW 74.08A.260 and 2017 3rd sp.s. c 21 s 1 are each
19 amended to read as follows:

20 (1) Each recipient shall be assessed after determination of
21 program eligibility and before referral to job search. Assessments
22 shall be based upon factors that are critical to obtaining
23 employment, including but not limited to education, availability of
24 child care, history of family violence, history of substance abuse,
25 and other factors that affect the ability to obtain employment.
26 Assessments may be performed by the department or by a contracted
27 entity. The assessment shall be based on a uniform, consistent,
28 transferable format that will be accepted by all agencies and
29 organizations serving the recipient.

30 (2) Based on the assessment, an individual responsibility plan
31 shall be prepared that: (a) Sets forth an employment goal and a plan
32 for maximizing the recipient's success at meeting the employment
33 goal; (b) considers WorkFirst educational and training programs from
34 which the recipient could benefit; (c) contains the obligation of the
35 recipient to participate in the program by complying with the plan;
36 (d) moves the recipient into full-time WorkFirst activities as
37 quickly as possible; and (e) describes the services available to the
38 recipient either during or after WorkFirst to enable the recipient to

1 obtain and keep employment and to advance in the workplace and
2 increase the recipient's wage earning potential over time.

3 (3) Recipients who are not engaged in work and work activities,
4 and do not qualify for a good cause exemption under RCW 74.08A.270,
5 shall engage in self-directed service as provided in RCW 74.08A.330.

6 (4) If a recipient refuses to engage in work and work activities
7 required by the department, the family's grant shall be reduced by
8 the recipient's share, and may, if the department determines it
9 appropriate, be terminated.

10 (5) The department may waive the penalties required under
11 subsection (4) of this section, subject to a finding that the
12 recipient refused to engage in work for good cause provided in RCW
13 74.08A.270.

14 (6) In consultation with the recipient, the department or
15 contractor shall place the recipient into a work activity that is
16 available in the local area where the recipient resides.

17 (7) Assessments conducted under this section shall include a
18 consideration of the potential benefit to the recipient of engaging
19 in financial literacy activities. The department shall consider the
20 options for financial literacy activities available in the community,
21 including information and resources available through the financial
22 education public-private partnership created under RCW 28A.300.450.
23 The department may authorize up to ten hours of financial literacy
24 activities as a core activity or an optional activity under
25 WorkFirst.

26 (8)(a) Subsections (2) through (6) of this section are suspended
27 for a recipient who is a parent or other relative personally
28 providing care for a child under the age of two years. This
29 suspension applies to both one and two parent families. However, both
30 parents in a two-parent family cannot use the suspension during the
31 same month. Nothing in this subsection shall prevent a recipient from
32 participating in the WorkFirst program on a voluntary basis.

33 (b)(i) The period of suspension of work activities under this
34 subsection provides an opportunity for the legislative and executive
35 branches to oversee redesign of the WorkFirst program. To realize
36 this opportunity, both during the period of suspension and following
37 reinstatement of work activity requirements as redesign is being
38 implemented, a legislative-executive WorkFirst oversight task force
39 is established, with members as provided in this subsection (8)(b).

1 (ii) The president of the senate shall appoint two members from
2 each of the two largest caucuses of the senate.

3 (iii) The speaker of the house of representatives shall appoint
4 two members from each of the two largest caucuses of the house of
5 representatives.

6 (iv) The governor shall appoint members representing the
7 department of social and health services, the department of (~~early~~
8 ~~learning~~) children, youth, and families, the department of commerce,
9 the employment security department, the office of financial
10 management, and the state board for community and technical colleges.

11 (v) The task force shall choose cochairs, one from among the
12 legislative members and one from among the executive branch members.
13 The legislative members shall convene the initial meeting of the task
14 force.

15 (c) The task force shall:

16 (i) Oversee the partner agencies' implementation of the redesign
17 of the WorkFirst program and operation of the temporary assistance
18 for needy families program to ensure that the programs are achieving
19 desired outcomes for their clients;

20 (ii) Determine evidence-based outcome measures for the WorkFirst
21 program, including measures related to equitably serving the needs of
22 historically underrepresented populations, such as English language
23 learners, immigrants, refugees, and other diverse communities;

24 (iii) Develop accountability measures for WorkFirst recipients
25 and the state agencies responsible for their progress toward self-
26 sufficiency;

27 (iv) Make recommendations to the governor and the legislature
28 regarding:

29 (A) Policies to improve the effectiveness of the WorkFirst
30 program over time;

31 (B) Early identification of those recipients most likely to
32 experience long stays on the program and strategies to improve their
33 ability to achieve progress toward self-sufficiency; and

34 (C) Necessary changes to the program, including taking into
35 account federal changes to the temporary assistance for needy
36 families program.

37 (d) The partner agencies must provide the task force with regular
38 reports on:

39 (i) The partner agencies' progress toward meeting the outcome and
40 performance measures established under (c) of this subsection;

1 (ii) Caseload trends and program expenditures, and the impact of
2 those trends and expenditures on client services, including services
3 to historically underrepresented populations; and

4 (iii) The characteristics of families who have been unsuccessful
5 on the program and have lost their benefits either through sanction
6 or the sixty-month time limit.

7 (e) Staff support for the task force must be provided by senate
8 committee services, the house of representatives office of program
9 research, and the state agency members of the task force.

10 (f) The task force shall meet on a quarterly basis beginning
11 September 2011, or as determined necessary by the task force
12 cochairs.

13 (g) During its tenure, the state agency members of the task force
14 shall respond in a timely manner to data requests from the cochairs.

15 **Sec. 9.** RCW 74.04.014 and 2013 c 23 s 193 are each amended to
16 read as follows:

17 (1) In carrying out the provisions of this chapter, the office of
18 fraud and accountability shall have prompt access to all individuals,
19 records, electronic data, reports, audits, reviews, documents, and
20 other materials available to the department of revenue, department of
21 labor and industries, department of (~~early learning~~) children,
22 youth, and families, employment security department, department of
23 licensing, and any other government entity that can be used to help
24 facilitate investigations of fraud or abuse as determined necessary
25 by the director of the office of fraud and accountability.

26 (2) The investigator shall have access to all original child care
27 records maintained by licensed and unlicensed child care providers
28 with the consent of the provider or with a court order or valid
29 search warrant.

30 (3) Information gathered by the department, the office, or the
31 fraud ombuds shall be safeguarded and remain confidential as required
32 by applicable state or federal law. Whenever information or
33 assistance requested under subsection (1) or (2) of this section is,
34 in the judgment of the director, unreasonably refused or not
35 provided, the director of the office of fraud and accountability must
36 report the circumstances to the secretary immediately.

37 **Sec. 10.** RCW 70.305.020 and 2011 1st sp.s. c 32 s 3 are each
38 amended to read as follows:

1 (1)(a) The secretary of the department of social and health
2 services and the ~~((director))~~ secretary of the department of ~~((early~~
3 ~~learning))~~ children, youth, and families shall actively participate
4 in the development of a nongovernmental private-public initiative
5 focused on coordinating government and philanthropic organizations'
6 investments in the positive development of children and preventing
7 and mitigating the effects of adverse childhood experiences. The
8 ~~((secretary and director))~~ secretaries shall convene a planning group
9 to work with interested private partners to: (i) Develop a process by
10 which the goals identified in RCW 70.305.005 shall be met; and (ii)
11 develop recommendations for inclusive and diverse governance to
12 advance the adverse childhood experiences initiative.

13 (b) The ~~((secretary and director))~~ secretaries shall select no
14 more than twelve to fifteen persons as members of the planning group.
15 The members selected must represent a diversity of interests
16 including: Early learning coalitions, community public health and
17 safety networks, organizations that work to prevent and address child
18 abuse and neglect, tribes, representatives of public agency agencies
19 involved with interventions in or prevention of adverse childhood
20 experiences, philanthropic organizations, and organizations focused
21 on community mobilization.

22 (c) The ~~((secretary and director))~~ secretaries shall cochair the
23 planning group meetings and shall convene the first meeting.

24 ~~((The planning group shall submit a report on its progress~~
25 ~~and recommendations to the appropriate legislative committees no~~
26 ~~later than December 15, 2011.~~

27 ~~(3))~~ In addition to other powers granted to the secretary of the
28 department of social and health services, the secretary of the
29 department of social and health services may:

30 (a) Enter into contracts on behalf of the department of social
31 and health services to carry out the purposes of this chapter;

32 (b) Provide funding to communities or any governance entity that
33 is created as a result of the partnership; and

34 (c) Accept gifts, grants, or other funds for the purposes of this
35 chapter.

36 **Sec. 11.** RCW 70.305.010 and 2011 1st sp.s. c 32 s 2 are each
37 amended to read as follows:

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise.

1 (1) "Adverse childhood experiences" means the following
2 indicators of severe childhood stressors and family dysfunction that,
3 when experienced in the first eighteen years of life and taken
4 together, are proven by public health research to be powerful
5 determinants of physical, mental, social, and behavioral health
6 across the lifespan: Child physical abuse; child sexual abuse; child
7 emotional abuse; child emotional or physical neglect; alcohol or
8 other substance abuse in the home; mental illness, depression, or
9 suicidal behaviors in the home; incarceration of a family member;
10 witnessing intimate partner violence; and parental divorce or
11 separation. Adverse childhood experiences have been demonstrated to
12 affect the development of the brain and other major body systems.

13 (2) "Community public health and safety networks" or "networks"
14 means the organizations authorized under RCW 70.190.060.

15 (3) "Department" means the department of social and health
16 services.

17 (4) (~~"Director" means the director of the department of early~~
18 ~~learning-~~

19 ~~+5~~) "Evidence-based" has the same meaning as in RCW
20 (~~(43.215.146)~~) 43.216.141.

21 (~~(+6)~~) (5) "Research-based" has the same meaning as in RCW
22 (~~(43.215.146)~~) 43.216.141.

23 (~~(+7)~~) (6) "Secretary" means the secretary of social and health
24 services.

25 (7) "Secretary of children, youth, and families" means the
26 secretary of the department of children, youth, and families.

27 **Sec. 12.** RCW 70.198.020 and 2010 c 233 s 2 are each amended to
28 read as follows:

29 (1) There is established an advisory council in the department of
30 social and health services for the purpose of advancing the
31 development of a comprehensive and effective statewide system to
32 provide prompt and effective early interventions for children in the
33 state who are deaf or hard of hearing and their families.

34 (2) Members of the advisory council shall have training,
35 experience, or interest in hearing loss in children. Membership shall
36 include, but not be limited to, the following: Pediatricians;
37 audiologists; teachers of the deaf and hard of hearing; parents of
38 children who are deaf or hard of hearing; a representative from the
39 Washington state center for childhood deafness and hearing loss; and

1 representatives of the early support for infants and toddlers program
2 in the department of (~~early learning~~) children, youth, and
3 families, the department of health, and the office of the
4 superintendent of public instruction.

5 **Sec. 13.** RCW 43.216.065 and 2017 3rd sp.s. c 6 s 204 are each
6 amended to read as follows:

7 (1) In addition to other duties under this chapter, the secretary
8 shall actively participate in a nongovernmental private-public
9 partnership focused on supporting government's investments in early
10 learning and ensuring that every child in the state is prepared to
11 succeed in school and in life. Except for licensing as required by
12 Washington state law and to the extent permitted by federal law, the
13 secretary shall grant waivers from the rules of state agencies for
14 the operation of early learning programs requested by the
15 nongovernmental private-public partnership to allow for flexibility
16 to pursue market-based approaches to achieving the best outcomes for
17 children and families.

18 (2) In addition to other powers granted to the secretary, the
19 secretary may:

20 (a) Enter into contracts on behalf of the department to carry out
21 the purposes of this chapter;

22 (b) Accept gifts, grants, or other funds for the purposes of this
23 chapter; and

24 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary
25 to implement this chapter, including rules governing child day care
26 and early learning programs under this chapter. This section does not
27 expand the rule-making authority of the (~~director~~) secretary beyond
28 that necessary to implement and administer programs and services
29 existing July 1, 2006, as transferred to the department of early
30 learning under section 501, chapter 265, Laws of 2006. The rule-
31 making authority does not include any authority to set mandatory
32 curriculum or establish what must be taught in child day care centers
33 or by family day care providers.

34 **Sec. 14.** RCW 43.121.100 and 2011 1st sp.s. c 32 s 5 are each
35 amended to read as follows:

36 Contributions, grants, or gifts in cash or otherwise, including
37 funds generated by the sale of "heirloom" birth certificates under
38 chapter 70.58 RCW from persons, associations, or corporations and

1 funds generated through the issuance of the "Keep Kids Safe" license
2 plate under chapter 46.18 RCW, shall be deposited in a depository
3 approved by the state treasurer to be known as the children's trust
4 fund. Disbursements of such funds shall be on the authorization of
5 the (~~director~~) secretary of the department of (~~early learning~~)
6 children, youth, and families beginning July 1, 2012. In order to
7 maintain an effective expenditure and revenue control, such funds
8 shall be subject in all respects to chapter 43.88 RCW, but no
9 appropriation shall be required to permit expenditure of such funds.

10 **Sec. 15.** RCW 43.88C.050 and 2015 c 128 s 3 are each amended to
11 read as follows:

12 The caseload forecast council shall appoint a research staff of
13 sufficient size and with sufficient resources to accomplish its
14 duties. The caseload forecast council may request from the
15 administrative office of the courts, the department of (~~early~~
16 ~~learning~~) children, youth, and families, the department of
17 corrections, the health care authority, the superintendent of public
18 instruction, the Washington student achievement council, the
19 department of social and health services, and other agencies with
20 caseloads forecasted by the council, such data, information, and data
21 processing assistance as it may need to accomplish its duties, and
22 such services shall be provided without cost to the caseload forecast
23 council.

24 **Sec. 16.** RCW 43.31.583 and 2017 3rd sp.s. c 12 s 11 are each
25 amended to read as follows:

26 When funding is provided in the previous biennium, the
27 department, in collaboration with the department of (~~early~~
28 ~~learning~~) children, youth, and families, shall submit a report no
29 later than December 1st of even-numbered years, to the governor and
30 the appropriate committees of the legislature that provides an update
31 on the status of the early learning facilities grant and loan program
32 that includes, but is not limited to:

33 (1) The total amount of funds, by grant and loan, spent or
34 contracted to be spent; and

35 (2) A list of projects awarded funding including, but not limited
36 to, information about whether the project is a renovation or new
37 construction or some other category, where the project is located,
38 and the number of slots the project supports.

1 **Sec. 17.** RCW 43.31.581 and 2017 3rd sp.s. c 12 s 10 are each
2 amended to read as follows:

3 (1) The department shall convene a committee of early learning
4 facilities experts to advise the department regarding the
5 prioritization methodology of applications for projects described in
6 RCW 43.31.577 including no less than one representative each from the
7 department of (~~early learning~~) children, youth, and families, the
8 Washington state housing finance commission, an organization
9 certified by the community development financial institutions fund,
10 and the office of the superintendent of public instruction.

11 (2) When developing a prioritization methodology under this
12 section, the committee shall consider, but is not limited to:

13 (a) Projects that add part-day, full-day, or extended day early
14 childhood education and assistance program slots in areas with the
15 highest unmet need;

16 (b) Projects benefiting low-income children;

17 (c) Projects located in low-income neighborhoods;

18 (d) Projects that provide more access to the early childhood
19 education and assistance program as a ratio of the children eligible
20 to participate in the program;

21 (e) Projects that are geographically disbursed relative to
22 statewide need;

23 (f) Projects that include new or renovated kitchen facilities
24 equipped to support the use of from scratch, modified scratch, or
25 other cooking methods that enhance overall student nutrition;

26 (g) Projects that balance mixed-use development and rural
27 locations; and

28 (h) Projects that maximize resources available from the state
29 with funding from other public and private organizations, including
30 the use of state lands or facilities.

31 (3) Committee members shall serve without compensation, but may
32 request reimbursement for travel expenses as provided in RCW
33 43.03.050 and 43.03.060.

34 (4) Committee members are not liable to the state, the early
35 learning facilities revolving account, the early learning facilities
36 development account, or to any other person, as a result of their
37 activities, whether ministerial or discretionary, as members except
38 for willful dishonesty or intentional violation of the law.

39 (5) The department may purchase liability insurance for members
40 and may indemnify these persons against the claims of others.

1 **Sec. 18.** RCW 43.31.575 and 2017 3rd sp.s. c 12 s 7 are each
2 amended to read as follows:

3 (1) Organizations eligible to receive funding from the early
4 learning facilities grant and loan program include:

5 (a) Early childhood education and assistance program providers;

6 (b) Working connections child care providers who are eligible to
7 receive state subsidies;

8 (c) Licensed early learning centers not currently participating
9 in the early childhood education and assistance program, but
10 intending to do so;

11 (d) Developers of housing and community facilities;

12 (e) Community and technical colleges;

13 (f) Educational service districts;

14 (g) Local governments;

15 (h) Federally recognized tribes in the state; and

16 (i) Religiously affiliated entities.

17 (2) To be eligible to receive funding from the early learning
18 facilities grant and loan program for activities described in RCW
19 43.31.577 (1) (b) and (c) and (2), eligible organizations and school
20 districts must:

21 (a) Commit to being an active participant in good standing with
22 the early achievers program as defined by chapter (~~43.215~~) 43.216
23 RCW;

24 (b) Demonstrate that projects receiving construction, purchase,
25 or renovation grants or loans less than two hundred thousand dollars
26 must also:

27 (i) Demonstrate that the project site is under the applicant's
28 control for a minimum of ten years, either through ownership or a
29 long-term lease; and

30 (ii) Commit to using the facility funded by the grant or loan for
31 the purposes of providing preschool or child care for a minimum of
32 ten years;

33 (c) Demonstrate that projects receiving construction, purchase,
34 or renovation grants or loans of two hundred thousand dollars or more
35 must also:

36 (i) Demonstrate that the project site is under the applicant's
37 control for a minimum of twenty years, either through ownership or a
38 long-term lease; and

1 (ii) Commit to using the facility funded by the grant or loan for
2 the purposes of providing preschool or child care for a minimum of
3 twenty years.

4 (3) To be eligible to receive funding from the early learning
5 facilities grant and loan program for activities described in RCW
6 43.31.577 (1) (b) and (c) and (2), religiously affiliated entities
7 must use the facility to provide child care and education services
8 consistent with subsection (4)(a) of this section.

9 (4)(a) Upon receiving a grant or loan, the recipient must
10 continue to be an active participant and in good standing with the
11 early achievers program.

12 (b) If the recipient does not meet the conditions specified in
13 (a) of this subsection, the grants shall be repaid to the early
14 learning facilities revolving account or the early learning
15 facilities development account, as directed by the department. So
16 long as an eligible organization continues to provide an early
17 learning program in the facility, the facility is used as authorized,
18 and the eligible organization continues to be an active participant
19 and in good standing with the early achievers program, the grant
20 repayment is waived.

21 (c) The department, in consultation with the department of
22 (~~early learning~~) children, youth, and families, must adopt rules to
23 implement this section.

24 **Sec. 19.** RCW 43.20.275 and 2006 c 239 s 3 are each amended to
25 read as follows:

26 (1) In collaboration with staff whom the office of financial
27 management may assign, and within funds made expressly available to
28 the state board for these purposes, the state board shall assist the
29 governor by convening and providing assistance to the council. The
30 council shall include one representative from each of the following
31 groups: Each of the commissions, the state board, the department, the
32 department of social and health services, the department of
33 (~~community, trade, and economic development~~) commerce, the health
34 care authority, the department of agriculture, the department of
35 ecology, the office of the superintendent of public instruction, the
36 department of (~~early learning~~) children, youth, and families, the
37 workforce training and education coordinating board, and two members
38 of the public who will represent the interests of health care
39 consumers. The council is a class one group under RCW 43.03.220. The

1 two public members shall be paid per diem and travel expenses in
2 accordance with RCW 43.03.050 and 43.03.060. The council shall
3 reflect diversity in race, ethnicity, and gender. The governor or the
4 governor's designee shall chair the council.

5 (2) The council shall promote and facilitate communication,
6 coordination, and collaboration among relevant state agencies and
7 communities of color, and the private sector and public sector, to
8 address health disparities. The council shall conduct public
9 hearings, inquiries, studies, or other forms of information gathering
10 to understand how the actions of state government ameliorate or
11 contribute to health disparities. All state agencies must cooperate
12 with the council's efforts.

13 (3) The council with assistance from the state board, shall
14 assess through public hearings, review of existing data, and other
15 means, and recommend initiatives for improving the availability of
16 culturally appropriate health literature and interpretive services
17 within public and private health-related agencies.

18 (4) In order to assist with its work, the council shall establish
19 advisory committees to assist in plan development for specific issues
20 and shall include members of other state agencies and local
21 communities.

22 (5) The advisory committee shall reflect diversity in race,
23 ethnicity, and gender.

24 **Sec. 20.** RCW 42.48.010 and 2007 c 17 s 6 are each amended to
25 read as follows:

26 For the purposes of this chapter, the following definitions
27 apply:

28 (1) "Individually identifiable" means that a record contains
29 information which reveals or can likely be associated with the
30 identity of the person or persons to whom the record pertains.

31 (2) "Legally authorized representative" means a person legally
32 authorized to give consent for the disclosure of personal records on
33 behalf of a minor or a legally incompetent adult.

34 (3) "Personal record" means any information obtained or
35 maintained by a state agency which refers to a person and which is
36 declared exempt from public disclosure, confidential, or privileged
37 under state or federal law.

38 (4) "Research" means a planned and systematic sociological,
39 psychological, epidemiological, biomedical, or other scientific

1 investigation carried out by a state agency, by a scientific research
2 professional associated with a bona fide scientific research
3 organization, or by a graduate student currently enrolled in an
4 advanced academic degree curriculum, with an objective to contribute
5 to scientific knowledge, the solution of social and health problems,
6 or the evaluation of public benefit and service programs. This
7 definition excludes methods of record analysis and data collection
8 that are subjective, do not permit replication, and are not designed
9 to yield reliable and valid results.

10 (5) "Research record" means an item or grouping of information
11 obtained for the purpose of research from or about a person or
12 extracted for the purpose of research from a personal record.

13 (6) "State agency" means: (a) The department of social and health
14 services; (b) the department of corrections; (c) an institution of
15 higher education as defined in RCW 28B.10.016; (d) the department of
16 health; or (e) the department of (~~early learning~~) children, youth,
17 and families.

18 **Sec. 21.** RCW 41.04.385 and 2011 1st sp.s. c 43 s 433 are each
19 amended to read as follows:

20 The legislature finds that (1) demographic, economic, and social
21 trends underlie a critical and increasing demand for child care in
22 the state of Washington; (2) working parents and their children
23 benefit when the employees' child care needs have been resolved; (3)
24 the state of Washington should serve as a model employer by creating
25 a supportive atmosphere, to the extent feasible, in which its
26 employees may meet their child care needs; and (4) the state of
27 Washington should encourage the development of partnerships between
28 state agencies, state employees, state employee labor organizations,
29 and private employers to expand the availability of affordable
30 quality child care. The legislature finds further that resolving
31 employee child care concerns not only benefits the employees and
32 their children, but may benefit the employer by reducing absenteeism,
33 increasing employee productivity, improving morale, and enhancing the
34 employer's position in recruiting and retaining employees. Therefore,
35 the legislature declares that it is the policy of the state of
36 Washington to assist state employees by creating a supportive
37 atmosphere in which they may meet their child care needs. Policies
38 and procedures for state agencies to address employee child care
39 needs will be the responsibility of the director of enterprise

1 services in consultation with the (~~director~~) secretary of the
2 department of (~~early learning~~) children, youth, and families and
3 state employee representatives.

4 **Sec. 22.** RCW 36.70A.450 and 2007 c 17 s 13 are each amended to
5 read as follows:

6 (1) Except as provided in subsections (2) and (3) of this
7 section, no county or city may enact, enforce, or maintain an
8 ordinance, development regulation, zoning regulation, or official
9 control, policy, or administrative practice that prohibits the use of
10 a residential dwelling, located in an area zoned for residential or
11 commercial use, as a family day-care provider's home facility.

12 (2) A county or city may require that the facility: (a) Comply
13 with all building, fire, safety, health code, and business licensing
14 requirements; (b) conform to lot size, building size, setbacks, and
15 lot coverage standards applicable to the zoning district except if
16 the structure is a legal nonconforming structure; (c) is certified by
17 the department of (~~early learning~~) children, youth, and families
18 licensor as providing a safe passenger loading area; (d) include
19 signage, if any, that conforms to applicable regulations; and (e)
20 limit hours of operations to facilitate neighborhood compatibility,
21 while also providing appropriate opportunity for persons who use
22 family day-care and who work a nonstandard work shift.

23 (3) A county or city may also require that the family day-care
24 provider, before state licensing, require proof of written
25 notification by the provider that the immediately adjoining property
26 owners have been informed of the intent to locate and maintain such a
27 facility. If a dispute arises between neighbors and the family day-
28 care provider over licensing requirements, the licensor may provide a
29 forum to resolve the dispute.

30 (4) Nothing in this section shall be construed to prohibit a
31 county or city from imposing zoning conditions on the establishment
32 and maintenance of a family day-care provider's home in an area zoned
33 for residential or commercial use, so long as such conditions are no
34 more restrictive than conditions imposed on other residential
35 dwellings in the same zone and the establishment of such facilities
36 is not precluded. As used in this section, "family day-care provider"
37 is as defined in RCW (~~43.215.010~~) 43.216.010.

1 **Sec. 23.** RCW 36.70.757 and 2007 c 17 s 12 are each amended to
2 read as follows:

3 (1) Except as provided in subsections (2) and (3) of this
4 section, no county may enact, enforce, or maintain an ordinance,
5 development regulation, zoning regulation, or official control,
6 policy, or administrative practice that prohibits the use of a
7 residential dwelling, located in an area zoned for residential or
8 commercial use, as a family day-care provider's facility serving
9 twelve or fewer children.

10 (2) A county may require that the facility: (a) Comply with all
11 building, fire, safety, health code, and business licensing
12 requirements; (b) conform to lot size, building size, setbacks, and
13 lot coverage standards applicable to the zoning district except if
14 the structure is a legal nonconforming structure; (c) is certified by
15 the department of (~~early learning~~) children, youth, and families
16 licensor as providing a safe passenger loading area; (d) include
17 signage, if any, that conforms to applicable regulations; and (e)
18 limit hours of operations to facilitate neighborhood compatibility,
19 while also providing appropriate opportunity for persons who use
20 family day-care who work a nonstandard work shift.

21 (3) A county may also require that the family day-care provider,
22 before state licensing, require proof of written notification by the
23 provider that the immediately adjoining property owners have been
24 informed of the intent to locate and maintain such a facility. If a
25 dispute arises between neighbors and the day-care provider over
26 licensing requirements, the licensor may provide a forum to resolve
27 the dispute.

28 (4) This section may not be construed to prohibit a county from
29 imposing zoning conditions on the establishment and maintenance of a
30 family day-care provider's home serving twelve or fewer children in
31 an area zoned for residential or commercial use, if the conditions
32 are no more restrictive than conditions imposed on other residential
33 dwellings in the same zone and the establishment of such facilities
34 is not precluded. As used in this section, "family day-care provider"
35 is as defined in RCW (~~43.215.010~~) 43.216.010.

36 **Sec. 24.** RCW 35A.63.215 and 2007 c 17 s 11 are each amended to
37 read as follows:

38 (1) Except as provided in subsections (2) and (3) of this
39 section, no city may enact, enforce, or maintain an ordinance,

1 development regulation, zoning regulation, or official control,
2 policy, or administrative practice that prohibits the use of a
3 residential dwelling, located in an area zoned for residential or
4 commercial use, as a family day-care provider's home facility.

5 (2) A city may require that the facility: (a) Comply with all
6 building, fire, safety, health code, and business licensing
7 requirements; (b) conform to lot size, building size, setbacks, and
8 lot coverage standards applicable to the zoning district except if
9 the structure is a legal nonconforming structure; (c) is certified by
10 the department of (~~early learning~~) children, youth, and families
11 licenser as providing a safe passenger loading area; (d) include
12 signage, if any, that conforms to applicable regulations; and (e)
13 limit hours of operations to facilitate neighborhood compatibility,
14 while also providing appropriate opportunity for persons who use
15 family day-care and who work a nonstandard work shift.

16 (3) A city may also require that the family day-care provider,
17 before state licensing, require proof of written notification by the
18 provider that the immediately adjoining property owners have been
19 informed of the intent to locate and maintain such a facility. If a
20 dispute arises between neighbors and the family day-care provider
21 over licensing requirements, the licenser may provide a forum to
22 resolve the dispute.

23 (4) Nothing in this section shall be construed to prohibit a city
24 from imposing zoning conditions on the establishment and maintenance
25 of a family day-care provider's home in an area zoned for residential
26 or commercial use, so long as such conditions are no more restrictive
27 than conditions imposed on other residential dwellings in the same
28 zone and the establishment of such facilities is not precluded. As
29 used in this section, "family day-care provider" is as defined in RCW
30 (~~43.215.010~~) 43.216.010.

31 **Sec. 25.** RCW 35.63.185 and 2007 c 17 s 10 are each amended to
32 read as follows:

33 (1) Except as provided in subsections (2) and (3) of this
34 section, no city may enact, enforce, or maintain an ordinance,
35 development regulation, zoning regulation, or official control,
36 policy, or administrative practice that prohibits the use of a
37 residential dwelling, located in an area zoned for residential or
38 commercial use, as a family day-care provider's home facility.

1 (2) A city may require that the facility: (a) Comply with all
2 building, fire, safety, health code, and business licensing
3 requirements; (b) conform to lot size, building size, setbacks, and
4 lot coverage standards applicable to the zoning district except if
5 the structure is a legal nonconforming structure; (c) is certified by
6 the department of ((early-learning)) children, youth, and families
7 licenser as providing a safe passenger loading area; (d) include
8 signage, if any, that conforms to applicable regulations; and (e)
9 limit hours of operations to facilitate neighborhood compatibility,
10 while also providing appropriate opportunity for persons who use
11 family day-care and who work a nonstandard work shift.

12 (3) A city may also require that the family day-care provider,
13 before state licensing, require proof of written notification by the
14 provider that the immediately adjoining property owners have been
15 informed of the intent to locate and maintain such a facility. If a
16 dispute arises between neighbors and the family day-care provider
17 over licensing requirements, the licenser may provide a forum to
18 resolve the dispute.

19 (4) Nothing in this section shall be construed to prohibit a city
20 from imposing zoning conditions on the establishment and maintenance
21 of a family day-care provider's home in an area zoned for residential
22 or commercial use, so long as such conditions are no more restrictive
23 than conditions imposed on other residential dwellings in the same
24 zone and the establishment of such facilities is not precluded. As
25 used in this section, "family day-care provider" is as defined in RCW
26 ((43.215.010)) 43.216.010.

27 **Sec. 26.** RCW 35.21.688 and 2007 c 17 s 9 are each amended to
28 read as follows:

29 (1) Except as provided in subsections (2) and (3) of this
30 section, no city or town may enact, enforce, or maintain an
31 ordinance, development regulation, zoning regulation, or official
32 control, policy, or administrative practice that prohibits the use of
33 a residential dwelling, located in an area zoned for residential or
34 commercial use, as a family day-care provider's facility serving
35 twelve or fewer children.

36 (2) A city or town may require that the facility: (a) Comply with
37 all building, fire, safety, health code, and business licensing
38 requirements; (b) conform to lot size, building size, setbacks, and
39 lot coverage standards applicable to the zoning district except if

1 the structure is a legal nonconforming structure; (c) is certified by
2 the department of (~~early learning~~) children, youth, and families
3 licenser as providing a safe passenger loading area; (d) include
4 signage, if any, that conforms to applicable regulations; and (e)
5 limit hours of operations to facilitate neighborhood compatibility,
6 while also providing appropriate opportunity for persons who use
7 family day-care who work a nonstandard work shift.

8 (3) A city or town may also require that the family day-care
9 provider, before state licensing, require proof of written
10 notification by the provider that the immediately adjoining property
11 owners have been informed of the intent to locate and maintain such a
12 facility. If a dispute arises between neighbors and the day-care
13 provider over licensing requirements, the licenser may provide a
14 forum to resolve the dispute.

15 (4) This section may not be construed to prohibit a city or town
16 from imposing zoning conditions on the establishment and maintenance
17 of a family day-care provider's home serving twelve or fewer children
18 in an area zoned for residential or commercial use, if the conditions
19 are no more restrictive than conditions imposed on other residential
20 dwellings in the same zone and the establishment of such facilities
21 is not precluded. As used in this section, "family day-care provider"
22 is as defined in RCW (~~43.215.010~~) 43.216.010.

23 **Sec. 27.** RCW 28B.77.005 and 2012 c 229 s 101 are each amended to
24 read as follows:

25 (1) On July 1, 2012, the higher education coordinating board is
26 abolished and the student achievement council is created.

27 (2) The council is composed of nine voting members as provided in
28 this subsection.

29 (a) Five citizen members shall be appointed by the governor with
30 the consent of the senate. One of the citizen members shall be a
31 student. The citizen members shall be selected based on their
32 knowledge of or experience in higher education. In making
33 appointments to the council, the governor shall give consideration to
34 citizens representing labor, business, women, and racial and ethnic
35 minorities, as well as geographic representation, to ensure that the
36 council's membership reflects the state's diverse population. The
37 citizen members shall serve for four-year terms except for the
38 student member, who shall serve for one year; however, the terms of
39 the initial members shall be staggered.

1 (b) A representative of an independent nonprofit higher education
2 institution as defined in RCW 28B.07.020(4), selected by an
3 association of independent nonprofit baccalaureate degree-granting
4 institutions. The representative appointed under this ~~((section))~~
5 subsection (2)(b) shall excuse himself or herself from voting on
6 matters relating primarily to public institutions of higher
7 education.

8 (c) Chosen for their recognized ability and innovative leadership
9 experience in broad education policy and system design, a
10 representative of each of the following shall be selected by the
11 respective organizations, who shall serve at the pleasure of the
12 appointing organizations:

13 (i) A representative of the four-year institutions of higher
14 education as defined in RCW 28B.10.016, selected by the presidents of
15 those institutions;

16 (ii) A representative of the state's community and technical
17 college system, selected by the state board for community and
18 technical colleges; and

19 (iii) A representative of the state's K-12 education system,
20 selected by the superintendent of public instruction in consultation
21 with the department of ~~((early learning))~~ children, youth, and
22 families and the state board of education. The representative
23 appointed under this subsection (2)(c)(iii) shall excuse himself or
24 herself from voting on matters relating primarily to institutions of
25 higher education.

26 (3) The chair shall be selected by the council from among the
27 citizen members appointed to the council. The chair shall serve a
28 one-year term but may serve more than one term if selected to do so
29 by the membership.

30 (4) The council may create advisory committees on an ad hoc basis
31 for the purpose of obtaining input from students, faculty, and higher
32 education experts and practitioners, citizens, business and industry,
33 and labor, and for the purpose of informing their research, policy,
34 and programmatic functions. Ad hoc advisory committees addressing
35 secondary to postsecondary transitions and university and college
36 admissions requirements must include K-12 sector representatives
37 including teachers, school directors, principals, administrators, and
38 others as the council may direct, in addition to higher education
39 representatives. The council shall maintain a contact list of K-12
40 and higher education stakeholder organizations to provide notices to

1 stakeholders regarding the purposes of ad hoc advisory committees,
2 timelines for planned work, means for participation, and a statement
3 of desired outcomes.

4 (5) Any vacancies on the council shall be filled in the same
5 manner as the original appointments. Appointments to fill vacancies
6 shall be only for such terms as remain unexpired. Any vacancies among
7 council members appointed by the governor shall be filled by the
8 governor subject to confirmation by the senate and shall have full
9 authority to act before the time the senate acts on their
10 confirmation.

11 **Sec. 28.** RCW 28A.655.220 and 2011 c 340 s 2 are each amended to
12 read as follows:

13 Before implementing the Washington kindergarten inventory of
14 developing skills as provided under RCW 28A.150.315, the
15 superintendent of public instruction and the department of (~~early~~
16 ~~learning~~) children, youth, and families must assure that a fairness
17 and bias review of the assessment process has been conducted,
18 including providing an opportunity for input from the (~~achievement~~)
19 educational opportunity gap oversight and accountability committee
20 under RCW 28A.300.136 and from an additional diverse group of
21 community representatives, parents, and educators to be convened by
22 the superintendent and the (~~director~~) secretary of the department.

23 **Sec. 29.** RCW 28A.300.570 and 2013 2nd sp.s. c 18 s 101 are each
24 amended to read as follows:

25 In support of reading and early literacy, the office of the
26 superintendent of public instruction is responsible for:

27 (1) Continuing to work collaboratively with state and regional
28 partners such as the department of (~~early learning~~) children,
29 youth, and families and the educational service districts to
30 establish early literacy benchmarks and standards and to implement
31 the Washington state comprehensive literacy plan;

32 (2) Disseminating research and information to school districts
33 about evidence-based programs and practices in reading readiness
34 skills, early literacy, and reading instruction;

35 (3) Providing statewide models to support school districts that
36 are implementing response to intervention initiatives, positive
37 behavior intervention support systems, or other similar comprehensive
38 models of data-based identification and early intervention; and

1 (4) Within available funds and in partnership with the
2 educational service districts, providing technical assistance and
3 professional development opportunities for school districts.

4 **Sec. 30.** RCW 28A.188.040 and 2013 2nd sp.s. c 25 s 3 are each
5 amended to read as follows:

6 (1) The STEM education innovation alliance shall develop a STEM
7 education report card, based on the STEM framework for action and
8 accountability, to monitor progress in increasing learning
9 opportunities and aligning strategic plans and activities in order to
10 prepare students for STEM-related jobs and careers, with the longer-
11 term goal of improving educational, workforce, and economic outcomes
12 in STEM.

13 (2) The report card must:

14 (a) Illustrate the most recent data for the indicators and
15 measures of the STEM framework for action and accountability;

16 (b) Provide information from state education agencies that
17 indicates the extent that activities and resources are aligned with
18 and support the STEM framework for action and accountability;

19 (c) Provide data regarding current and projected STEM job
20 openings in the state; and

21 (d) Be prominently displayed on a web site designed for this
22 purpose.

23 (3)(a) The education data center under RCW 43.41.400 must
24 coordinate data collection and analysis to support the report card.

25 (b) The state education agencies must annually report on how
26 their policies, activities, and expenditures of public resources
27 align with and support the STEM framework for action and
28 accountability. The focus of the reporting under this subsection is
29 on programs and initiatives specifically identified in law or budget
30 proviso as related to STEM education. The agencies must use a common
31 metric for the reporting, designed by the education data center in
32 consultation with the STEM education innovation alliance. For the
33 purposes of this section, "state education agencies" includes the
34 office of the superintendent of public instruction, the student
35 achievement council, the state board for community and technical
36 colleges, the workforce training and education coordinating board,
37 the professional educator standards board, the state board of
38 education, and the department of (~~early learning~~) children, youth,
39 and families.

1 (c) The employment security department must create an annual
2 report on current and projected job openings in STEM fields and
3 submit the report to the education data center for inclusion in the
4 STEM education report card.

5 (4) The STEM education innovation alliance must publish the first
6 STEM education report card with baseline data on the identified
7 measures by January 10, 2014, and must update the report card by each
8 January 10th thereafter.

9 **Sec. 31.** RCW 28A.175.075 and 2016 c 162 s 1 are each amended to
10 read as follows:

11 (1) The office of the superintendent of public instruction shall
12 establish a state-level building bridges work group that includes
13 K-12 and state agencies that work with youth who have dropped out or
14 are at risk of dropping out of school. The following agencies shall
15 appoint representatives to the work group: The office of the
16 superintendent of public instruction, the workforce training and
17 education coordinating board, the department of ((~~early learning~~))
18 children, youth, and families, the employment security department,
19 the state board for community and technical colleges, the department
20 of health, the community mobilization office, and the children's
21 services and behavioral health and recovery divisions of the
22 department of social and health services. The work group should also
23 consist of one representative from each of the following agencies and
24 organizations: A statewide organization representing career and
25 technical education programs including skill centers; the juvenile
26 courts or the office of juvenile justice, or both; the Washington
27 association of prosecuting attorneys; the Washington state office of
28 public defense; accredited institutions of higher education; the
29 educational service districts; the area workforce development
30 councils; parent and educator associations; educational opportunity
31 gap oversight and accountability committee; office of the education
32 ombuds; local school districts; agencies or organizations that
33 provide services to special education students; community
34 organizations serving youth; federally recognized tribes and urban
35 tribal centers; each of the major political caucuses of the senate
36 and house of representatives; and the minority commissions.

37 (2) To assist and enhance the work of the building bridges
38 programs established in RCW 28A.175.025, the state-level work group
39 shall:

1 (a) Identify and make recommendations to the legislature for the
2 reduction of fiscal, legal, and regulatory barriers that prevent
3 coordination of program resources across agencies at the state and
4 local level;

5 (b) Develop and track performance measures and benchmarks for
6 each partner agency or organization across the state including
7 performance measures and benchmarks based on student characteristics
8 and outcomes specified in RCW 28A.175.035(1)(e); and

9 (c) Identify research-based and emerging best practices regarding
10 prevention, intervention, and retrieval programs.

11 (3)(a) The work group shall report to the appropriate committees
12 of the legislature and the governor on an annual basis beginning
13 December 1, 2007, with proposed strategies for building K-12 dropout
14 prevention, intervention, and reengagement systems in local
15 communities throughout the state including, but not limited to,
16 recommendations for implementing emerging best practices, needed
17 additional resources, and eliminating barriers.

18 (b) By September 15, 2010, the work group shall report on:

19 (i) A recommended state goal and annual state targets for the
20 percentage of students graduating from high school;

21 (ii) A recommended state goal and annual state targets for the
22 percentage of youth who have dropped out of school who should be
23 reengaged in education and be college and work ready;

24 (iii) Recommended funding for supporting career guidance and the
25 planning and implementation of K-12 dropout prevention, intervention,
26 and reengagement systems in school districts and a plan for phasing
27 the funding into the program of basic education, beginning in the
28 2011-2013 biennium; and

29 (iv) A plan for phasing in the expansion of the current school
30 improvement planning program to include state-funded, dropout-focused
31 school improvement technical assistance for school districts in
32 significant need of improvement regarding high school graduation
33 rates.

34 (4) State agencies in the building bridges work group shall work
35 together, wherever feasible, on the following activities to support
36 school/family/community partnerships engaged in building K-12 dropout
37 prevention, intervention, and reengagement systems:

38 (a) Providing opportunities for coordination and flexibility of
39 program eligibility and funding criteria;

40 (b) Providing joint funding;

1 (c) Developing protocols and templates for model agreements on
2 sharing records and data;

3 (d) Providing joint professional development opportunities that
4 provide knowledge and training on:

5 (i) Research-based and promising practices;

6 (ii) The availability of programs and services for vulnerable
7 youth; and

8 (iii) Cultural competence.

9 (5) The building bridges work group shall make recommendations to
10 the governor and the legislature by December 1, 2010, on a state-
11 level and regional infrastructure for coordinating services for
12 vulnerable youth. Recommendations must address the following issues:

13 (a) Whether to adopt an official conceptual approach or framework
14 for all entities working with vulnerable youth that can support
15 coordinated planning and evaluation;

16 (b) The creation of a performance-based management system,
17 including outcomes, indicators, and performance measures relating to
18 vulnerable youth and programs serving them, including accountability
19 for the dropout issue;

20 (c) The development of regional and/or county-level multipartner
21 youth consortia with a specific charge to assist school districts and
22 local communities in building K-12 comprehensive dropout prevention,
23 intervention, and reengagement systems;

24 (d) The development of integrated or school-based one-stop
25 shopping for services that would:

26 (i) Provide individualized attention to the neediest youth and
27 prioritized access to services for students identified by a dropout
28 early warning and intervention data system;

29 (ii) Establish protocols for coordinating data and services,
30 including getting data release at time of intake and common
31 assessment and referral processes; and

32 (iii) Build a system of single case managers across agencies;

33 (e) Launching a statewide media campaign on increasing the high
34 school graduation rate; and

35 (f) Developing a statewide database of available services for
36 vulnerable youth.

37 **Sec. 32.** RCW 28A.155.160 and 2009 c 381 s 24 are each amended to
38 read as follows:

1 Notwithstanding any other provision of law, the office of the
2 superintendent of public instruction, the department of (~~early~~
3 ~~learning~~) children, youth, and families, the Washington state center
4 for childhood deafness and hearing loss, the Washington state school
5 for the blind, school districts, educational service districts, and
6 all other state and local government educational agencies and the
7 department of services for the blind, the department of social and
8 health services, and all other state and local government agencies
9 concerned with the care, education, or habilitation or rehabilitation
10 of children with disabilities may enter into interagency cooperative
11 agreements for the purpose of providing assistive technology devices
12 and services to children with disabilities. Such arrangements may
13 include but are not limited to interagency agreements for the
14 acquisition, including joint funding, maintenance, loan, sale, lease,
15 or transfer of assistive technology devices and for the provision of
16 assistive technology services including but not limited to assistive
17 technology assessments and training.

18 For the purposes of this section, "assistive device" means any
19 item, piece of equipment, or product system, whether acquired
20 commercially off-the-shelf, modified, or customized, that is used to
21 increase, maintain, or improve functional capabilities of children
22 with disabilities. The term "assistive technology service" means any
23 service that directly assists a child with a disability in the
24 selection, acquisition, or use of an assistive technology device.
25 Assistive technology service includes:

26 (1) The evaluation of the needs of a child with a disability,
27 including a functional evaluation of the child in the child's
28 customary environment;

29 (2) Purchasing, leasing, or otherwise providing for the
30 acquisition of assistive technology devices by children with
31 disabilities;

32 (3) Selecting, designing, fitting, customizing, adapting,
33 applying, retaining, repairing, or replacing of assistive technology
34 devices;

35 (4) Coordinating and using other therapies, interventions, or
36 services with assistive technology devices, such as those associated
37 with existing education and rehabilitation plans and programs;

38 (5) Training or technical assistance for a child with a
39 disability or if appropriate, the child's family; and

1 (6) Training or technical assistance for professionals, including
2 individuals providing education and rehabilitation services,
3 employers, or other individuals who provide services to, employ, or
4 are otherwise substantially involved in the major life functions of
5 children with disabilities.

6 **Sec. 33.** RCW 19.02.050 and 2013 c 111 s 1 are each amended to
7 read as follows:

8 Each of the following agencies must fully participate in the
9 implementation of this chapter:

- 10 (1) Department of agriculture;
- 11 (2) Secretary of state;
- 12 (3) Department of social and health services;
- 13 (4) Department of revenue;
- 14 (5) Department of fish and wildlife;
- 15 (6) Employment security department;
- 16 (7) Department of labor and industries;
- 17 (8) Liquor (~~control~~) and cannabis board;
- 18 (9) Department of health;
- 19 (10) Department of licensing;
- 20 (11) Utilities and transportation commission;
- 21 (12) Board of accountancy;
- 22 (13) Department of archaeology and historic preservation;
- 23 (14) Department of (~~early learning~~) children, youth, and
24 families;
- 25 (15) Department of ecology;
- 26 (16) Department of financial institutions;
- 27 (17) Department of transportation;
- 28 (18) Gambling commission;
- 29 (19) Horse racing commission;
- 30 (20) Office of the insurance commissioner;
- 31 (21) State lottery;
- 32 (22) Student achievement council;
- 33 (23) Washington state patrol;
- 34 (24) Workforce training and education coordinating board; and
- 35 (25) Other agencies as determined by the governor.

36 **Sec. 34.** RCW 43.216.555 and 2015 3rd sp.s. c 7 s 11 are each
37 amended to read as follows:

1 (1) Beginning September 1, 2011, an early learning program to
2 provide voluntary preschool opportunities for children three and four
3 years of age shall be implemented according to the funding and
4 implementation plan in RCW ((43.215.456)) 43.216.556. The program
5 must offer a comprehensive program of early childhood education and
6 family support, including parental involvement and health
7 information, screening, and referral services, based on family need.
8 Participation in the program is voluntary. On a space available
9 basis, the program may allow enrollment of children who are not
10 otherwise eligible by assessing a fee.

11 (2) The program shall be implemented by utilizing the program
12 standards and eligibility criteria in the early childhood education
13 and assistance program in RCW ((43.215.400)) 43.216.500 through
14 ((43.215.450)) 43.216.550.

15 (3)(a) Beginning in the 2015-16 school year, the program
16 implementation in this section shall prioritize early childhood
17 education and assistance programs located in low-income neighborhoods
18 within high-need geographical areas.

19 (b) Following the priority in (a) of this subsection, preference
20 shall be given to programs meeting at least one of the following
21 characteristics:

22 (i) Programs offering an extended day program for early care and
23 education;

24 (ii) Programs offering services to children diagnosed with a
25 special need; or

26 (iii) Programs offering services to children involved in the
27 child welfare system.

28 (4) The ((director)) secretary shall adopt rules for the
29 following program components, as appropriate and necessary during the
30 phased implementation of the program, consistent with early achievers
31 program standards established in RCW ((43.215.100)) 43.216.085:

32 (a) Minimum program standards;

33 (b) Approval of program providers; and

34 (c) Accountability and adherence to performance standards.

35 (5) The department has administrative responsibility for:

36 (a) Approving and contracting with providers according to rules
37 developed by the ((director)) secretary under this section;

38 (b) In partnership with school districts, monitoring program
39 quality and assuring the program is responsive to the needs of
40 eligible children;

1 (c) Assuring that program providers work cooperatively with
2 school districts to coordinate the transition from preschool to
3 kindergarten so that children and their families are well-prepared
4 and supported; and

5 (d) Providing technical assistance to contracted providers.

6 **Sec. 35.** RCW 43.216.370 and 2007 c 17 s 15 are each amended to
7 read as follows:

8 The ((~~director~~)) secretary shall have the power and it shall be
9 the ((~~director's~~)) secretary's duty to engage in negotiated rule
10 making pursuant to RCW 34.05.310(2)(a) with the exclusive
11 representative of the family child care licensees selected in
12 accordance with RCW ((~~43.215.355~~)) 43.216.375 and with other affected
13 interests before adopting requirements that affect family child care
14 licensees.

15 **Sec. 36.** RCW 43.216.355 and 2006 c 265 s 314 are each amended to
16 read as follows:

17 Notwithstanding the existence or pursuit of any other remedy, the
18 ((~~director~~)) secretary may, in the manner provided by law, upon the
19 advice of the attorney general, who shall represent the department in
20 the proceeding, maintain an action in the name of the state for
21 injunction or such other relief as he or she may deem advisable
22 against any agency subject to licensing under the provisions of this
23 chapter or against any such agency not having a license as heretofore
24 provided in this chapter.

25 **Sec. 37.** RCW 43.216.350 and 2006 c 265 s 313 are each amended to
26 read as follows:

27 The ((~~director~~)) secretary shall immediately suspend the license
28 or certificate of a person who has been certified pursuant to RCW
29 74.20A.320 by the department of social and health services as a
30 person who is not in compliance with a support order or a residential
31 or visitation order. If the person has continued to meet all other
32 requirements for reinstatement during the suspension, reissuance of
33 the license or certificate shall be automatic upon the ((~~director's~~))
34 secretary's receipt of a release issued by the department of social
35 and health services stating that the licensee is in compliance with
36 the order.

1 **Sec. 38.** RCW 43.216.325 and 2011 c 296 s 1 are each amended to
2 read as follows:

3 (1) An agency may be denied a license, or any license issued
4 pursuant to this chapter may be suspended, revoked, modified, or not
5 renewed by the (~~director~~) secretary upon proof (a) that the agency
6 has failed or refused to comply with the provisions of this chapter
7 or the requirements adopted pursuant to this chapter; or (b) that the
8 conditions required for the issuance of a license under this chapter
9 have ceased to exist with respect to such licenses. RCW
10 (~~43.215.305~~) 43.216.327 governs notice of a license denial,
11 revocation, suspension, or modification and provides the right to an
12 adjudicative proceeding.

13 (2) In any adjudicative proceeding regarding the denial,
14 modification, suspension, or revocation of any license under this
15 chapter, the department's decision shall be upheld if it is supported
16 by a preponderance of the evidence.

17 (3)(a) The department may assess civil monetary penalties upon
18 proof that an agency has failed or refused to comply with the rules
19 adopted under this chapter or that an agency subject to licensing
20 under this chapter is operating without a license except that civil
21 monetary penalties shall not be levied against a licensed foster
22 home.

23 (b) Monetary penalties levied against unlicensed agencies that
24 submit an application for licensure within thirty days of
25 notification and subsequently become licensed will be forgiven. These
26 penalties may be assessed in addition to or in lieu of other
27 disciplinary actions. Civil monetary penalties, if imposed, may be
28 assessed and collected, with interest, for each day an agency is or
29 was out of compliance.

30 (c) Civil monetary penalties shall not exceed one hundred fifty
31 dollars per violation for a family day care home and two hundred
32 fifty dollars per violation for child day care centers. Each day upon
33 which the same or substantially similar action occurs is a separate
34 violation subject to the assessment of a separate penalty.

35 (d) The department shall provide a notification period before a
36 monetary penalty is effective and may forgive the penalty levied if
37 the agency comes into compliance during this period.

38 (e) The department may suspend, revoke, or not renew a license
39 for failure to pay a civil monetary penalty it has assessed pursuant
40 to this chapter within ten days after such assessment becomes final.

1 RCW ((43.215.307)) 43.216.335 governs notice of a civil monetary
2 penalty and provides the right to an adjudicative proceeding. The
3 preponderance of evidence standard shall apply in adjudicative
4 proceedings related to assessment of civil monetary penalties.

5 (4)(a) In addition to or in lieu of an enforcement action being
6 taken, the department may place a child day care center or family day
7 care provider on nonreferral status if the center or provider has
8 failed or refused to comply with this chapter or rules adopted under
9 this chapter or an enforcement action has been taken. The nonreferral
10 status may continue until the department determines that: (i) No
11 enforcement action is appropriate; or (ii) a corrective action plan
12 has been successfully concluded.

13 (b) Whenever a child day care center or family day care provider
14 is placed on nonreferral status, the department shall provide written
15 notification to the child day care center or family day care
16 provider.

17 (5) The department shall notify appropriate public and private
18 child care resource and referral agencies of the department's
19 decision to: (a) Take an enforcement action against a child day care
20 center or family day care provider; or (b) place or remove a child
21 day care center or family day care provider on nonreferral status.

22 **Sec. 39.** RCW 43.216.315 and 2006 c 265 s 309 are each amended to
23 read as follows:

24 The ((director)) secretary may, at his or her discretion, issue
25 an initial license instead of a full license, to an agency or
26 facility for a period not to exceed six months, renewable for a
27 period not to exceed two years, to allow such agency or facility
28 reasonable time to become eligible for full license.

29 **Sec. 40.** RCW 43.216.305 and 2011 c 297 s 1 are each amended to
30 read as follows:

31 (1) Each agency shall make application for a license or the
32 continuation of a full license to the department on forms prescribed
33 by the department. Upon receipt of such application, the department
34 shall either grant or deny a license or continuation of a full
35 license within ninety days. A license or continuation shall be
36 granted if the agency meets the minimum requirements set forth in
37 this chapter and the departmental requirements consistent with this
38 chapter, except that an initial license may be issued as provided in

1 RCW ((~~43.215.280~~)) 43.216.315. The department shall consider whether
2 an agency is in good standing, as defined in subsection (4)(b) of
3 this section, before granting a continuation of a full license. Full
4 licenses provided for in this chapter shall continue to remain valid
5 so long as the licensee meets the requirements for a nonexpiring
6 license in subsection (2) of this section. The licensee, however,
7 shall advise the ((~~director~~)) secretary of any material change in
8 circumstances which might constitute grounds for reclassification of
9 license as to category. The license issued under this chapter is not
10 transferable and applies only to the licensee and the location stated
11 in the application. For licensed family day care homes having an
12 acceptable history of child care, the license may remain in effect
13 for two weeks after a move.

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

17 (a) Submit the annual licensing fee;

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

21 (c) Submit a declaration of compliance with all licensing rules;
22 and

23 (d) Submit background check applications on the schedule
24 established by the department.

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

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

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

34 (i) Valid complaints;

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

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

39 (c) The department shall consider whether an agency is in good
40 standing when determining the most appropriate approach and process

1 for monitoring visits, for the purposes of administrative efficiency
2 while protecting children, consistent with this chapter. If the
3 department determines that an agency is not in good standing, the
4 department may issue a probationary license, as provided in RCW
5 (~~43.215.290~~) 43.216.320.

6 **Sec. 41.** RCW 43.216.300 and 2007 c 17 s 1 are each amended to
7 read as follows:

8 (1) The (~~director~~) secretary shall charge fees to the licensee
9 for obtaining a license. The (~~director~~) secretary may waive the
10 fees when, in the discretion of the (~~director~~) secretary, the fees
11 would not be in the best interest of public health and safety, or
12 when the fees would be to the financial disadvantage of the state.

13 (2) Fees charged shall be based on, but shall not exceed, the
14 cost to the department for the licensure of the activity or class of
15 activities and may include costs of necessary inspection.

16 (3) The (~~director~~) secretary shall establish the fees charged
17 by rule.

18 **Sec. 42.** RCW 43.216.265 and 2013 c 227 s 1 are each amended to
19 read as follows:

20 The chief of the Washington state patrol, through the director of
21 fire protection, shall have the power and it shall be his or her
22 duty:

23 (1) In consultation with the (~~director~~) secretary and with the
24 advice and assistance of persons representative of the various type
25 agencies to be licensed, to adopt recognized minimum standard
26 requirements pertaining to each category of agency established
27 pursuant to this chapter necessary to protect all persons residing
28 therein from fire hazards;

29 (2) To adopt licensing minimum standard requirements to allow
30 children who attend classes in a school building during school hours
31 to remain in the same building to participate in before-school or
32 after-school programs and to allow participation in such before-
33 school and after-school programs by children who attend other schools
34 and are transported to attend such before-school and after-school
35 programs;

36 (3) To make or cause to be made such inspections and
37 investigations of agencies as he or she deems necessary;

1 (4) To make a periodic review of requirements under RCW
2 ((43.215.200(5))) 43.216.250(8) and to adopt necessary changes after
3 consultation as required in subsection (1) of this section;

4 (5) To issue to applicants for licenses under this chapter who
5 comply with the requirements, a certificate of compliance, a copy of
6 which shall be presented to the department before a license shall be
7 issued, except that an initial license may be issued as provided in
8 RCW ((43.215.280)) 43.216.315.

9 **Sec. 43.** RCW 43.216.045 and 2006 c 265 s 106 are each amended to
10 read as follows:

11 The ((director)) secretary may appoint such advisory committees
12 or councils as may be required by any federal legislation as a
13 condition to the receipt of federal funds by the department. The
14 ((director)) secretary may also appoint statewide committees or
15 councils on such subject matters as are or come within the
16 department's responsibilities. The committees or councils shall be
17 constituted as required by federal law or as the ((director))
18 secretary may determine.

19 Members of such state advisory committees or councils may be paid
20 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

21 **Sec. 44.** RCW 43.216.105 and 2017 c 236 s 5 are each amended to
22 read as follows:

23 (1) The department of ((early learning)) children, youth, and
24 families must work with community partners to support outreach and
25 education for parents and families around the benefits of native
26 language development and retention, as well as the benefits of dual
27 language learning. Native language means the language normally used
28 by an individual or, in the case of a child or youth, the language
29 normally used by the parents or family of the child or youth. Dual
30 language learning means learning in two languages, generally English
31 and a target language other than English spoken in the local
32 community, for example Spanish, Somali, Vietnamese, Russian, Arabic,
33 native languages, or indigenous languages where the goal is
34 bilingualism.

35 (2) Within existing resources, the department must create
36 training and professional development resources on dual language
37 learning, such as supporting English learners, working in culturally
38 and linguistically diverse communities, strategies for family

1 engagement, and cultural responsiveness. The department must design
2 the training modules to be culturally responsive.

3 (3) Within existing resources, the department must support dual
4 language learning communities for teachers and coaches.

5 (4) The department may adopt rules to implement this section.

6 **Sec. 45.** RCW 9.94A.655 and 2010 c 224 s 2 are each amended to
7 read as follows:

8 (1) An offender is eligible for the parenting sentencing
9 alternative if:

10 (a) The high end of the standard sentence range for the current
11 offense is greater than one year;

12 (b) The offender has no prior or current conviction for a felony
13 that is a sex offense or a violent offense;

14 (c) The offender has not been found by the United States attorney
15 general to be subject to a deportation detainer or order and does not
16 become subject to a deportation order during the period of the
17 sentence;

18 (d) The offender signs any release of information waivers
19 required to allow information regarding current or prior child
20 welfare cases to be shared with the department and the court; and

21 (e) The offender has physical custody of his or her minor child
22 or is a legal guardian or custodian with physical custody of a child
23 under the age of eighteen at the time of the current offense.

24 (2) To assist the court in making its determination, the court
25 may order the department to complete either a risk assessment report
26 or a chemical dependency screening report as provided in RCW
27 9.94A.500, or both reports prior to sentencing.

28 (3) If the court is considering this alternative, the court shall
29 request that the department contact the (~~children's administration~~
30 ~~of the Washington state department of social and health services~~)
31 department of children, youth, and families to determine if the
32 agency has an open child welfare case or prior substantiated referral
33 of abuse or neglect involving the offender or if the agency is aware
34 of any substantiated case of abuse or neglect with a tribal child
35 welfare agency involving the offender.

36 (a) If the offender has an open child welfare case, the
37 department will provide the release of information waiver and request
38 that the (~~children's administration~~) department of children, youth,
39 and families or the tribal child welfare agency provide a report to

1 the court. The (~~children's administration~~) department of children,
2 youth, and families shall provide a report within seven business days
3 of the request that includes, at the minimum, the following:

4 (i) Legal status of the child welfare case;

5 (ii) Length of time the (~~children's administration~~) department
6 of children, youth, and families has been involved with the offender;

7 (iii) Legal status of the case and permanent plan;

8 (iv) Any special needs of the child;

9 (v) Whether or not the offender has been cooperative with
10 services ordered by a juvenile court under a child welfare case; and

11 (vi) If the offender has been convicted of a crime against a
12 child.

13 (b) If a report is required from a tribal child welfare agency,
14 the department shall attempt to obtain information that is similar to
15 what is required for the report provided by the (~~children's~~
16 ~~administration~~) department of children, youth, and families in a
17 timely manner.

18 (c) If the offender does not have an open child welfare case with
19 the (~~children's administration~~) department of children, youth, and
20 families or with a tribal child welfare agency but has prior
21 involvement, the department will obtain information from the
22 (~~children's administration~~) department of children, youth, and
23 families on the number and type of past substantiated referrals of
24 abuse or neglect and report that information to the court. If the
25 (~~children's administration~~) department of children, youth, and
26 families has never had any substantiated referrals or an open case
27 with the offender, the department will inform the court.

28 (4) If the sentencing court determines that the offender is
29 eligible for a sentencing alternative under this section and that the
30 sentencing alternative is appropriate and should be imposed, the
31 court shall waive imposition of a sentence within the standard
32 sentence range and impose a sentence consisting of twelve months of
33 community custody. The court shall consider the offender's criminal
34 history when determining if the alternative is appropriate.

35 (5) When a court imposes a sentence of community custody under
36 this section:

37 (a) The court may impose conditions as provided in RCW 9.94A.703
38 and may impose other affirmative conditions as the court considers
39 appropriate.

1 (b) The department may impose conditions as authorized in RCW
2 9.94A.704 that may include, but are not limited to:

- 3 (i) Parenting classes;
- 4 (ii) Chemical dependency treatment;
- 5 (iii) Mental health treatment;
- 6 (iv) Vocational training;
- 7 (v) Offender change programs;
- 8 (vi) Life skills classes.

9 (c) The department shall report to the court if the offender
10 commits any violations of his or her sentence conditions.

11 (6) The department shall provide the court with quarterly
12 progress reports regarding the offender's progress in required
13 programming, treatment, and other supervision conditions. When an
14 offender has an open child welfare case, the department will seek to
15 coordinate services with the ((~~children's administration~~)) department
16 of children, youth, and families.

17 (7)(a) The court may bring any offender sentenced under this
18 section back into court at any time during the period of community
19 custody on its own initiative to evaluate the offender's progress in
20 treatment, or to determine if any violations of the conditions of the
21 sentence have occurred.

22 (b) If the offender is brought back to court, the court may
23 modify the conditions of community custody or impose sanctions under
24 (c) of this subsection.

25 (c) The court may order the offender to serve a term of total
26 confinement within the standard range of the offender's current
27 offense at any time during the period of community custody, if the
28 offender violates the conditions or requirements of the sentence or
29 if the offender is failing to make satisfactory progress in
30 treatment.

31 (d) An offender ordered to serve a term of total confinement
32 under (c) of this subsection shall receive credit for any time
33 previously served in confinement under this section.

34 **Sec. 46.** RCW 26.44.220 and 2013 c 23 s 44 are each amended to
35 read as follows:

36 (1) Within existing resources, the department shall develop a
37 curriculum designed to train department staff ((~~of the department's~~
38 ~~children's administration~~)) who assess or provide services to
39 adolescents on how to screen and respond to referrals to child

1 protective services when those referrals may involve victims of abuse
2 or neglect between the ages of eleven and eighteen. At a minimum, the
3 curriculum developed pursuant to this section shall include:

4 (a) Review of relevant laws and regulations, including the
5 requirement that the department investigate complaints if a parent's
6 or caretaker's actions result in serious physical or emotional harm
7 or present an imminent risk of serious harm to any person under
8 eighteen;

9 (b) Review of departmental policies (~~(of the department's~~
10 ~~children's administration))~~) that require assessment and screening of
11 abuse and neglect referrals on the basis of risk and not age;

12 (c) Explanation of safety assessment and risk assessment models;

13 (d) Case studies of situations in which the department has
14 received reports of alleged abuse or neglect of older children and
15 adolescents;

16 (e) Discussion of best practices in screening and responding to
17 referrals involving older children and adolescents; and

18 (f) Discussion of how abuse and neglect referrals related to
19 adolescents are investigated and when law enforcement must be
20 notified.

21 (2) As it develops its curriculum pursuant to this section, the
22 department shall request that the office of the family and children's
23 ombuds review and comment on its proposed training materials. The
24 department shall consider the comments and recommendations of the
25 office of the family and children's ombuds as it develops the
26 curriculum required by this section.

27 (3) The department shall complete the curriculum materials
28 required by this section no later than December 31, 2005.

29 (4) Within existing resources, the department shall incorporate
30 training on the curriculum developed pursuant to this section into
31 existing training for child protective services workers who screen
32 intake calls, (~~(children's administration))~~ department staff
33 responsible for assessing or providing services to older children and
34 adolescents, and all new employees of the (~~(children's~~
35 ~~administration))~~ department responsible for assessing or providing
36 services to older children and adolescents.

37 **Sec. 47.** RCW 9.94A.6551 and 2010 c 224 s 8 are each amended to
38 read as follows:

1 For offenders not sentenced under RCW 9.94A.655, but otherwise
2 eligible under this section, no more than the final twelve months of
3 the offender's term of confinement may be served in partial
4 confinement as home detention as part of the parenting program
5 developed by the department.

6 (1) The secretary may transfer an offender from a correctional
7 facility to home detention in the community if it is determined that
8 the parenting program is an appropriate placement and when all of the
9 following conditions exist:

10 (a) The offender is serving a sentence in which the high end of
11 the range is greater than one year;

12 (b) The offender has no current conviction for a felony that is a
13 sex offense or a violent offense;

14 (c) The offender has not been found by the United States attorney
15 general to be subject to a deportation detainer or order and does not
16 become subject to a deportation order during the period of the
17 sentence;

18 (d) The offender signs any release of information waivers
19 required to allow information regarding current or prior child
20 welfare cases to be shared with the department and the court;

21 (e) The offender:

22 (i) Has physical or legal custody of a minor child;

23 (ii) Has a proven, established, ongoing, and substantial
24 relationship with his or her minor child that existed prior to the
25 commission of the current offense; or

26 (iii) Is a legal guardian of a child that was under the age of
27 eighteen at the time of the current offense; and

28 (f) The department determines that such a placement is in the
29 best interests of the child.

30 (2) When the department is considering partial confinement as
31 part of the parenting program for an offender, the department shall
32 inquire of the individual and the (~~children's administration with~~
33 ~~the Washington state department of social and health services~~)
34 department of children, youth, and families whether the agency has an
35 open child welfare case or prior substantiated referral for abuse or
36 neglect involving the offender. If the (~~children's administration~~)
37 department of children, youth, and families or a tribal jurisdiction
38 has an open child welfare case, the department will seek input from
39 the (~~children's administration~~) department of children, youth, and
40 families or the involved tribal jurisdiction as to: (a) The status of

1 the child welfare case; and (b) recommendations regarding placement
2 of the offender and services required of the department and the court
3 governing the individual's child welfare case. The department and its
4 officers, agents, and employees are not liable for the acts of
5 offenders participating in the parenting program unless the
6 department or its officers, agents, and employees acted with willful
7 and wanton disregard.

8 (3) All offenders placed on home detention as part of the
9 parenting program shall provide an approved residence and living
10 arrangement prior to transfer to home detention.

11 (4) While in the community on home detention as part of the
12 parenting program, the department shall:

13 (a) Require the offender to be placed on electronic home
14 monitoring;

15 (b) Require the offender to participate in programming and
16 treatment that the department determines is needed;

17 (c) Assign a community corrections officer who will monitor the
18 offender's compliance with conditions of partial confinement and
19 programming requirements; and

20 (d) If the offender has an open child welfare case with the
21 (~~children's administration~~) department of children, youth, and
22 families, collaborate and communicate with the identified social
23 worker in the provision of services.

24 (5) The department has the authority to return any offender
25 serving partial confinement in the parenting program to total
26 confinement if the offender is not complying with sentence
27 requirements.

28 **Sec. 48.** RCW 74.13.632 and 2013 c 182 s 7 are each amended to
29 read as follows:

30 (1) A university-based child welfare research entity shall
31 include in its reporting the educational experiences and progress of
32 students in (~~children's administration~~) out-of-home care with the
33 department. This data must be disaggregated in the smallest units
34 allowable by law that do not identify an individual student, in order
35 to learn which (~~children's administration~~) of the department's
36 offices and school districts are experiencing the greatest success
37 and challenges in achieving quality educational outcomes with
38 students in (~~children's administration~~) out-of-home care with the
39 department.

1 (2) By January 1, 2015 and annually thereafter, the
2 university-based child welfare research entity must submit a report
3 to the legislature. To the extent possible, the report should
4 include, but is not limited to, information on the following measures
5 for a youth who is a dependent pursuant to chapter 13.34 RCW:

6 (a) Aggregate scores from the Washington state kindergarten
7 readiness assessment;

8 (b) Aggregate scores from the third grade statewide student
9 assessment in reading;

10 (c) Number of youth graduating from high school with a documented
11 plan for postsecondary education, employment, or military service;

12 (d) Number of youth completing one year of postsecondary
13 education, the equivalent of first-year student credits, or achieving
14 a postsecondary certificate; and

15 (e) Number of youth who complete an associate or bachelor's
16 degree.

17 (3) The report must identify strengths and weaknesses in practice
18 and recommend to the legislature strategy and needed resources for
19 improvement.

20 **Sec. 49.** RCW 74.13.341 and 2015 c 240 s 4 are each amended to
21 read as follows:

22 With respect to youth who will be aging out of foster care, the
23 (~~children's administration~~) department shall invite representatives
24 from the department of social and health services division of
25 behavioral health and recovery, the disability services
26 administration, the economic services administration, and the
27 juvenile justice and rehabilitation administration to the youth's
28 shared planning meeting that occurs between age seventeen and
29 seventeen and one-half that is used to develop a transition plan. It
30 is the responsibility of the (~~children's administration~~) department
31 to include these agencies in the shared planning meeting. If foster
32 youth who are the subject of this meeting may qualify for
33 developmental disability services pursuant to Title 71A RCW, the
34 (~~children's administration~~) department shall direct these youth to
35 apply for these services and provide assistance in the application
36 process.

37 **Sec. 50.** RCW 28A.300.525 and 2012 c 163 s 11 are each amended to
38 read as follows:

1 The education data center shall include in its reporting as part
2 of the P-20 education data project the educational experiences and
3 progress of students in (~~children's administration~~) out-of-home
4 care with the department of children, youth, and families. This data
5 should be disaggregated in the smallest units allowable by law that
6 do not identify an individual student, in order to learn which school
7 districts are experiencing the greatest success and challenges in
8 achieving quality educational outcomes with students in (~~children's
9 administration~~) out-of-home care with the department of children,
10 youth, and families.

11 **Sec. 51.** RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each
12 amended to read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Case management" means convening family meetings,
16 developing, revising, and monitoring implementation of any case plan
17 or individual service and safety plan, coordinating and monitoring
18 services needed by the child and family, caseworker-child visits,
19 family visits, and the assumption of court-related duties, excluding
20 legal representation, including preparing court reports, attending
21 judicial hearings and permanency hearings, and ensuring that the
22 child is progressing toward permanency within state and federal
23 mandates, including the Indian child welfare act.

24 (2) "Child" means:

25 (a) A person less than eighteen years of age; or

26 (b) A person age eighteen to twenty-one years who is eligible to
27 receive the extended foster care services authorized under RCW
28 74.13.031.

29 (3) "Child protective services" has the same meaning as in RCW
30 26.44.020.

31 (4) "Child welfare services" means social services including
32 voluntary and in-home services, out-of-home care, case management,
33 and adoption services which strengthen, supplement, or substitute
34 for, parental care and supervision for the purpose of:

35 (a) Preventing or remedying, or assisting in the solution of
36 problems which may result in families in conflict, or the neglect,
37 abuse, exploitation, or criminal behavior of children;

38 (b) Protecting and caring for dependent, abused, or neglected
39 children;

1 (c) Assisting children who are in conflict with their parents,
2 and assisting parents who are in conflict with their children, with
3 services designed to resolve such conflicts;

4 (d) Protecting and promoting the welfare of children, including
5 the strengthening of their own homes where possible, or, where
6 needed;

7 (e) Providing adequate care of children away from their homes in
8 foster family homes or day care or other child care agencies or
9 facilities.

10 "Child welfare services" does not include child protection
11 services.

12 (5) "Committee" means the child welfare transformation design
13 committee.

14 (6) "Department" means the department of children, youth, and
15 families.

16 (7) "Extended foster care services" means residential and other
17 support services the department is authorized to provide to foster
18 children. These services include, but are not limited to, placement
19 in licensed, relative, or otherwise approved care, or supervised
20 independent living settings; assistance in meeting basic needs;
21 independent living services; medical assistance; and counseling or
22 treatment.

23 (8) "Family assessment" means a comprehensive assessment of child
24 safety, risk of subsequent child abuse or neglect, and family
25 strengths and needs that is applied to a child abuse or neglect
26 report. Family assessment does not include a determination as to
27 whether child abuse or neglect occurred, but does determine the need
28 for services to address the safety of the child and the risk of
29 subsequent maltreatment.

30 (9) "Measurable effects" means a statistically significant change
31 which occurs as a result of the service or services a supervising
32 agency is assigned in a performance-based contract, in time periods
33 established in the contract.

34 (10) "Medical condition" means, for the purposes of qualifying
35 for extended foster care services, a physical or mental health
36 condition as documented by any licensed health care provider
37 regulated by a disciplining authority under RCW 18.130.040.

38 (11) "Nonminor dependent" means any individual age eighteen to
39 twenty-one years who is participating in extended foster care
40 services authorized under RCW 74.13.031.

1 (12) "Out-of-home care services" means services provided after
2 the shelter care hearing to or for children in out-of-home care, as
3 that term is defined in RCW 13.34.030, and their families, including
4 the recruitment, training, and management of foster parents, the
5 recruitment of adoptive families, and the facilitation of the
6 adoption process, family reunification, independent living, emergency
7 shelter, residential group care, and foster care, including relative
8 placement.

9 (13) "Performance-based contracting" means the structuring of all
10 aspects of the procurement of services around the purpose of the work
11 to be performed and the desired results with the contract
12 requirements set forth in clear, specific, and objective terms with
13 measurable outcomes. Contracts shall also include provisions that
14 link the performance of the contractor to the level and timing of
15 reimbursement.

16 (14) "Permanency services" means long-term services provided to
17 secure a child's safety, permanency, and well-being, including foster
18 care services, family reunification services, adoption services, and
19 preparation for independent living services.

20 (15) "Primary prevention services" means services which are
21 designed and delivered for the primary purpose of enhancing child and
22 family well-being and are shown, by analysis of outcomes, to reduce
23 the risk to the likelihood of the initial need for child welfare
24 services.

25 (16) "Secretary" means the secretary of the department.

26 (17) "Supervised independent living" includes, but is not limited
27 to, apartment living, room and board arrangements, college or
28 university dormitories, and shared roommate settings. Supervised
29 independent living settings must be approved by the (~~children's~~
30 ~~administration~~) department or the court.

31 (18) "Supervising agency" means an agency licensed by the state
32 under RCW 74.15.090, or licensed by a federally recognized Indian
33 tribe located in this state under RCW 74.15.190, that has entered
34 into a performance-based contract with the department to provide case
35 management for the delivery and documentation of child welfare
36 services, as defined in this section. This definition is applicable
37 on or after December 30, 2015.

38 (19) "Unsupervised" has the same meaning as in RCW 43.43.830.

39 (20) "Voluntary placement agreement" means, for the purposes of
40 extended foster care services, a written voluntary agreement between

1 a nonminor dependent who agrees to submit to the care and authority
2 of the department for the purposes of participating in the extended
3 foster care program.

4 **Sec. 52.** RCW 72.05.435 and 1998 c 269 s 15 are each amended to
5 read as follows:

6 (1) The department shall establish by rule a policy for the
7 common use of residential group homes for juvenile offenders under
8 the jurisdiction of the juvenile rehabilitation administration and
9 the (~~children's administration~~) department of children, youth, and
10 families.

11 (2) A juvenile confined under the jurisdiction of the juvenile
12 rehabilitation administration who is convicted of a class A felony is
13 not eligible for placement in a community facility operated by
14 (~~children's administration~~) the department of children, youth, and
15 families that houses juveniles who are not under the jurisdiction of
16 juvenile rehabilitation administration unless:

17 (a) The juvenile is housed in a separate living unit solely for
18 juvenile offenders;

19 (b) The community facility is a specialized treatment program and
20 the youth is not assessed as sexually aggressive under RCW 13.40.470;
21 or

22 (c) The community facility is a specialized treatment program
23 that houses one or more sexually aggressive youth and the juvenile is
24 not assessed as sexually vulnerable under RCW 13.40.470.

25 NEW SECTION. **Sec. 53.** Section 52 of this act expires July 1,
26 2019.

27 **Sec. 54.** RCW 13.34.030 and 2017 3rd sp.s. c 6 s 302 are each
28 amended to read as follows:

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1) "Abandoned" means when the child's parent, guardian, or other
32 custodian has expressed, either by statement or conduct, an intent to
33 forego, for an extended period, parental rights or responsibilities
34 despite an ability to exercise such rights and responsibilities. If
35 the court finds that the petitioner has exercised due diligence in
36 attempting to locate the parent, no contact between the child and the
37 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there
2 is no expressed intent to abandon.

3 (2) "Child," "juvenile," and "youth" mean:

4 (a) Any individual under the age of eighteen years; or

5 (b) Any individual age eighteen to twenty-one years who is
6 eligible to receive and who elects to receive the extended foster
7 care services authorized under RCW 74.13.031. A youth who remains
8 dependent and who receives extended foster care services under RCW
9 74.13.031 shall not be considered a "child" under any other statute
10 or for any other purpose.

11 (3) "Current placement episode" means the period of time that
12 begins with the most recent date that the child was removed from the
13 home of the parent, guardian, or legal custodian for purposes of
14 placement in out-of-home care and continues until: (a) The child
15 returns home; (b) an adoption decree, a permanent custody order, or
16 guardianship order is entered; or (c) the dependency is dismissed,
17 whichever occurs first.

18 (4) "Department" means the department of children, youth, and
19 families.

20 (5) "Dependency guardian" means the person, nonprofit
21 corporation, or Indian tribe appointed by the court pursuant to this
22 chapter for the limited purpose of assisting the court in the
23 supervision of the dependency.

24 (6) "Dependent child" means any child who:

25 (a) Has been abandoned;

26 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
27 person legally responsible for the care of the child;

28 (c) Has no parent, guardian, or custodian capable of adequately
29 caring for the child, such that the child is in circumstances which
30 constitute a danger of substantial damage to the child's
31 psychological or physical development; or

32 (d) Is receiving extended foster care services, as authorized by
33 RCW 74.13.031.

34 (7) "Developmental disability" means a disability attributable to
35 intellectual disability, cerebral palsy, epilepsy, autism, or another
36 neurological or other condition of an individual found by the
37 secretary of the department of social and health services to be
38 closely related to an intellectual disability or to require treatment
39 similar to that required for individuals with intellectual
40 disabilities, which disability originates before the individual

1 attains age eighteen, which has continued or can be expected to
2 continue indefinitely, and which constitutes a substantial limitation
3 to the individual.

4 (8) "Educational liaison" means a person who has been appointed
5 by the court to fulfill responsibilities outlined in RCW 13.34.046.

6 (9) "Extended foster care services" means residential and other
7 support services the department is authorized to provide under RCW
8 74.13.031. These services may include placement in licensed,
9 relative, or otherwise approved care, or supervised independent
10 living settings; assistance in meeting basic needs; independent
11 living services; medical assistance; and counseling or treatment.

12 (10) "Guardian" means the person or agency that: (a) Has been
13 appointed as the guardian of a child in a legal proceeding, including
14 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
15 legal right to custody of the child pursuant to such appointment. The
16 term "guardian" does not include a "dependency guardian" appointed
17 pursuant to a proceeding under this chapter.

18 (11) "Guardian ad litem" means a person, appointed by the court
19 to represent the best interests of a child in a proceeding under this
20 chapter, or in any matter which may be consolidated with a proceeding
21 under this chapter. A "court-appointed special advocate" appointed by
22 the court to be the guardian ad litem for the child, or to perform
23 substantially the same duties and functions as a guardian ad litem,
24 shall be deemed to be guardian ad litem for all purposes and uses of
25 this chapter.

26 (12) "Guardian ad litem program" means a court-authorized
27 volunteer program, which is or may be established by the superior
28 court of the county in which such proceeding is filed, to manage all
29 aspects of volunteer guardian ad litem representation for children
30 alleged or found to be dependent. Such management shall include but
31 is not limited to: Recruitment, screening, training, supervision,
32 assignment, and discharge of volunteers.

33 (13) "Housing assistance" means appropriate referrals by the
34 department or other supervising agencies to federal, state, local, or
35 private agencies or organizations, assistance with forms,
36 applications, or financial subsidies or other monetary assistance for
37 housing. For purposes of this chapter, "housing assistance" is not a
38 remedial service or time-limited family reunification service as
39 described in RCW 13.34.025(2).

1 (14) "Indigent" means a person who, at any stage of a court
2 proceeding, is:

3 (a) Receiving one of the following types of public assistance:
4 Temporary assistance for needy families, aged, blind, or disabled
5 assistance benefits, medical care services under RCW 74.09.035,
6 pregnant women assistance benefits, poverty-related veterans'
7 benefits, food stamps or food stamp benefits transferred
8 electronically, refugee resettlement benefits, medicaid, or
9 supplemental security income; or

10 (b) Involuntarily committed to a public mental health facility;
11 or

12 (c) Receiving an annual income, after taxes, of one hundred
13 twenty-five percent or less of the federally established poverty
14 level; or

15 (d) Unable to pay the anticipated cost of counsel for the matter
16 before the court because his or her available funds are insufficient
17 to pay any amount for the retention of counsel.

18 (15) "Nonminor dependent" means any individual age eighteen to
19 twenty-one years who is participating in extended foster care
20 services authorized under RCW 74.13.031.

21 (16) "Out-of-home care" means placement in a foster family home
22 or group care facility licensed pursuant to chapter 74.15 RCW or
23 placement in a home, other than that of the child's parent, guardian,
24 or legal custodian, not required to be licensed pursuant to chapter
25 74.15 RCW.

26 (17) "Parent" means the biological or adoptive parents of a
27 child, or an individual who has established a parent-child
28 relationship under RCW 26.26.101, unless the legal rights of that
29 person have been terminated by a judicial proceeding pursuant to this
30 chapter, chapter 26.33 RCW, or the equivalent laws of another state
31 or a federally recognized Indian tribe.

32 (18) "Preventive services" means preservation services, as
33 defined in chapter 74.14C RCW, and other reasonably available
34 services, including housing assistance, capable of preventing the
35 need for out-of-home placement while protecting the child.

36 (19) "Shelter care" means temporary physical care in a facility
37 licensed pursuant to RCW 74.15.030 or in a home not required to be
38 licensed pursuant to RCW 74.15.030.

39 (20) "Sibling" means a child's birth brother, birth sister,
40 adoptive brother, adoptive sister, half-brother, or half-sister, or

1 as defined by the law or custom of the Indian child's tribe for an
2 Indian child as defined in RCW 13.38.040.

3 (21) "Social study" means a written evaluation of matters
4 relevant to the disposition of the case and shall contain the
5 following information:

6 (a) A statement of the specific harm or harms to the child that
7 intervention is designed to alleviate;

8 (b) A description of the specific services and activities, for
9 both the parents and child, that are needed in order to prevent
10 serious harm to the child; the reasons why such services and
11 activities are likely to be useful; the availability of any proposed
12 services; and the agency's overall plan for ensuring that the
13 services will be delivered. The description shall identify the
14 services chosen and approved by the parent;

15 (c) If removal is recommended, a full description of the reasons
16 why the child cannot be protected adequately in the home, including a
17 description of any previous efforts to work with the parents and the
18 child in the home; the in-home treatment programs that have been
19 considered and rejected; the preventive services, including housing
20 assistance, that have been offered or provided and have failed to
21 prevent the need for out-of-home placement, unless the health,
22 safety, and welfare of the child cannot be protected adequately in
23 the home; and the parents' attitude toward placement of the child;

24 (d) A statement of the likely harms the child will suffer as a
25 result of removal;

26 (e) A description of the steps that will be taken to minimize the
27 harm to the child that may result if separation occurs including an
28 assessment of the child's relationship and emotional bond with any
29 siblings, and the agency's plan to provide ongoing contact between
30 the child and the child's siblings if appropriate; and

31 (f) Behavior that will be expected before determination that
32 supervision of the family or placement is no longer necessary.

33 (22) "Supervised independent living" includes, but is not limited
34 to, apartment living, room and board arrangements, college or
35 university dormitories, and shared roommate settings. Supervised
36 independent living settings must be approved by the (~~children's~~
37 ~~administration~~) department or the court.

38 (23) "Supervising agency" means an agency licensed by the state
39 under RCW 74.15.090, or licensed by a federally recognized Indian
40 tribe located in this state under RCW 74.15.190, that has entered

1 into a performance-based contract with the department to provide case
2 management for the delivery and documentation of child welfare
3 services as defined in RCW 74.13.020.

4 (24) "Voluntary placement agreement" means, for the purposes of
5 extended foster care services, a written voluntary agreement between
6 a nonminor dependent who agrees to submit to the care and authority
7 of the department for the purposes of participating in the extended
8 foster care program.

9 **Sec. 55.** RCW 74.31.020 and 2011 c 143 s 2 are each amended to
10 read as follows:

11 (1) The Washington traumatic brain injury strategic partnership
12 advisory council is established as an advisory council to the
13 governor, the legislature, and the secretary of the department of
14 social and health services.

15 (2) The council shall be composed of:

16 (a) The following members who shall be appointed by the governor:

17 (i) A representative from a Native American tribe located in
18 Washington state;

19 (ii) A representative from a nonprofit organization serving
20 individuals with traumatic brain injury;

21 (iii) An individual with expertise in working with children with
22 traumatic brain injuries;

23 (iv) A physician who has experience working with individuals with
24 traumatic brain injuries;

25 (v) A neuropsychologist who has experience working with persons
26 with traumatic brain injuries;

27 (vi) A social worker or clinical psychologist who has experience
28 in working with persons who have sustained traumatic brain injuries;

29 (vii) A rehabilitation specialist, such as a speech pathologist,
30 vocational rehabilitation counselor, occupational therapist, or
31 physical therapist who has experience working with persons with
32 traumatic brain injuries;

33 (viii) Two persons who are individuals with a traumatic brain
34 injury;

35 (ix) Two persons who are family members of individuals with
36 traumatic brain injuries; and

37 (x) Two members of the public who have experience with issues
38 related to the causes of traumatic brain injuries; and

39 (b) The following agency members:

1 (i) The secretary or the secretary's designee, and
2 representatives from the following: The (~~(children's administration,~~
3 ~~the~~) division of behavioral health and recovery services, the aging
4 and disability services administration, and the division of
5 vocational rehabilitation;

6 (ii) The secretary of health or the secretary's designee;

7 (iii) The secretary of corrections or the secretary's designee;

8 (iv) The secretary of children, youth, and families or the
9 secretary's designee;

10 (v) A representative of the department of commerce with expertise
11 in housing;

12 (~~(v)~~) (vi) A representative from the Washington state
13 department of veterans affairs;

14 (~~(vi)~~) (vii) A representative from the national guard;

15 (~~(vii)~~) (viii) The executive director of the Washington
16 protection and advocacy system or the executive director's designee;
17 and

18 (~~(viii)~~) (ix) The executive director of the state brain injury
19 association or the executive director's designee.

20 In the event that any of the state agencies designated in (~~(b)~~
21 ~~of~~) this subsection (2)(b) is renamed, reorganized, or eliminated,
22 the director or secretary of the department that assumes the
23 responsibilities of each renamed, reorganized, or eliminated agency
24 shall designate a substitute representative.

25 (3) Councilmembers shall not be compensated for serving on the
26 council, but may be reimbursed for all reasonable expenses related to
27 costs incurred in participating in meetings for the council.

28 (4) No member may serve more than two consecutive terms.

29 (5) The appointed members of the council shall, to the extent
30 possible, represent rural and urban areas of the state.

31 (6) A chairperson shall be elected every two years by majority
32 vote from among the councilmembers. The chairperson shall act as the
33 presiding officer of the council.

34 (7) The duties of the council include:

35 (a) Collaborating with the department to develop and revise as
36 needed a comprehensive statewide plan to address the needs of
37 individuals with traumatic brain injuries;

38 (b) Providing recommendations to the department on criteria to be
39 used to select programs facilitating support groups for individuals
40 with traumatic brain injuries and their families under RCW 74.31.050;

1 (c) By January 15, 2013, and every two years thereafter,
2 developing a report in collaboration with the department and
3 submitting it to the legislature and the governor on the following:

4 (i) Identifying the activities of the council in the
5 implementation of the comprehensive statewide plan;

6 (ii) Recommendations for the revisions to the comprehensive
7 statewide plan;

8 (iii) Recommendations for using the traumatic brain injury
9 account established under RCW 74.31.060 to form strategic
10 partnerships and to foster the development of services and supports
11 for individuals impacted by traumatic brain injuries; and

12 (iv) Recommendations for a council staffing plan for council
13 support under RCW 74.31.030.

14 (8) The council may utilize the advice or services of a
15 nationally recognized expert, or other individuals as the council
16 deems appropriate, to assist the council in carrying out its duties
17 under this section.

18 **Sec. 56.** RCW 74.15.038 and 2014 c 88 s 3 are each amended to
19 read as follows:

20 If an agency operating under contract with the (~~children's~~
21 ~~administration~~) department chooses to hire an individual that would
22 be precluded from employment with the department based on a
23 disqualifying crime or negative action, the department and its
24 officers and employees have no liability arising from any injury or
25 harm to a child or other department client that is attributable to
26 such individual.

27 **Sec. 57.** RCW 74.13.660 and 2007 c 220 s 8 are each amended to
28 read as follows:

29 Under the foster parent critical support and retention program,
30 foster parents who care for sexually reactive children, physically
31 assaultive children, or children with other high-risk behaviors, as
32 defined in RCW 74.13.280, shall receive:

33 (1) Availability at any time of the day or night to address
34 specific concerns related to the identified child;

35 (2) Assessment of risk and development of a safety and
36 supervision plan;

37 (3) Home-based foster parent training utilizing evidence-based
38 models; and

1 (4) Referral to relevant community services and training provided
2 by the local (~~children's administration~~) department office or
3 community agencies.

4 **Sec. 58.** RCW 74.13.570 and 2012 c 229 s 594 are each amended to
5 read as follows:

6 (1) The department shall establish an oversight committee
7 composed of staff from (~~the children's administration of the~~
8 ~~department,~~) the office of the superintendent of public instruction,
9 the student achievement council, foster youth, former foster youth,
10 foster parents, and advocacy agencies to develop strategies for
11 maintaining foster children in the schools they were attending at the
12 time they entered foster care and to promote opportunities for foster
13 youth to participate in postsecondary education or training.

14 (2) The duties of the oversight committee shall include, but are
15 not limited to:

16 (a) Developing strategies for school-based recruitment of foster
17 homes;

18 (b) Monitoring the progress of current pilot projects that assist
19 foster children to continue attending the schools they were attending
20 at the time they entered foster care;

21 (c) Overseeing the expansion of the number of pilot projects;

22 (d) Promoting the use of best practices, throughout the state,
23 demonstrated by the pilot projects and other programs relating to
24 maintaining foster children in the schools they were attending at the
25 time they entered foster care;

26 (e) Informing the legislature of the status of efforts to
27 maintain foster children in the schools they were attending at the
28 time they entered foster care;

29 (f) Assessing the scope and nature of statewide need among
30 current and former foster youth for assistance to pursue and
31 participate in postsecondary education or training opportunities;

32 (g) Identifying available sources of funding available in the
33 state for services to former foster youth to pursue and participate
34 in postsecondary education or training opportunities;

35 (h) Reviewing the effectiveness of activities in the state to
36 support former foster youth to pursue and participate in
37 postsecondary education or training opportunities;

38 (i) Identifying new activities, or existing activities that
39 should be modified or expanded, to best meet statewide needs; and

1 (j) Reviewing on an ongoing basis the progress toward improving
2 educational and vocational outcomes for foster youth.

3 **Sec. 59.** RCW 71.24.065 and 2014 c 225 s 48 are each amended to
4 read as follows:

5 To the extent funds are specifically appropriated for this
6 purpose, the department of social and health services shall contract
7 for implementation of a wraparound model of integrated children's
8 mental health services delivery in up to four behavioral health
9 organization regions in Washington state in which wraparound programs
10 are not currently operating, and in up to two behavioral health
11 organization regions in which wraparound programs are currently
12 operating. Contracts in regions with existing wraparound programs
13 shall be for the purpose of expanding the number of children served.

14 (1) Funding provided may be expended for: Costs associated with a
15 request for proposal and contracting process; administrative costs
16 associated with successful bidders' operation of the wraparound
17 model; the evaluation under subsection (5) of this section; and
18 funding for services needed by children enrolled in wraparound model
19 sites that are not otherwise covered under existing state programs.
20 The services provided through the wraparound model sites shall
21 include, but not be limited to, services covered under the medicaid
22 program. The department shall maximize the use of medicaid and other
23 existing state-funded programs as a funding source. However, state
24 funds provided may be used to develop a broader service package to
25 meet needs identified in a child's care plan. Amounts provided shall
26 supplement, and not supplant, state, local, or other funding for
27 services that a child being served through a wraparound site would
28 otherwise be eligible to receive.

29 (2) The wraparound model sites shall serve children with serious
30 emotional or behavioral disturbances who are at high risk of
31 residential or correctional placement or psychiatric hospitalization,
32 and who have been referred for services from the department, a county
33 juvenile court, a tribal court, a school, or a licensed mental health
34 provider or agency.

35 (3) Through a request for proposal process, the department shall
36 contract, with behavioral health organizations, alone or in
37 partnership with either educational service districts or entities
38 licensed to provide mental health services to children with serious
39 emotional or behavioral disturbances, to operate the wraparound model

1 sites. The contractor shall provide care coordination and facilitate
2 the delivery of services and other supports to families using a
3 strength-based, highly individualized wraparound process. The request
4 for proposal shall require that:

5 (a) The behavioral health organization agree to use its medicaid
6 revenues to fund services included in the existing behavioral health
7 organization's benefit package that a medicaid-eligible child
8 participating in the wraparound model site is determined to need;

9 (b) The contractor provide evidence of commitments from at least
10 the following entities to participate in wraparound care plan
11 development and service provision when appropriate: Community mental
12 health agencies, schools, the department of (~~social and health~~
13 ~~services children's administration~~) children, youth, and families,
14 juvenile courts, the department of social and health services
15 juvenile rehabilitation administration, and managed health care
16 systems contracting with the department under RCW 74.09.522; and

17 (c) The contractor will operate the wraparound model site in a
18 manner that maintains fidelity to the wraparound process as defined
19 in RCW 71.36.010.

20 (4) Contracts for operation of the wraparound model sites shall
21 be executed on or before April 1, 2008, with enrollment and service
22 delivery beginning on or before July 1, 2008.

23 (5) The evidence-based practice institute established in RCW
24 71.24.061 shall evaluate the wraparound model sites, measuring
25 outcomes for children served. Outcomes measured shall include, but
26 are not limited to: Decreased out-of-home placement, including
27 residential, group, and foster care, and increased stability of such
28 placements, school attendance, school performance, recidivism,
29 emergency room utilization, involvement with the juvenile justice
30 system, decreased use of psychotropic medication, and decreased
31 hospitalization.

32 (6) The evidence-based practice institute shall provide a report
33 and recommendations to the appropriate committees of the legislature
34 by December 1, 2010.

35 **Sec. 60.** RCW 43.185C.285 and 2017 c 277 s 5 are each amended to
36 read as follows:

37 The administrator of a crisis residential center shall notify
38 parents and the appropriate law enforcement agency as to any
39 unauthorized leave from the center by a child placed at the center.

1 The administrator shall also notify the department of (~~social and~~
2 ~~health services~~) children, youth, and families immediately as to any
3 unauthorized leave from the center by a child who is in the care of
4 or receiving services from the department of (~~social and health~~
5 ~~services children's administration~~) children, youth, and families.

6 **Sec. 61.** RCW 43.185C.260 and 2017 c 277 s 4 are each amended to
7 read as follows:

8 (1) A law enforcement officer shall take a child into custody:

9 (a) If a law enforcement agency has been contacted by the parent
10 of the child that the child is absent from parental custody without
11 consent; or

12 (b) If a law enforcement officer reasonably believes, considering
13 the child's age, the location, and the time of day, that a child is
14 in circumstances which constitute a danger to the child's safety or
15 that a child is violating a local curfew ordinance; or

16 (c) If an agency legally charged with the supervision of a child
17 has notified a law enforcement agency that the child has run away
18 from placement; or

19 (d) If a law enforcement agency has been notified by the juvenile
20 court that the court finds probable cause exists to believe that the
21 child has violated a court placement order issued under this chapter
22 or chapter 13.34 RCW or that the court has issued an order for law
23 enforcement pick-up of the child under this chapter or chapter 13.34
24 RCW.

25 (2) Law enforcement custody shall not extend beyond the amount of
26 time reasonably necessary to transport the child to a destination
27 authorized by law and to place the child at that destination. Law
28 enforcement custody continues until the law enforcement officer
29 transfers custody to a person, agency, or other authorized entity
30 under this chapter, or releases the child because no placement is
31 available. Transfer of custody is not complete unless the person,
32 agency, or entity to whom the child is released agrees to accept
33 custody.

34 (3) If a law enforcement officer takes a child into custody
35 pursuant to either subsection (1)(a) or (b) of this section and
36 transports the child to a crisis residential center, the officer
37 shall, within twenty-four hours of delivering the child to the
38 center, provide to the center a written report detailing the reasons
39 the officer took the child into custody. The center shall provide the

1 department of (~~social and health services~~) children, youth, and
2 families with a copy of the officer's report if the youth is in the
3 care of or receiving services from the department of (~~social and~~
4 ~~health services children's administration~~) children, youth, and
5 families.

6 (4) If the law enforcement officer who initially takes the
7 juvenile into custody or the staff of the crisis residential center
8 have reasonable cause to believe that the child is absent from home
9 because he or she is abused or neglected, a report shall be made
10 immediately to the department of (~~social and health services~~)
11 children, youth, and families.

12 (5) Nothing in this section affects the authority of any
13 political subdivision to make regulations concerning the conduct of
14 minors in public places by ordinance or other local law.

15 (6) If a law enforcement officer has a reasonable suspicion that
16 a child is being unlawfully harbored in violation of RCW 13.32A.080,
17 the officer shall remove the child from the custody of the person
18 harboring the child and shall transport the child to one of the
19 locations specified in RCW 43.185C.265.

20 (7) No child may be placed in a secure facility except as
21 provided in this chapter.

22 **Sec. 62.** RCW 28B.105.060 and 2013 2nd sp.s. c 22 s 12 are each
23 amended to read as follows:

24 The office of the superintendent of public instruction shall:

25 (1) Notify elementary, middle, junior high, high school, and
26 school district staff and administrators, and the (~~children's~~
27 ~~administration of the department of social and health services~~)
28 department of children, youth, and families about the GET ready for
29 math and science scholarship program using methods in place for
30 communicating with schools and school districts; and

31 (2) Provide data showing the race, ethnicity, income, and other
32 available demographic information of students who achieve level four
33 on the math and science high school statewide student assessment;
34 compare those data with comparable information on the student
35 population as a whole; and submit a report with the analysis to the
36 committees responsible for education and higher education in the
37 legislature on December 1st of even-numbered years.

1 **Sec. 63.** RCW 28A.300.592 and 2016 c 71 s 4 are each amended to
2 read as follows:

3 (1) As used in this section, "outcome" or "outcomes" means
4 measuring the differences in high school graduation rates and
5 postsecondary enrollment and completion between youth served by the
6 programs described in this section, and those who would have
7 otherwise been eligible for the programs, but were not served by the
8 programs.

9 (2) To the extent funds are appropriated for this purpose, the
10 office of the superintendent of public instruction must contract with
11 at least one nongovernmental entity to improve the educational
12 outcomes of students at two sites by providing individualized
13 education services and monitoring and supporting dependent youths'
14 completion of educational milestones, remediation needs, and special
15 education needs. The selected nongovernmental entity must engage in a
16 public-private partnership with the office of the superintendent of
17 public instruction and is responsible for raising a portion of the
18 funds needed for service delivery, administration, and evaluation.

19 (3) One of the sites described in subsection (2) of this section
20 shall be the site previously selected by the department of social and
21 health services pursuant to the 2013-2015 omnibus appropriations act,
22 section 202(10), chapter 4, Laws of 2013 2nd sp. sess. to the extent
23 private funds are available. The previously selected site will expand
24 to include the entire county in which it is currently located,
25 subject to the availability of private funds. The second site
26 established under this section must be implemented after July 1,
27 2016. The office of the superintendent of public instruction and the
28 nongovernmental entity or entities at the original site shall consult
29 with the department of social and health services and then
30 collaboratively select the second site. This site should be a school
31 district or group of school districts with a significant number of
32 students who are dependent pursuant to chapter 13.34 RCW.

33 (4) The purpose of the programs at both sites is to improve the
34 educational outcomes of students who are dependent pursuant to
35 chapter 13.34 RCW by providing individualized education services and
36 supporting dependent youths' completion of educational milestones,
37 remediation needs, and special education needs.

38 (5) The entity or entities at these sites must facilitate the
39 educational progress, high school completion, and postsecondary plan
40 initiation of eligible youth. The contract with the entity or

1 entities must be outcome driven with a stated goal of improving the
2 graduation rates and postsecondary plan initiation of foster youth by
3 two percent per year over five school year periods. The baseline for
4 measurement for the existing site was established in the 2013-14
5 school year, and this baseline remains applicable through the 2018-19
6 school year. Any new site must establish its baseline at the end of
7 the first year of service provision, and this baseline must remain
8 applicable for the next five school year periods.

9 (6) Services provided by the nongovernmental entity or entities
10 must include:

11 (a) Advocacy for foster youth to eliminate barriers to
12 educational access and success;

13 (b) Consultation with schools and the department of (~~social and~~
14 ~~health services~~) children, youth, and families case workers to
15 develop educational plans for and with participating youth;

16 (c) Monitoring education progress and providing interventions to
17 improve attendance, behavior, and course performance of participating
18 youth;

19 (d) Facilitating age-specific developmental and logistical tasks
20 to be accomplished for high school and postsecondary success;

21 (e) Facilitating the participation of youth with school and local
22 resources that may assist in educational access and success; and

23 (f) Coordinating youth, caregivers, schools, and social workers
24 to advocate to support youth progress in the educational system.

25 (7) The contracted nongovernmental entity or entities must report
26 site outcomes to the office of the superintendent of public
27 instruction and the department of (~~social and health services~~)
28 children, youth, and families semiannually.

29 (8) The department of (~~social and health services children's~~
30 ~~administration~~) children, youth, and families must proactively refer
31 all eligible students thirteen years of age or older, within the site
32 areas, to the contractor for educational services. Youth eligible for
33 referral are dependent pursuant to chapter 13.34 RCW, are age
34 thirteen through twenty-one years of age, are not currently served by
35 services under RCW 28B.77.250, and remain eligible for continuing
36 service following fulfillment of the permanent plan and through
37 initiation of a postsecondary plan. After high school completion,
38 services are concluded within a time period specified in the contract
39 to pursue engagement of continuing postsecondary support services

1 provided by local education agencies, postsecondary education,
2 community-based programs, or the passport to college promise program.

3 (9) The selected nongovernmental entity or entities may be
4 colocated in the offices of the department of (~~social and health~~
5 ~~services~~) children, youth, and families to provide timely
6 consultation. These entities must be provided access to all paper and
7 electronic education records and case information pertinent to the
8 educational planning and services of youth referred and are subject
9 to RCW 13.50.010 and 13.50.100.

10 **Sec. 64.** RCW 26.44.125 and 2012 c 259 s 11 are each amended to
11 read as follows:

12 (1) A person who is named as an alleged perpetrator after October
13 1, 1998, in a founded report of child abuse or neglect has the right
14 to seek review and amendment of the finding as provided in this
15 section.

16 (2) Within thirty calendar days after the department has notified
17 the alleged perpetrator under RCW 26.44.100 that the person is named
18 as an alleged perpetrator in a founded report of child abuse or
19 neglect, he or she may request that the department review the
20 finding. The request must be made in writing. The written notice
21 provided by the department must contain at least the following
22 information in plain language:

23 (a) Information about the department's investigative finding as
24 it relates to the alleged perpetrator;

25 (b) Sufficient factual information to apprise the alleged
26 perpetrator of the date and nature of the founded reports;

27 (c) That the alleged perpetrator has the right to submit to child
28 protective services a written response regarding the child protective
29 services finding which, if received, shall be filed in the
30 department's records;

31 (d) That information in the department's records, including
32 information about this founded report, may be considered in a later
33 investigation or proceeding related to a different allegation of
34 child abuse or neglect or child custody;

35 (e) That founded allegations of child abuse or neglect may be
36 used by the department in determining:

37 (i) If a perpetrator is qualified to be licensed or approved to
38 care for children or vulnerable adults; or

1 (ii) If a perpetrator is qualified to be employed by the
2 department in a position having unsupervised access to children or
3 vulnerable adults;

4 (f) That the alleged perpetrator has a right to challenge a
5 founded allegation of child abuse or neglect.

6 (3) If a request for review is not made as provided in this
7 subsection, the alleged perpetrator may not further challenge the
8 finding and shall have no right to agency review or to an
9 adjudicative hearing or judicial review of the finding, unless he or
10 she can show that the department did not comply with the notice
11 requirements of RCW 26.44.100.

12 (4) Upon receipt of a written request for review, the department
13 shall review and, if appropriate, may amend the finding. Management
14 level staff within the (~~children's administration~~) department
15 designated by the secretary shall be responsible for the review. The
16 review must be completed within thirty days after receiving the
17 written request for review. The review must be conducted in
18 accordance with procedures the department establishes by rule. Upon
19 completion of the review, the department shall notify the alleged
20 perpetrator in writing of the agency's determination. The
21 notification must be sent by certified mail, return receipt
22 requested, to the person's last known address.

23 (5) If, following agency review, the report remains founded, the
24 person named as the alleged perpetrator in the report may request an
25 adjudicative hearing to contest the finding. The adjudicative
26 proceeding is governed by chapter 34.05 RCW and this section. The
27 request for an adjudicative proceeding must be filed within thirty
28 calendar days after receiving notice of the agency review
29 determination. If a request for an adjudicative proceeding is not
30 made as provided in this subsection, the alleged perpetrator may not
31 further challenge the finding and shall have no right to agency
32 review or to an adjudicative hearing or judicial review of the
33 finding.

34 (6) Reviews and hearings conducted under this section are
35 confidential and shall not be open to the public. Information about
36 reports, reviews, and hearings may be disclosed only in accordance
37 with federal and state laws pertaining to child welfare records and
38 child protective services reports.

39 (7) The department may adopt rules to implement this section.

1 **Sec. 65.** RCW 7.68.801 and 2017 c 18 s 1 are each amended to read
2 as follows:

3 (1) The commercially sexually exploited children statewide
4 coordinating committee is established to address the issue of
5 children who are commercially sexually exploited, to examine the
6 practices of local and regional entities involved in addressing
7 sexually exploited children, and to make recommendations on statewide
8 laws and practices.

9 (2) The committee is convened by the office of the attorney
10 general with the department of commerce assisting with agenda
11 planning and administrative and clerical support. The committee
12 consists of the following members:

13 (a) One member from each of the two largest caucuses of the house
14 of representatives appointed by the speaker of the house;

15 (b) One member from each of the two largest caucuses of the
16 senate appointed by the speaker of the senate;

17 (c) A representative of the governor's office appointed by the
18 governor;

19 (d) The secretary of the ((~~children's administration~~)) department
20 of children, youth, and families or his or her designee;

21 (e) The secretary of the juvenile rehabilitation administration
22 or his or her designee;

23 (f) The attorney general or his or her designee;

24 (g) The superintendent of public instruction or his or her
25 designee;

26 (h) A representative of the administrative office of the courts
27 appointed by the administrative office of the courts;

28 (i) The executive director of the Washington association of
29 sheriffs and police chiefs or his or her designee;

30 (j) The executive director of the Washington state criminal
31 justice training commission or his or her designee;

32 (k) A representative of the Washington association of prosecuting
33 attorneys appointed by the association;

34 (l) The executive director of the office of public defense or his
35 or her designee;

36 (m) Three representatives of community service providers that
37 provide direct services to commercially sexually exploited children
38 appointed by the attorney general;

1 (n) Two representatives of nongovernmental organizations familiar
2 with the issues affecting commercially sexually exploited children
3 appointed by the attorney general;

4 (o) The president of the superior court judges' association or
5 his or her designee;

6 (p) The president of the juvenile court administrators or his or
7 her designee;

8 (q) Any existing chairs of regional task forces on commercially
9 sexually exploited children;

10 (r) A representative from the criminal defense bar;

11 (s) A representative of the center for children and youth
12 justice;

13 (t) A representative from the office of crime victims advocacy;

14 (u) The executive director of the Washington coalition of sexual
15 assault programs;

16 (v) A representative of an organization that provides in-patient
17 chemical dependency treatment to youth, appointed by the attorney
18 general;

19 (w) A representative of an organization that provides mental
20 health treatment to youth, appointed by the attorney general; and

21 (x) A survivor of human trafficking, appointed by the attorney
22 general.

23 (3) The duties of the committee include, but are not limited to:

24 (a) Overseeing and reviewing the implementation of the Washington
25 state model protocol for commercially sexually exploited children at
26 task force sites;

27 (b) Receiving reports and data from local and regional entities
28 regarding the incidence of commercially sexually exploited children
29 in their areas as well as data information regarding perpetrators,
30 geographic data and location trends, and any other data deemed
31 relevant;

32 (c) Receiving reports on local coordinated community response
33 practices and results of the community responses;

34 (d) Reviewing recommendations from local and regional entities
35 regarding policy and legislative changes that would improve the
36 efficiency and effectiveness of local response practices;

37 (e) Making recommendations regarding policy and legislative
38 changes that would improve the effectiveness of the state's response
39 to and promote best practices for suppression of the commercial
40 sexual exploitation of children;

1 (f) Making recommendations regarding data collection useful to
2 understanding or addressing the problem of commercially sexually
3 exploited children;

4 (g) Reviewing and making recommendations regarding strategic
5 local investments or opportunities for federal and state funding to
6 address the commercial sexual exploitation of children;

7 (h) Reviewing the extent to which chapter 289, Laws of 2010
8 (Engrossed Substitute Senate Bill No. 6476) is understood and applied
9 by enforcement authorities; and

10 (i) Researching any barriers that exist to full implementation of
11 chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476)
12 throughout the state.

13 (4) The committee must meet no less than annually.

14 (5) The committee shall annually report its findings and
15 recommendations to the appropriate committees of the legislature and
16 to any other known statewide committees addressing trafficking or the
17 commercial sex trade.

18 (6) This section expires June 30, 2023.

19 **Sec. 66.** RCW 2.70.090 and 2015 c 117 s 5 are each amended to
20 read as follows:

21 (1) Subject to the availability of amounts appropriated for this
22 specific purpose, the parents for parents program shall be funded
23 through the office of public defense and centrally administered
24 through a pass-through to a Washington state nonprofit-lead
25 organization that has extensive experience supporting child welfare
26 parent mentors.

27 (2) Through the contract with the lead organization, each local
28 program must be locally administered by the county superior court or
29 a nonprofit organization that shall serve as the host organization.

30 (3) Local stakeholders representing key child welfare systems
31 shall serve as parents for parents program advisors. Examples of
32 local stakeholders include the ~~((children's—administration))~~
33 department of children, youth, and families, the superior court,
34 attorneys for the parents, assistant attorneys general, and court-
35 appointed special advocates or guardians ad litem.

36 (4) A child welfare parent mentor lead shall provide program
37 coordination and maintain local program information.

1 (5) The lead organization shall provide ongoing training to the
2 host organizations, statewide program oversight and coordination, and
3 maintain statewide program information.

4 **Sec. 67.** RCW 43.216.380 and 2007 c 299 s 1 are each amended to
5 read as follows:

6 (1) Minimum licensing requirements under this chapter shall
7 include a prohibition on the use of window blinds or other window
8 coverings with pull cords or inner cords capable of forming a loop
9 and posing a risk of strangulation to young children. Window blinds
10 and other coverings that have been manufactured or properly
11 retrofitted in a manner that eliminates the formation of loops posing
12 a risk of strangulation are not prohibited under this section.

13 (2) When developing and periodically reviewing minimum licensing
14 requirements related to safety of the premises, the ~~((director))~~
15 secretary shall consult and give serious consideration to
16 publications of the United States consumer product safety commission.

17 (3) The department may provide information as available regarding
18 reduced cost or no-cost options for retrofitting or replacing unsafe
19 window blinds and window coverings.

20 **Sec. 68.** RCW 43.216.165 and 2017 c 178 s 5 are each amended to
21 read as follows:

22 (1) The early start account is created in the custody of the
23 state treasurer. Revenues in the account shall consist of
24 appropriations by the legislature and all other sources deposited
25 into the account. Expenditures from the account may be used only for
26 the purposes listed in RCW ~~((43.215.099))~~ 43.216.080. All receipts
27 from local governments, school districts, institutions of higher
28 education as defined in RCW 28B.10.016, and nonprofit organizations
29 must be deposited into the account.

30 (2) The department oversees the account. Only the ~~((director))~~
31 secretary or the ~~((director's))~~ secretary's designee may authorize
32 expenditures from the account. The account is subject to allotment
33 procedures under chapter 43.88 RCW, but an appropriation is not
34 required for expenditures.

35 (3) The department shall separately track funds received for each
36 local government, school district, institution of higher education as
37 defined in RCW 28B.10.016, or nonprofit organization that deposits
38 funds into the account. Expenditures from these funds may be used

1 only for the purposes listed in RCW ((43.215.099)) 43.216.080 as
2 identified in writing with the department by the contributing local
3 government, school district, institution of higher education as
4 defined in RCW 28B.10.016, or nonprofit organization.

5 **Sec. 69.** RCW 43.216.270 and 2017 3rd sp.s. c 33 s 6 and 2017 3rd
6 sp.s. c 6 s 206 are each reenacted and amended to read as follows:

7 (1) In determining whether an individual is of appropriate
8 character, suitability, and competence to provide child care and
9 early learning services to children, the department may consider the
10 history of past involvement of child protective services or law
11 enforcement agencies with the individual for the purpose of
12 establishing a pattern of conduct, behavior, or inaction with regard
13 to the health, safety, or welfare of a child. No report of child
14 abuse or neglect that has been destroyed or expunged under RCW
15 26.44.031 may be used for such purposes. No unfounded or inconclusive
16 allegation of child abuse or neglect as defined in RCW 26.44.020 may
17 be disclosed to a provider licensed under this chapter.

18 (2) In order to determine the suitability of individuals newly
19 applying for an agency license, new licensees, their new employees,
20 and other persons who newly have unsupervised access to children in
21 child care, shall be fingerprinted.

22 (a) The fingerprints shall be forwarded to the Washington state
23 patrol and federal bureau of investigation for a criminal history
24 record check.

25 (b)(i) All individuals applying for first-time agency licenses,
26 all new employees, and other persons who have not been previously
27 qualified by the department to have unsupervised access to children
28 in child care must be fingerprinted and obtain a criminal history
29 record check pursuant to this section.

30 (ii) Persons required to be fingerprinted and obtain a criminal
31 history record check pursuant to this section must pay for the cost
32 of this check as follows: The fee established by the Washington state
33 patrol for the criminal background history check, including the cost
34 of obtaining the fingerprints; and a fee paid to the department for
35 the cost of administering the individual-based/portable background
36 check clearance registry. The fee paid to the department must be
37 deposited into the individual-based/portable background check
38 clearance account established in RCW 43.216.273. The licensee may,
39 but need not, pay these costs on behalf of a prospective employee or

1 reimburse the prospective employee for these costs. The licensee and
2 the prospective employee may share these costs.

3 (c) The secretary shall use the fingerprint criminal history
4 record check information solely for the purpose of determining
5 eligibility for a license and for determining the character,
6 suitability, and competence of those persons or agencies, excluding
7 parents, not required to be licensed who are authorized to care for
8 children.

9 (d) Criminal justice agencies shall provide the secretary such
10 information as they may have and that the secretary may require for
11 such purpose.

12 (e) No later than July 1, 2013, all agency licensees holding
13 licenses prior to July 1, 2012, persons who were employees before
14 July 1, 2012, and persons who have been qualified by the department
15 before July 1, 2012, to have unsupervised access to children in child
16 care, must submit a new background application to the department. The
17 department must require persons submitting a new background
18 application pursuant to this subsection (2)(e) to pay a fee to the
19 department for the cost of administering the individual-based/
20 portable background check clearance registry. This fee must be paid
21 into the individual-based/portable background check clearance account
22 established in RCW 43.216.273. The licensee may, but need not, pay
23 these costs on behalf of a prospective employee or reimburse the
24 prospective employee for these costs. The licensee and the
25 prospective employee may share these costs.

26 (f) The department shall issue a background check clearance card
27 or certificate to the applicant if after the completion of a
28 background check the department concludes the applicant is qualified
29 for unsupervised access to children in child care. The background
30 check clearance card or certificate is valid for three years from the
31 date of issuance. A valid card or certificate must be accepted by a
32 potential employer as proof that the applicant has successfully
33 completed a background check as required under this chapter.

34 (g) The original applicant for an agency license, licensees,
35 their employees, and other persons who have unsupervised access to
36 children in child care shall submit a new background check
37 application to the department, on a form and by a date as determined
38 by the department.

1 (h) The applicant and agency shall maintain on-site for
2 inspection a copy of the background check clearance card or
3 certificate.

4 (i) Individuals who have been issued a background check clearance
5 card or certificate shall report nonconviction and conviction
6 information to the department within twenty-four hours of the event
7 constituting the nonconviction or conviction information.

8 (j) The department shall investigate and conduct a
9 redetermination of an applicant's or licensee's background clearance
10 if the department receives a complaint or information from
11 individuals, a law enforcement agency, or other federal, state, or
12 local government agency. Subject to the requirements contained in RCW
13 43.216.325 and 43.216.327 and based on a determination that an
14 individual lacks the appropriate character, suitability, or
15 competence to provide child care or early learning services to
16 children, the department may: (i) Invalidate the background card or
17 certificate; or (ii) suspend, modify, or revoke any license
18 authorized by this chapter.

19 (3) To satisfy the shared background check requirements of the
20 department of children, youth, and families, the office of the
21 superintendent of public instruction, and the department of social
22 and health services, each department shall share federal fingerprint-
23 based background check results as permitted under the law. The
24 purpose of this provision is to allow these departments to fulfill
25 their joint background check responsibility of checking any
26 individual who may have unsupervised access to vulnerable adults,
27 children, or juveniles. These departments may not share the federal
28 background check results with any other state agency or person.

29 (4) Individuals who have completed a fingerprint background check
30 as required by the office of the superintendent of public
31 instruction, consistent with RCW 28A.400.303, and have been
32 continuously employed by the same school district or educational
33 service district, can meet the requirements in subsection (2) of this
34 section by providing a true and accurate copy of their Washington
35 state patrol and federal bureau of investigation background check
36 report results to the department or if the school district or the
37 educational service district provides an affidavit to the department
38 that the individual has been authorized to work by the school
39 district or educational service district after completing a record
40 check consistent with RCW 28A.400.303. The department may require

1 that additional background checks be completed that do not require
2 additional fingerprinting and may charge a fee for these additional
3 background checks.

4 **Sec. 70.** RCW 43.216.250 and 2017 3rd sp.s. c 6 s 205 are each
5 amended to read as follows:

6 It shall be the secretary's duty with regard to licensing under
7 this chapter:

8 (1) In consultation and with the advice and assistance of persons
9 representative of the various type agencies to be licensed, to
10 designate categories of child care facilities for which separate or
11 different requirements shall be developed as may be appropriate
12 whether because of variations in the ages and other characteristics
13 of the children served, variations in the purposes and services
14 offered or size or structure of the agencies to be licensed, or
15 because of any other factor relevant thereto;

16 (2)(a) In consultation with the state fire marshal's office, the
17 secretary shall use an interagency process to address health and
18 safety requirements for child care programs that serve school-age
19 children and are operated in buildings that contain public or private
20 schools that safely serve children during times in which school is in
21 session;

22 (b) Any requirements in (a) of this subsection as they relate to
23 the physical facility, including outdoor playgrounds, do not apply to
24 before-school and after-school programs that serve only school-age
25 children and operate in the same facilities used by public or private
26 schools;

27 (3) In consultation and with the advice and assistance of parents
28 or guardians, and persons representative of the various type agencies
29 to be licensed, to adopt and publish minimum requirements for
30 licensing applicable to each of the various categories of agencies to
31 be licensed under this chapter;

32 (4) In consultation with law enforcement personnel, the secretary
33 shall investigate the conviction record or pending charges of each
34 agency and its staff seeking licensure or relicensure, and other
35 persons having unsupervised access to children in child care;

36 (5) To satisfy the shared background check requirements provided
37 for in RCW 43.216.270 and 43.20A.710, the department of children,
38 youth, and families and the department of social and health services
39 shall share federal fingerprint-based background check results as

1 permitted under the law. The purpose of this provision is to allow
2 both departments to fulfill their joint background check
3 responsibility of checking any individual who may have unsupervised
4 access to vulnerable adults, children, or juveniles. Neither
5 department may share the federal background check results with any
6 other state agency or person;

7 (6) To issue, revoke, or deny licenses to agencies pursuant to
8 this chapter. Licenses shall specify the category of child care that
9 an agency is authorized to render and the ages and number of children
10 to be served;

11 (7) To prescribe the procedures and the form and contents of
12 reports necessary for the administration of this chapter and to
13 require regular reports from each licensee;

14 (8) To inspect agencies periodically to determine whether or not
15 there is compliance with this chapter and the requirements adopted
16 under this chapter;

17 (9) To review requirements adopted under this chapter at least
18 every two years and to adopt appropriate changes after consultation
19 with affected groups for child (~~day~~) care requirements; and

20 (10) To consult with public and private agencies in order to help
21 them improve their methods and facilities for the care and early
22 learning of children.

23 **Sec. 71.** RCW 13.34.062 and 2009 c 477 s 2 are each amended to
24 read as follows:

25 (1)(a) Whenever a child is taken into custody by child protective
26 services pursuant to a court order issued under RCW 13.34.050 or when
27 child protective services is notified that a child has been taken
28 into custody pursuant to RCW 26.44.050 or 26.44.056, child protective
29 services shall make reasonable efforts to inform the parent,
30 guardian, or legal custodian of the fact that the child has been
31 taken into custody, the reasons why the child was taken into custody,
32 and their legal rights under this title, including the right to a
33 shelter care hearing, as soon as possible. Notice must be provided in
34 an understandable manner and take into consideration the parent's,
35 guardian's, or legal custodian's primary language, level of
36 education, and cultural issues.

37 (b) In no event shall the notice required by this section be
38 provided to the parent, guardian, or legal custodian more than
39 twenty-four hours after the child has been taken into custody or

1 twenty-four hours after child protective services has been notified
2 that the child has been taken into custody.

3 (2)(a) The notice of custody and rights may be given by any means
4 reasonably certain of notifying the parents including, but not
5 limited to, written, telephone, or in person oral notification. If
6 the initial notification is provided by a means other than writing,
7 child protective services shall make reasonable efforts to also
8 provide written notification.

9 (b) The written notice of custody and rights required by this
10 section shall be in substantially the following form:

11 "NOTICE

12 Your child has been placed in temporary custody under the
13 supervision of Child Protective Services (or other person or agency).
14 You have important legal rights and you must take steps to protect
15 your interests.

16 1. A court hearing will be held before a judge within 72 hours of
17 the time your child is taken into custody excluding Saturdays,
18 Sundays, and holidays. You should call the court at _____ (insert
19 appropriate phone number here) _____ for specific information about the
20 date, time, and location of the court hearing.

21 2. You have the right to have a lawyer represent you at the
22 hearing. Your right to representation continues after the shelter
23 care hearing. You have the right to records the department intends to
24 rely upon. A lawyer can look at the files in your case, talk to child
25 protective services and other agencies, tell you about the law, help
26 you understand your rights, and help you at hearings. If you cannot
27 afford a lawyer, the court will appoint one to represent you. To get
28 a court-appointed lawyer you must contact: _____ (explain local
29 procedure) _____.

30 3. At the hearing, you have the right to speak on your own
31 behalf, to introduce evidence, to examine witnesses, and to receive a
32 decision based solely on the evidence presented to the judge.

33 4. If your hearing occurs before a court commissioner, you have
34 the right to have the decision of the court commissioner reviewed by
35 a superior court judge. To obtain that review, you must, within ten
36 days after the entry of the decision of the court commissioner, file
37 with the court a motion for revision of the decision, as provided in
38 RCW 2.24.050.

1 You should be present at any shelter care hearing. If you do not
2 come, the judge will not hear what you have to say.

3 You may call the Child Protective Services' caseworker for more
4 information about your child. The caseworker's name and telephone
5 number are: (insert name and telephone number).

6 5. You have a right to a case conference to develop a written
7 service agreement following the shelter care hearing. The service
8 agreement may not conflict with the court's order of shelter care.
9 You may request that a multidisciplinary team, family group
10 conference, or prognostic staffing be convened for your child's case.
11 You may participate in these processes with your counsel present.

12 6. If your child is placed in the custody of the department of
13 (~~social and health services~~) children, youth, and families or other
14 supervising agency, immediately following the shelter care hearing,
15 the court will enter an order granting the department or other
16 supervising agency the right to inspect and copy all health, medical,
17 mental health, and education records of the child, directing health
18 care providers to release such information without your further
19 consent, and granting the department or supervising agency or its
20 designee the authority and responsibility, where applicable, to:

21 (1) Notify the child's school that the child is in out-of-home
22 placement;

23 (2) Enroll the child in school;

24 (3) Request the school transfer records;

25 (4) Request and authorize evaluation of special needs;

26 (5) Attend parent or teacher conferences;

27 (6) Excuse absences;

28 (7) Grant permission for extracurricular activities;

29 (8) Authorize medications which need to be administered during
30 school hours and sign for medical needs that arise during school
31 hours; and

32 (9) Complete or update school emergency records.

33 7. If the court decides to place your child in the custody of the
34 department of (~~social and health services~~) children, youth, and
35 families or other supervising agency, the department or agency will
36 create a permanency plan for your child, including a primary
37 placement goal and secondary placement goal. The department or agency
38 also will recommend that the court order services for your child and
39 for you, if needed. The department or agency is required to make
40 reasonable efforts to provide you with services to address your

1 parenting problems, and to provide you with visitation with your
2 child according to court orders. Failure to promptly engage in
3 services or to maintain contact with your child may lead to the
4 filing of a petition to terminate your parental rights.

5 8. Primary and secondary permanency plans are intended to run at
6 the same time so that your child will have a permanent home as
7 quickly as possible. Absent good cause, and when appropriate, the
8 department or other supervising agency must follow the wishes of a
9 natural parent regarding placement of a child. You should tell your
10 lawyer and the court where you wish your child placed immediately,
11 including whether you want your child placed with you, with a
12 relative, or with another suitable person. You also should tell your
13 lawyer and the court what services you feel are necessary and your
14 wishes regarding visitation with your child. Even if you want another
15 parent or person to be the primary placement choice for your child,
16 you should tell your lawyer, the department or other supervising
17 agency, and the court if you want to be a secondary placement option,
18 and you should comply with court orders for services and participate
19 in visitation with your child. Early and consistent involvement in
20 your child's case plan is important for the well-being of your child.

21 9. A dependency petition begins a judicial process, which, if the
22 court finds your child dependent, could result in substantial
23 restrictions including, the entry or modification of a parenting plan
24 or residential schedule, nonparental custody order or decree,
25 guardianship order, or permanent loss of your parental rights."

26 Upon receipt of the written notice, the parent, guardian, or
27 legal custodian shall acknowledge such notice by signing a receipt
28 prepared by child protective services. If the parent, guardian, or
29 legal custodian does not sign the receipt, the reason for lack of a
30 signature shall be written on the receipt. The receipt shall be made
31 a part of the court's file in the dependency action.

32 If after making reasonable efforts to provide notification, child
33 protective services is unable to determine the whereabouts of the
34 parents, guardian, or legal custodian, the notice shall be delivered
35 or sent to the last known address of the parent, guardian, or legal
36 custodian.

37 (3) If child protective services is not required to give notice
38 under this section, the juvenile court counselor assigned to the
39 matter shall make all reasonable efforts to advise the parents,

1 guardian, or legal custodian of the time and place of any shelter
2 care hearing, request that they be present, and inform them of their
3 basic rights as provided in RCW 13.34.090.

4 (4) Reasonable efforts to advise and to give notice, as required
5 in this section, shall include, at a minimum, investigation of the
6 whereabouts of the parent, guardian, or legal custodian. If such
7 reasonable efforts are not successful, or the parent, guardian, or
8 legal custodian does not appear at the shelter care hearing, the
9 petitioner shall testify at the hearing or state in a declaration:

10 (a) The efforts made to investigate the whereabouts of, and to
11 advise, the parent, guardian, or custodian; and

12 (b) Whether actual advice of rights was made, to whom it was
13 made, and how it was made, including the substance of any oral
14 communication or copies of written materials used.

15 **Sec. 72.** RCW 13.34.069 and 2013 c 182 s 4 are each amended to
16 read as follows:

17 If a child is placed in the custody of the department of (~~social~~
18 ~~and health services~~) children, youth, and families or other
19 supervising agency, immediately following the shelter care hearing,
20 an order and authorization regarding health care and education
21 records for the child shall be entered. The order shall:

22 (1) Provide the department or other supervising agency with the
23 right to inspect and copy all health, medical, mental health, and
24 education records of the child;

25 (2) Authorize and direct any agency, hospital, doctor, nurse,
26 dentist, orthodontist, or other health care provider, therapist, drug
27 or alcohol treatment provider, psychologist, psychiatrist, or mental
28 health clinic, or health or medical records custodian or document
29 management company, or school or school organization to permit the
30 department or other supervising agency to inspect and to obtain
31 copies of any records relating to the child involved in the case,
32 without the further consent of the parent or guardian of the child;

33 (~~and~~)

34 (3) Identify the person who will serve as the educational
35 liaison; and

36 (4) Grant the department or other supervising agency or its
37 designee the authority and responsibility, where applicable, to:

38 (a) Notify the child's school that the child is in out-of-home
39 placement;

- 1 (b) Enroll the child in school;
2 (c) Request the school transfer records;
3 (d) Request and authorize evaluation of special needs;
4 (e) Attend parent or teacher conferences;
5 (f) Excuse absences;
6 (g) Grant permission for extracurricular activities;
7 (h) Authorize medications which need to be administered during
8 school hours and sign for medical needs that arise during school
9 hours; and
10 (i) Complete or update school emergency records.

11 Access to records under this section is subject to the child's
12 consent where required by other state and federal laws.

13 **Sec. 73.** RCW 74.13A.005 and 1985 c 7 s 133 are each amended to
14 read as follows:

15 It is the policy of this state to enable the secretary to charge
16 fees for certain services to adoptive parents who are able to pay for
17 such services.

18 It is, however, also the policy of this state that the secretary
19 of the department (~~(of social and health services)~~) shall be liberal
20 in waiving, reducing, or deferring payment of any such fee to the end
21 that adoptions shall be encouraged in cases where prospective
22 adoptive parents lack means.

23 It is the policy of this state to encourage, within the limits of
24 available funds, the adoption of certain hard to place children in
25 order to make it possible for children living in, or likely to be
26 placed in, foster homes or institutions to benefit from the stability
27 and security of permanent homes in which such children can receive
28 continuous parental care, guidance, protection, and love and to
29 reduce the number of such children who must be placed or remain in
30 foster homes or institutions until they become adults.

31 It is also the policy of this state to try, by means of the
32 program of adoption support authorized in RCW 26.33.320 and
33 (~~(74.13.100)~~) 74.13A.005 through (~~(74.13.145)~~) 74.13A.080, to reduce
34 the total cost to the state of foster home and institutional care.

35 **Sec. 74.** RCW 74.14A.060 and 2016 c 197 s 9 are each amended to
36 read as follows:

37 Within available funds, the secretary of the department of
38 (~~(social and health services)~~) children, youth, and families shall

1 support blended funding projects for youth. To be eligible for
2 blended funding a child must be eligible for services designed to
3 address a behavioral, mental, emotional, or substance abuse issue
4 from the department of social and health services or the department
5 of children, youth, and families and require services from more than
6 one categorical service delivery system. Before any blended funding
7 project is established by the secretary of the department of
8 children, youth, and families, any entity or person proposing the
9 project shall seek input from the public health and safety network or
10 networks established in the catchment area of the project. The
11 network or networks shall submit recommendations on the blended
12 funding project to the private-public initiative described in RCW
13 70.305.020. The private-public initiative shall advise the secretary
14 whether to approve the proposed blended funding project. The network
15 shall review the proposed blended funding project pursuant to its
16 authority to examine the decategorization of program funds under RCW
17 70.190.110, within the current appropriation level. The department
18 shall document the number of children who participate in blended
19 funding projects, the total blended funding amounts per child, the
20 amount charged to each appropriation by program, and services
21 provided to each child through each blended funding project.

22 **Sec. 75.** RCW 13.90.010 and 2017 c 279 s 3 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Department" means the department of (~~social and health~~
27 ~~services~~) children, youth, and families.

28 (2) "Guardian" means a person who has been appointed by the court
29 as the guardian of a vulnerable youth in a legal proceeding under
30 this chapter. The term "guardian" does not include a "dependency
31 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
32 for the purpose of assisting the court in supervising the dependency.
33 The term "guardian" does not include a "guardian" appointed pursuant
34 to a proceeding under chapter 13.36 RCW or a "dependency guardian"
35 appointed pursuant to a proceeding under chapter 13.34 RCW.

36 (3) "Juvenile court" or "court" means the juvenile division of
37 the superior court.

38 (4) "Relative" means a person related to the child in the
39 following ways:

1 (a) Any parent, or blood relative, including those of half-blood,
2 and including first cousins, second cousins, nephews or nieces, and
3 persons of preceding generations as denoted by prefixes of grand,
4 great, or great-great;

5 (b) A stepfather, stepmother, stepbrother, and stepsister;

6 (c) A person who legally adopts a child or the child's parent as
7 well as the natural and other legally adopted children of such
8 persons, and other relatives of the adoptive parents in accordance
9 with state law;

10 (d) Spouses of any persons named in (a) through (c) of this
11 subsection (4), even after the marriage is terminated;

12 (e) Relatives, as described in (a) through (d) of this subsection
13 (4), of any half-sibling of the child.

14 (5)(a) "Suitable person" means a nonrelative who has completed
15 all required criminal history background checks as specified in (b)
16 of this subsection and otherwise appears to be suitable and competent
17 to provide care for the youth.

18 (b) The criminal background checks required in (a) of this
19 subsection are those set out in RCW 26.10.135 (1) and (2)(b), but
20 apply only to the guardian and not to other adult members of the
21 household.

22 (6) "Vulnerable youth" is an individual who has turned eighteen
23 years old, but who is not yet twenty-one years old and who is
24 eligible for classification under 8 U.S.C. Sec. 1101(a)(27)(J). A
25 youth who remains in a vulnerable youth guardianship under this
26 chapter shall not be considered a "child" under any other state
27 statute or for any other purpose. A vulnerable youth is one who is
28 not also a nonminor dependent who is participating in extended foster
29 care services authorized under RCW 74.13.031.

30 **Sec. 76.** RCW 43.216.015 and 2017 3rd sp.s. c 6 s 101 are each
31 amended to read as follows:

32 (1)(a) The department of children, youth, and families is created
33 as an executive branch agency. The department is vested with all
34 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
35 sp. sess. and such other powers and duties as may be authorized by
36 law. The vision for the department is that Washington state's
37 children and youth grow up safe and (~~health-[healthy-]~~) healthy
38 thriving physically, emotionally, and academically, nurtured by
39 family and community.

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

14 (2) Beginning July 1, 2018, the department must develop
15 definitions for, work plans to address, and metrics to measure the
16 outcomes for children, youth, and families served by the department
17 and must work with state agencies to ensure services for children,
18 youth, and families are science-based, outcome-driven, data-informed,
19 and collaborative.

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

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

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

28 (i) Improving child development and school readiness through
29 voluntary, high quality early learning opportunities as measured by:
30 (A) Increasing the number and proportion of children kindergarten-
31 ready as measured by the Washington kindergarten inventory of
32 developing skills (WAKids) assessment including mathematics; (B)
33 increasing the proportion of children in early learning programs that
34 have achieved the level 3 or higher early achievers quality standard;
35 and (C) increasing the available supply of licensed child care in
36 both child care centers and family homes, including providers not
37 receiving state subsidy;

38 (ii) Preventing child abuse and neglect;

39 (iii) Improving child and youth safety, permanency, and well-
40 being as measured by: (A) Reducing the number of children entering

1 out-of-home care; (B) reducing a child's length of stay in out-of-
2 home care; (C) reducing maltreatment of youth while in out-of-home
3 care; (D) licensing more foster homes than there are children in
4 foster care; (E) reducing the number of children that reenter out-of-
5 home care within twelve months; (F) increasing the stability of
6 placements for children in out-of-home care; and (G) developing
7 strategies to demonstrate to foster families that their service and
8 involvement is highly valued by the department, as demonstrated by
9 the development of strategies to consult with foster families
10 regarding future placement of a foster child currently placed with a
11 foster family;

12 (iv) Improving reconciliation of children and youth with their
13 families as measured by: (A) Increasing family reunification; and (B)
14 increasing the number of youth who are reunified with their family of
15 origin;

16 (v) In collaboration with county juvenile justice programs,
17 improving adolescent outcomes including reducing multisystem
18 involvement and homelessness; and increasing school graduation rates
19 and successful transitions to adulthood for youth involved in the
20 child welfare and juvenile justice systems;

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

24 (vii) In collaboration with county juvenile justice programs,
25 reducing criminal justice involvement and recidivism as measured by:
26 (A) An increase in the number of youth who successfully complete the
27 terms of diversion or alternative sentencing options; (B) a decrease
28 in the number of youth who commit subsequent crimes; and (C)
29 eliminating the discharge of youth from institutional settings into
30 homelessness; and

31 (viii) Reducing racial and ethnic disproportionality and
32 disparities in system involvement and across child and youth outcomes
33 in collaboration with other state agencies.

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

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

38 (b) Identify necessary improvements and updates to statutes
39 relevant to their responsibilities and proposing legislative changes
40 to the governor no less than biennially;

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

6 (d) Lead the provision of state services to adolescents, focusing
7 on key transition points for youth, including exiting foster care and
8 institutions, and coordinating with the office of homeless youth
9 prevention and protection programs to address the unique needs of
10 homeless youth; and

11 (e) Create and annually update a list of the rights and
12 responsibilities of foster parents in partnership with foster parent
13 representatives. The list of foster parent rights and
14 responsibilities must be posted on the department's web site and
15 provided to foster parents in writing at the time of licensure.

16 (5) The department is accountable to the public. To ensure
17 transparency, beginning December 30, 2018, agency performance data
18 for the services provided by the department, including outcome data
19 for contracted services, must be available to the public, consistent
20 with confidentiality laws, federal protections, and individual rights
21 to privacy. Publicly available data must include budget and funding
22 decisions, performance-based contracting data, including data for
23 contracted services, and performance data on metrics identified in
24 this section. The oversight board for children, youth, and families
25 must work with the secretary and director to develop the most
26 effective and cost-efficient ways to make department data available
27 to the public, including making this data readily available on the
28 department's web site.

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

31 (7) As used in this section, "performance-based contract" means
32 results-oriented contracting that focuses on the quality or outcomes
33 that tie at least a portion of the contractor's payment, contract
34 extensions, or contract renewals to the achievement of specific
35 measurable performance standards and requirements.

36 (8) The department must execute all new and renewed contracts for
37 services in accordance with this section and consistent with RCW
38 74.13B.020. When contracted services are managed through a network
39 administrator or other third party, the department must execute data-
40 sharing agreements with the entities managing the contracts to track

1 provider performance measures. Contracts with network administrators
2 or other third parties must provide the contract administrator the
3 ability to shift resources from one provider to another, to evaluate
4 individual provider performance, to add or delete services in
5 consultation with the department, and to reinvest savings from
6 increased efficiencies into new or improved services in their
7 catchment area. Whenever possible, contractor performance data must
8 be made available to the public, consistent with confidentiality laws
9 and individual rights to privacy.

10 (9)(a) The oversight board for children, youth, and families
11 shall begin its work and call the first meeting of the board on or
12 after July 1, 2018. The oversight board shall immediately assume the
13 duties of the legislative children's oversight committee, as provided
14 for in RCW 74.13.570 and assume the full functions of the board as
15 provided for in this section by July 1, 2019. The office of
16 innovation, alignment, and accountability shall provide quarterly
17 updates regarding the implementation of the department of children,
18 youth, and families to the board between July 1, 2018, and July 1,
19 2019.

20 (b) The ombuds shall establish the oversight board for children,
21 youth, and families. The board is authorized for the purpose of
22 monitoring and ensuring that the department of children, youth, and
23 families achieves the stated outcomes of chapter 6, Laws of 2017 3rd
24 sp. sess., and complies with administrative acts, relevant statutes,
25 rules, and policies pertaining to early learning, juvenile
26 rehabilitation, juvenile justice, and children and family services.

27 (10)(a) The oversight board for children, youth, and families
28 shall consist of two senators and two representatives from the
29 legislature with one member from each major caucus, one nonvoting
30 representative from the governor's office, one subject matter expert
31 in early learning, one subject matter expert in child welfare, one
32 subject matter expert in juvenile rehabilitation and justice, one
33 subject matter expert in reducing disparities in child outcomes by
34 family income and race and ethnicity, one tribal representative from
35 the west of the crest of the Cascade mountains, one tribal
36 representative from the east of the crest of the Cascade mountains,
37 one current or former foster parent representative, one
38 representative of an organization that advocates for the best
39 interest of the child, one parent stakeholder group representative,
40 one law enforcement representative, one child welfare caseworker

1 representative, one early childhood learning program implementation
2 practitioner, and one judicial representative presiding over child
3 welfare court proceedings or other children's matters.

4 (b) The senate members of the board shall be appointed by the
5 leaders of the two major caucuses of the senate. The house of
6 representatives members of the board shall be appointed by the
7 leaders of the two major caucuses of the house of representatives.
8 Members shall be appointed before the close of each regular session
9 of the legislature during an odd-numbered year.

10 (c) The remaining board members shall be nominated by the
11 governor, subject to the approval of the appointed legislators by
12 majority vote, and serve four-year terms.

13 (11) The oversight board for children, youth, and families has
14 the following powers, which may be exercised by majority vote of the
15 board:

16 (a) To receive reports of the family and children's ombuds;

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

19 (c) To select its officers and adoption of rules for orderly
20 procedure;

21 (d) To request investigations by the family and children's ombuds
22 of administrative acts;

23 (e) To request and receive information, outcome data, documents,
24 materials, and records from the department of children, youth, and
25 families relating to children and family welfare, juvenile
26 rehabilitation, juvenile justice, and early learning;

27 (f) To determine whether the department of children, youth, and
28 families is achieving the performance measures;

29 (g) If final review is requested by a licensee, to review whether
30 department of children, youth, and families' licensors appropriately
31 and consistently applied agency rules in child care facility
32 licensing compliance agreements as defined in RCW 43.216.395 that do
33 not involve a violation of health and safety standards as defined in
34 RCW 43.216.395 in cases that have already been reviewed by the
35 internal review process described in RCW 43.216.395 with the
36 authority to overturn, change, or uphold such decisions;

37 (h) To conduct annual reviews of a sample of department of
38 children, youth, and families contracts for services from a variety
39 of program and service areas to ensure that those contracts are

1 performance-based and to assess the measures included in each
2 contract; and

3 (i) Upon receipt of records or data from the family and
4 children's ombuds or the department of children, youth, and families,
5 the oversight board for children, youth, and families is subject to
6 the same confidentiality restrictions as the family and children's
7 ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also
8 apply to the oversight board for children, youth, and families.

9 (12) The oversight board for children, youth, and families has
10 general oversight over the performance and policies of the department
11 and shall provide advice and input to the department and the
12 governor.

13 (13) The oversight board for children, youth, and families must
14 no less than twice per year convene stakeholder meetings to allow
15 feedback to the board regarding contracting with the department of
16 children, youth, and families, departmental use of local, state,
17 private, and federal funds, and other matters as relating to carrying
18 out the duties of the department.

19 (14) The oversight board for children, youth, and families shall
20 review existing surveys of providers, customers, parent groups, and
21 external services to assess whether the department of children,
22 youth, and families is effectively delivering services, and shall
23 conduct additional surveys as needed to assess whether the department
24 is effectively delivering services.

25 (15) The oversight board for children, youth, and families is
26 subject to the open public meetings act, chapter 42.30 RCW, except to
27 the extent disclosure of records or information is otherwise
28 confidential under state or federal law.

29 (16) Records or information received by the oversight board for
30 children, youth, and families is confidential to the extent permitted
31 by state or federal law. This subsection does not create an exception
32 for records covered by RCW 13.50.100.

33 (17) The oversight board for children, youth, and families
34 members shall receive no compensation for their service on the board,
35 but shall be reimbursed for travel expenses incurred while attending
36 meetings of the board when authorized by the board in accordance with
37 RCW 43.03.050 and 43.03.060.

38 (18) The oversight board for children, youth, and families shall
39 select, by majority vote, an executive director who shall be the
40 chief administrative officer of the board and shall be responsible

1 for carrying out the policies adopted by the board. The executive
2 director is exempt from the provisions of the state civil service
3 law, chapter 41.06 RCW, and shall serve at the pleasure of the board
4 established in this section.

5 (19) The oversight board for children, youth, and families shall
6 maintain a staff not to exceed one full-time equivalent employee. The
7 board-selected executive director of the board is responsible for
8 coordinating staff appointments.

9 (20) The oversight board for children, youth, and families shall
10 issue an annual report to the governor and legislature by December
11 1st of each year with an initial report delivered by December 1,
12 2019. The report must review the department of children, youth, and
13 families' progress towards meeting stated performance measures and
14 desired performance outcomes, and must also include a review of the
15 department's strategic plan, policies, and rules.

16 (21) As used in this section, "department" means the department
17 of children, youth, and families, "director" means the director of
18 the office of innovation, alignment, and accountability, and
19 "secretary" means the secretary of the department.

20 (22) The governor must appoint the secretary of the department
21 within thirty days of July 6, 2017.

22 **Sec. 77.** RCW 43.06A.030 and 2017 3rd sp.s. c 6 s 112 are each
23 amended to read as follows:

24 The ombuds shall perform the following duties:

25 (1) Provide information as appropriate on the rights and
26 responsibilities of individuals receiving family and children's
27 services, juvenile justice, juvenile rehabilitation, and child early
28 learning, and on the procedures for providing these services;

29 (2) Investigate, upon his or her own initiative or upon receipt
30 of a complaint, an administrative act alleged to be contrary to law,
31 rule, or policy, imposed without an adequate statement of reason, or
32 based on irrelevant, immaterial, or erroneous grounds; however, the
33 ombuds may decline to investigate any complaint as provided by rules
34 adopted under this chapter;

35 (3) Monitor the procedures as established, implemented, and
36 practiced by the department of children, youth, and families to carry
37 out its responsibilities in delivering family and children's services
38 with a view toward appropriate preservation of families and ensuring
39 children's health and safety;

1 (4) Review periodically the facilities and procedures of state
2 institutions serving children, youth, and families, and state-
3 licensed facilities or residences;

4 (5) Recommend changes in the procedures for addressing the needs
5 of children, youth, and families;

6 (6) Submit annually to the oversight board for children, youth,
7 and families created in RCW 43.216.015 and to the governor by
8 November 1st a report analyzing the work of the department of
9 children, youth, and families, including recommendations;

10 (7) Grant the (~~committee~~) oversight board for children, youth,
11 and families access to all relevant records in the possession of the
12 ombuds unless prohibited by law; and

13 (8) Adopt rules necessary to implement this chapter.

14 **Sec. 78.** RCW 13.50.010 and 2017 3rd sp.s. c 6 s 312 are each
15 amended to read as follows:

16 (1) For purposes of this chapter:

17 (a) "Good faith effort to pay" means a juvenile offender has
18 either (i) paid the principal amount in full; (ii) made at least
19 eighty percent of the value of full monthly payments within the
20 period from disposition or deferred disposition until the time the
21 amount of restitution owed is under review; or (iii) can show good
22 cause why he or she paid an amount less than eighty percent of the
23 value of full monthly payments;

24 (b) "Juvenile justice or care agency" means any of the following:
25 Police, diversion units, court, prosecuting attorney, defense
26 attorney, detention center, attorney general, the oversight board for
27 children, youth, and families, the office of the family and
28 children's ombuds, the department of social and health services and
29 its contracting agencies, the department of children, youth, and
30 families and its contracting agencies, schools; persons or public or
31 private agencies having children committed to their custody; and any
32 placement oversight committee created under RCW 72.05.415;

33 (c) "Official juvenile court file" means the legal file of the
34 juvenile court containing the petition or information, motions,
35 memorandums, briefs, notices of hearing or appearance, service
36 documents, witness and exhibit lists, findings of the court and court
37 orders, agreements, judgments, decrees, notices of appeal, as well as
38 documents prepared by the clerk, including court minutes, letters,

1 warrants, waivers, affidavits, declarations, invoices, and the index
2 to clerk papers;

3 (d) "Records" means the official juvenile court file, the social
4 file, and records of any other juvenile justice or care agency in the
5 case;

6 (e) "Social file" means the juvenile court file containing the
7 records and reports of the probation counselor.

8 (2) Each petition or information filed with the court may include
9 only one juvenile and each petition or information shall be filed
10 under a separate docket number. The social file shall be filed
11 separately from the official juvenile court file.

12 (3) It is the duty of any juvenile justice or care agency to
13 maintain accurate records. To this end:

14 (a) The agency may never knowingly record inaccurate information.
15 Any information in records maintained by the department of social and
16 health services or the department of children, youth, and families
17 relating to a petition filed pursuant to chapter 13.34 RCW that is
18 found by the court to be false or inaccurate shall be corrected or
19 expunged from such records by the agency;

20 (b) An agency shall take reasonable steps to assure the security
21 of its records and prevent tampering with them; and

22 (c) An agency shall make reasonable efforts to insure the
23 completeness of its records, including action taken by other agencies
24 with respect to matters in its files.

25 (4) Each juvenile justice or care agency shall implement
26 procedures consistent with the provisions of this chapter to
27 facilitate inquiries concerning records.

28 (5) Any person who has reasonable cause to believe information
29 concerning that person is included in the records of a juvenile
30 justice or care agency and who has been denied access to those
31 records by the agency may make a motion to the court for an order
32 authorizing that person to inspect the juvenile justice or care
33 agency record concerning that person. The court shall grant the
34 motion to examine records unless it finds that in the interests of
35 justice or in the best interests of the juvenile the records or parts
36 of them should remain confidential.

37 (6) A juvenile, or his or her parents, or any person who has
38 reasonable cause to believe information concerning that person is
39 included in the records of a juvenile justice or care agency may make
40 a motion to the court challenging the accuracy of any information

1 concerning the moving party in the record or challenging the
2 continued possession of the record by the agency. If the court grants
3 the motion, it shall order the record or information to be corrected
4 or destroyed.

5 (7) The person making a motion under subsection (5) or (6) of
6 this section shall give reasonable notice of the motion to all
7 parties to the original action and to any agency whose records will
8 be affected by the motion.

9 (8) The court may permit inspection of records by, or release of
10 information to, any clinic, hospital, or agency which has the subject
11 person under care or treatment. The court may also permit inspection
12 by or release to individuals or agencies, including juvenile justice
13 advisory committees of county law and justice councils, engaged in
14 legitimate research for educational, scientific, or public purposes.
15 Each person granted permission to inspect juvenile justice or care
16 agency records for research purposes shall present a notarized
17 statement to the court stating that the names of juveniles and
18 parents will remain confidential.

19 (9) The court shall release to the caseload forecast council the
20 records needed for its research and data-gathering functions. Access
21 to caseload forecast data may be permitted by the council for
22 research purposes only if the anonymity of all persons mentioned in
23 the records or information will be preserved.

24 (10) Juvenile detention facilities shall release records to the
25 caseload forecast council upon request. The commission shall not
26 disclose the names of any juveniles or parents mentioned in the
27 records without the named individual's written permission.

28 (11) Requirements in this chapter relating to the court's
29 authority to compel disclosure shall not apply to the oversight board
30 for children, youth, and families or the office of the family and
31 children's ombuds.

32 (12) For the purpose of research only, the administrative office
33 of the courts shall maintain an electronic research copy of all
34 records in the judicial information system related to juveniles.
35 Access to the research copy is restricted to the administrative
36 office of the courts for research purposes as authorized by the
37 supreme court or by state statute. The administrative office of the
38 courts shall maintain the confidentiality of all confidential records
39 and shall preserve the anonymity of all persons identified in the
40 research copy. Data contained in the research copy may be shared with

1 other governmental agencies as authorized by state statute, pursuant
2 to data-sharing and research agreements, and consistent with
3 applicable security and confidentiality requirements. The research
4 copy may not be subject to any records retention schedule and must
5 include records destroyed or removed from the judicial information
6 system pursuant to RCW 13.50.270 and 13.50.100(3).

7 (13) The court shall release to the Washington state office of
8 public defense records needed to implement the agency's oversight,
9 technical assistance, and other functions as required by RCW
10 2.70.020. Access to the records used as a basis for oversight,
11 technical assistance, or other agency functions is restricted to the
12 Washington state office of public defense. The Washington state
13 office of public defense shall maintain the confidentiality of all
14 confidential information included in the records.

15 (14) The court shall release to the Washington state office of
16 civil legal aid records needed to implement the agency's oversight,
17 technical assistance, and other functions as required by RCW
18 2.53.045. Access to the records used as a basis for oversight,
19 technical assistance, or other agency functions is restricted to the
20 Washington state office of civil legal aid. The Washington state
21 office of civil legal aid shall maintain the confidentiality of all
22 confidential information included in the records, and shall, as soon
23 as possible, destroy any retained notes or records obtained under
24 this section that are not necessary for its functions related to RCW
25 2.53.045.

26 (15) For purposes of providing for the educational success of
27 youth in foster care, the department of children, youth, and families
28 may disclose only those confidential child welfare records that
29 pertain to or may assist with meeting the educational needs of foster
30 youth to another state agency or state agency's contracted provider
31 responsible under state law or contract for assisting foster youth to
32 attain educational success. The records retain their confidentiality
33 pursuant to this chapter and federal law and cannot be further
34 disclosed except as allowed under this chapter and federal law.

35 (16) For the purpose of ensuring the safety and welfare of the
36 youth who are in foster care, the department of children, youth, and
37 families may disclose to the department of commerce and its
38 contracted providers responsible under state law or contract for
39 providing services to youth, only those confidential child welfare
40 records that pertain to ensuring the safety and welfare of the youth

1 who are in foster care who are admitted to crisis residential centers
2 or HOPE centers under contract with the office of homeless youth
3 prevention and protection. Records disclosed under this subsection
4 retain their confidentiality pursuant to this chapter and federal law
5 and may not be further disclosed except as permitted by this chapter
6 and federal law.

7 (17) For purposes of investigating and preventing child abuse and
8 neglect, and providing for the health care coordination and the well-
9 being of children in foster care, the department of children, youth,
10 and families may disclose only those confidential child welfare
11 records that pertain to or may assist with investigation and
12 prevention of child abuse and neglect, or may assist with providing
13 for the health and well-being of children in foster care to the
14 department of social and health services, the health care authority,
15 or their contracting agencies. For purposes of investigating and
16 preventing child abuse and neglect, and to provide for the
17 coordination of health care and the well-being of children in foster
18 care, the department of social and health services and the health
19 care authority may disclose only those confidential child welfare
20 records that pertain to or may assist with investigation and
21 prevention of child abuse and neglect, or may assist with providing
22 for the health care coordination and the well-being of children in
23 foster care to the department of children, youth, and families, or
24 its contracting agencies. The records retain their confidentiality
25 pursuant to this chapter and federal law and cannot be further
26 disclosed except as allowed under this chapter and federal law.

27 **Sec. 79.** RCW 74.14B.010 and 2017 3rd sp.s. c 6 s 506 are each
28 amended to read as follows:

29 (1) Caseworkers employed in children services shall meet minimum
30 standards established by the department. Comprehensive training for
31 caseworkers shall be completed before such caseworkers are assigned
32 to case-carrying responsibilities without direct supervision.
33 Intermittent, part-time, and standby workers shall be subject to the
34 same minimum standards and training.

35 (2) Ongoing specialized training shall be provided for persons
36 responsible for investigating child sexual abuse. Training
37 participants shall have the opportunity to practice interview skills
38 and receive feedback from instructors.

1 (3) The department, the criminal justice training commission, the
2 Washington association of sheriffs and police chiefs, and the
3 Washington association of prosecuting attorneys shall design and
4 implement statewide training that contains consistent elements for
5 persons engaged in the interviewing of children, including law
6 enforcement, prosecution, and child protective services.

7 (4) The training shall: (a) Be based on research-based practices
8 and standards; (b) minimize the trauma of all persons who are
9 interviewed during abuse investigations; (c) provide methods of
10 reducing the number of investigative interviews necessary whenever
11 possible; (d) assure, to the extent possible, that investigative
12 interviews are thorough, objective, and complete; (e) recognize needs
13 of special populations, such as persons with developmental
14 disabilities; (f) recognize the nature and consequences of
15 victimization; (g) require investigative interviews to be conducted
16 in a manner most likely to permit the interviewed persons the maximum
17 emotional comfort under the circumstances; (h) address record
18 retention and retrieval; and (i) documentation of investigative
19 interviews.

20 (5) The identification of domestic violence is critical in
21 ensuring the safety of children in the child welfare system. As a
22 result, ongoing domestic violence training and consultation shall be
23 provided to caseworkers, including how to use the (~~children's~~
24 ~~administration's~~) department's practice guide to domestic violence.

25 **Sec. 80.** RCW 43.216.906 and 2017 3rd sp.s. c 6 s 803 are each
26 amended to read as follows:

27 (1) All powers, duties, and functions of the department of social
28 and health services pertaining to child welfare services under
29 chapters 13.32A, 13.34, 13.36, 13.38, 13.50, 13.60, 13.64, 26.33,
30 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are transferred
31 to the department of children, youth, and families. All references to
32 the secretary or the department of social and health services in the
33 Revised Code of Washington shall be construed to mean the secretary
34 or the department of children, youth, and families when referring to
35 the functions transferred in this section.

36 (2)(a) All reports, documents, surveys, books, records, files,
37 papers, or written material in the possession of the department of
38 social and health services pertaining to the powers, duties, and
39 functions transferred shall be delivered to the custody of the

1 department of children, youth, and families. All cabinets, furniture,
2 office equipment, motor vehicles, and other tangible property
3 employed by the department of social and health services in carrying
4 out the powers, duties, and functions transferred shall be made
5 available to the department of children, youth, and families. All
6 funds, credits, or other assets held in connection with the powers,
7 duties, and functions transferred shall be assigned to the department
8 of children, youth, and families.

9 (b) Any appropriations made to the department of social and
10 health services for carrying out the powers, duties, and functions
11 transferred shall, on July 1, 2018, be transferred and credited to
12 the department of children, youth, and families.

13 (c) Whenever any question arises as to the transfer of any
14 personnel, funds, books, documents, records, papers, files,
15 equipment, or other tangible property used or held in the exercise of
16 the powers and the performance of the duties and functions
17 transferred, the director of financial management shall make a
18 determination as to the proper allocation and certify the same to the
19 state agencies concerned.

20 (3) All employees of the department of social and health services
21 engaged in performing the powers, duties, and functions transferred
22 are transferred to the jurisdiction of the department of children,
23 youth, and families. All employees classified under chapter 41.06
24 RCW, the state civil service law, are assigned to the department of
25 children, youth, and families to perform their usual duties upon the
26 same terms as formerly, without any loss of rights, subject to any
27 action that may be appropriate thereafter in accordance with the laws
28 and rules governing state civil service.

29 (4) All rules and all pending business before the department of
30 social and health services pertaining to the powers, duties, and
31 functions transferred shall be continued and acted upon by the
32 department of children, youth, and families. All existing contracts
33 and obligations shall remain in full force and shall be performed by
34 the department of children, youth, and families.

35 (5) The transfer of the powers, duties, functions, and personnel
36 of the department of social and health services shall not affect the
37 validity of any act performed before July 1, 2018.

38 (6) If apportionments of budgeted funds are required because of
39 the transfers directed by this section, the director of financial
40 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 (7)(a) The portions of any bargaining units of employees at the
5 department of social and health services existing on July 1, 2018,
6 that are transferred to the department of children, youth, and
7 families shall be considered separate appropriate units within the
8 department of children, youth, and families unless and until modified
9 by the public employment relations commission pursuant to Title 391
10 WAC. The exclusive bargaining representatives recognized as
11 representing the portions of the bargaining units of employees at the
12 department of social and health services existing on July 1, 2018,
13 shall continue as the exclusive bargaining representatives of the
14 transferred bargaining units without the necessity of an election.

15 (b) The public employment relations commission may review the
16 appropriateness of the collective bargaining units that are a result
17 of the transfer from the department of social and health services to
18 the department of children, youth, and families under chapter 6, Laws
19 of 2017 3rd sp. sess. The employer or the exclusive bargaining
20 representative may petition the public employment relations
21 commission to review the bargaining units in accordance with this
22 section.

23 **Sec. 81.** RCW 43.216.905 and 2017 3rd sp.s. c 6 s 802 are each
24 amended to read as follows:

25 (1) The department of early learning is hereby abolished and its
26 powers, duties, and functions are hereby transferred to the
27 department of children, youth, and families. All references to the
28 (~~secretary~~) director or the department of early learning in the
29 Revised Code of Washington shall be construed to mean the secretary
30 or the department of children, youth, and families.

31 (2)(a) All reports, documents, surveys, books, records, files,
32 papers, or written material in the possession of the department of
33 early learning shall be delivered to the custody of the department of
34 children, youth, and families. All cabinets, furniture, office
35 equipment, motor vehicles, and other tangible property employed by
36 the department of early learning shall be made available to the
37 department of children, youth, and families. All funds, credits, or
38 other assets held by the department of early learning shall be
39 assigned to the department of children, youth, and families.

1 (b) Any appropriations made to the department of early learning
2 shall, on July 1, 2018, be transferred and credited to the department
3 of children, youth, and families.

4 (c) If any question arises as to the transfer of any personnel,
5 funds, books, documents, records, papers, files, equipment, or other
6 tangible property used or held in the exercise of the powers and the
7 performance of the duties and functions transferred, the director of
8 financial management shall make a determination as to the proper
9 allocation and certify the same to the state agencies concerned.

10 (3) All employees of the department of early learning are
11 transferred to the jurisdiction of the department of children, youth,
12 and families. All employees classified under chapter 41.06 RCW, the
13 state civil service law, are assigned to the department of children,
14 youth, and families to perform their usual duties upon the same terms
15 as formerly, without any loss of rights, subject to any action that
16 may be appropriate thereafter in accordance with the laws and rules
17 governing state civil service.

18 (4) All rules and all pending business before the department of
19 early learning shall be continued and acted upon by the department of
20 children, youth, and families. All existing contracts and obligations
21 shall remain in full force and shall be performed by the department
22 of children, youth, and families.

23 (5) The transfer of the powers, duties, functions, and personnel
24 of the department of early learning shall not affect the validity of
25 any act performed before July 1, 2018.

26 (6) If apportionments of budgeted funds are required because of
27 the transfers directed by this section, the director of financial
28 management shall certify the apportionments to the agencies affected,
29 the state auditor, and the state treasurer. Each of these shall make
30 the appropriate transfer and adjustments in funds and appropriation
31 accounts and equipment records in accordance with the certification.

32 (7)(a) The bargaining units of employees at the department of
33 early learning existing on July 1, 2018, that are transferred to the
34 department of children, youth, and families shall be considered
35 separate appropriate units within the department of children, youth,
36 and families unless and until modified by the public employment
37 relations commission pursuant to Title 391 WAC. The exclusive
38 bargaining representatives recognized as representing the bargaining
39 units of employees at the department of early learning existing on
40 July 1, 2018, shall continue as the exclusive bargaining

1 representatives of the transferred bargaining units without the
2 necessity of an election.

3 (b) The public employment relations commission may review the
4 appropriateness of the collective bargaining units that are a result
5 of the transfer from the department of early learning to the
6 department of children, youth, and families under chapter 6, Laws of
7 2017 3rd sp. sess. The employer or the exclusive bargaining
8 representative may petition the public employment relations
9 commission to review the bargaining units in accordance with this
10 section.

11 NEW SECTION. **Sec. 82.** This act takes effect July 1, 2018.

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