
HOUSE BILL 1697

State of Washington

68th Legislature

2023 Regular Session

By Representative Walsh

1 AN ACT Relating to making the early achievers quality rating and
2 improvement system voluntary; amending RCW 26.44.272, 43.216.085,
3 43.216.087, 43.216.089, 43.216.090, 43.216.110, 43.216.255,
4 43.216.515, 43.216.555, 43.216.578, 43.216.578, 43.216.742, and
5 43.31.575; reenacting and amending RCW 43.216.135; providing an
6 effective date; and providing an expiration date.

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

8 **Sec. 1.** RCW 26.44.272 and 2014 c 160 s 1 are each amended to
9 read as follows:

10 (1) The family assessment response worker must assess for child
11 safety and child well-being when collaborating with a family to
12 determine the need for child care, preschool, or home visiting
13 services (~~and, as appropriate, the family assessment response worker~~
14 ~~must refer children to preschool programs that are enrolled in the~~
15 ~~early achievers program and rate at a level 3, 4, or 5 unless:~~

16 ~~(a) The family lives in an area with no local preschool programs~~
17 ~~that rate at a level 3, 4, or 5 in the early achievers program;~~

18 ~~(b) The local preschool programs that rate at a level 3, 4, or 5~~
19 ~~in the early achievers program are not able to meet the needs of the~~
20 ~~child; or~~

1 ~~(c) The child is attending a preschool program prior to~~
2 ~~participating in family assessment response and the parent or~~
3 ~~caregiver does not want the child to change preschool programs.~~

4 ~~(2) The family assessment response worker may make child care~~
5 ~~referrals for nonschool-aged children to licensed child care programs~~
6 ~~that rate at a level 3, 4, or 5 in the early achievers program~~
7 ~~described in RCW 43.215.100 unless:~~

8 ~~(a) The family lives in an area with no local programs that rate~~
9 ~~at level 3, 4, or 5 in the early achievers program;~~

10 ~~(b) The local child care programs that rate at a level 3, 4, or 5~~
11 ~~in the early achievers program are not able to meet the needs of the~~
12 ~~child; or~~

13 ~~(c) The child is attending a child care program prior to~~
14 ~~participating in family assessment response and the parent or~~
15 ~~caregiver does not want the child to change child care programs).~~

16 ~~((3))~~ (2) The family assessment response worker shall, when
17 appropriate, provide referrals to ~~((high quality))~~ certified and
18 licensed child care and early learning programs.

19 ~~((4) The family assessment response worker shall, when~~
20 ~~appropriate, provide referrals to state and federally subsidized~~
21 ~~programs such as, but not limited to, licensed child care programs~~
22 ~~that receive state subsidy pursuant to RCW 43.215.135; early~~
23 ~~childhood education and assistance programs; head start programs; and~~
24 ~~early head start programs.~~

25 ~~(5))~~ (3) Prior to closing the family assessment response case,
26 the family assessment response worker must, when appropriate, discuss
27 child care and early learning services with the child's parent or
28 caregiver.

29 (4) If the family plans to use child care or early learning
30 services, the family assessment response worker must work with the
31 family to facilitate enrollment.

32 **Sec. 2.** RCW 43.216.085 and 2021 c 304 s 6 are each amended to
33 read as follows:

34 (1) The department, in collaboration with tribal governments and
35 community and statewide partners, shall implement a quality rating
36 and improvement system, called the early achievers program. The early
37 achievers program provides a foundation of quality for the early care
38 and education system. The early achievers program is ~~((applicable~~
39 ~~to))~~ voluntary for licensed or certified child care centers, family

1 home child care, outdoor nature-based child care, and early learning
2 programs such as working connections child care and early childhood
3 education and assistance programs.

4 (2) The objectives of the early achievers program are to:

5 (a) Improve short-term and long-term educational outcomes for
6 children as measured by assessments including, but not limited to,
7 the Washington kindergarten inventory of developing skills in RCW
8 28A.655.080;

9 (b) Give parents clear and easily accessible information about
10 the quality of child care and early education programs;

11 (c) Support improvement in early learning and child care programs
12 throughout the state;

13 (d) Increase the readiness of children for school;

14 (e) Close the disparities in access to quality care;

15 (f) Provide professional development and coaching opportunities
16 to early child care and education providers; and

17 (g) Establish a common set of expectations and standards that
18 define, measure, and improve the quality of early learning and child
19 care settings.

20 ~~(3) ((a) Licensed or certified child care centers, family home
21 child care, and outdoor nature-based child care, serving nonschool-
22 age children and receiving state subsidy payments, must participate
23 in the early achievers program by the required deadlines established
24 in RCW 43.216.135.~~

25 ~~(b) Approved early childhood education and assistance program
26 providers receiving state-funded support must participate in the
27 early achievers program by the required deadlines established in RCW
28 43.216.515.~~

29 ~~(e)) Participation in the early achievers program is
30 voluntary((for:~~

31 ~~(i) Licensed or certified child care centers, family home child
32 care, and outdoor nature-based child care, not receiving state
33 subsidy payments; and~~

34 ~~(ii) Early learning programs not receiving state funds.~~

35 ~~(d) School-age child care providers are exempt from participating
36 in the early achievers program. By July 1, 2017, the department and
37 the office of the superintendent of public instruction shall jointly
38 design a plan to incorporate school-age child care providers into the
39 early achievers program or other appropriate quality improvement
40 system. To test implementation of the early achievers system for~~

1 ~~school-age child care providers the department and the office of the~~
2 ~~superintendent of public instruction shall implement a pilot~~
3 ~~program).~~

4 (4) (a) There are five primary levels in the early achievers
5 program.

6 (b) In addition to the primary levels, the department must
7 establish an intermediate level that is between level 3 and level 4
8 and serves to assist participants in transitioning to level 4.

9 (c) Participants are expected to actively engage and continually
10 advance within the program.

11 (5) The department has the authority to determine the rating
12 cycle for the early achievers program. (~~The department shall~~
13 ~~streamline and eliminate duplication between early achievers~~
14 ~~standards and state child care rules in order to reduce costs~~
15 ~~associated with the early achievers rating cycle and child care~~
16 ~~licensing.))~~

17 (a) Early achievers program participants may request to be rated
18 at any time after the completion of all level 2 activities.

19 (b) The department shall provide an early achievers program
20 participant an update on the participant's progress toward completing
21 level 2 activities after the participant has been enrolled in the
22 early achievers program for fifteen months.

23 (c) The first rating is free for early achievers program
24 participants.

25 (d) Each subsequent rating within the established rating cycle is
26 free for early achievers program participants.

27 (6) (a) Early achievers program participants may request to be
28 rerated outside the established rating cycle. A rerating shall reset
29 the rating cycle timeline for participants.

30 (b) The department may charge a fee for optional rerating
31 requests made by program participants that are outside the
32 established rating cycle.

33 (c) Fees charged are based on, but may not exceed, the cost to
34 the department for activities associated with the early achievers
35 program.

36 (7) (a) The department must create a single source of information
37 for parents and caregivers to access details on a provider's early
38 achievers program rating level, licensing history, and other
39 indicators of quality and safety that will help parents and
40 caregivers make informed choices. The licensing history that the

1 department must provide for parents and caregivers pursuant to this
2 subsection shall only include license suspension, surrender,
3 revocation, denial, stayed suspension, or reinstatement. No unfounded
4 child abuse or neglect reports may be provided to parents and
5 caregivers pursuant to this subsection.

6 (b) The department shall publish to the department's website, or
7 offer a link on its website to, the following information:

8 (i) Early achievers program rating levels 1 through 5 for all
9 participating child care programs (~~((that receive state subsidy))~~),
10 early childhood education and assistance programs, and federal head
11 start programs in Washington; and

12 (ii) New early achievers program ratings within (~~((thirty))~~) 30
13 days after a program (~~((becomes licensed or certified, or))~~) receives a
14 rating.

15 (c) The early achievers program rating levels shall be published
16 in a manner that is easily accessible to parents and caregivers and
17 takes into account the linguistic needs of parents and caregivers.

18 (~~((The department must publish early achievers program rating
19 levels for child care programs that do not receive state subsidy but
20 have voluntarily joined the early achievers program.~~

21 ~~((e)))~~ Early achievers program participants who have published
22 rating levels on the department's website or on a link on the
23 department's website may include a brief description of their
24 program, contingent upon the review and approval by the department,
25 as determined by established marketing standards.

26 (8)(a) The department shall create a professional development
27 pathway for early achievers program participants to obtain a high
28 school diploma or equivalency or higher education credential in early
29 childhood education, early childhood studies, child development, or
30 an academic field related to early care and education.

31 (b) The professional development pathway must include
32 opportunities for scholarships and grants to assist early achievers
33 program participants with the costs associated with obtaining an
34 educational degree.

35 (c) The department shall address cultural and linguistic
36 diversity when developing the professional development pathway.

37 (9) The early achievers quality improvement awards shall be
38 reserved for participants offering programs to an enrollment
39 population consisting of at least five percent of children receiving
40 a state subsidy.

1 (10) ~~((In collaboration with tribal governments, community and~~
2 ~~statewide partners, and the early achievers review subcommittee~~
3 ~~created in RCW 43.216.075, the department shall develop a protocol~~
4 ~~for granting early achievers program participants an extension in~~
5 ~~meeting rating level requirement timelines outlined for the working~~
6 ~~connections child care program and the early childhood education and~~
7 ~~assistance program.~~

8 ~~(a) The department may grant extensions only under exceptional~~
9 ~~circumstances, such as when early achievers program participants~~
10 ~~experience an unexpected life circumstance.~~

11 ~~(b) Extensions shall not exceed six months, and early achievers~~
12 ~~program participants are only eligible for one extension in meeting~~
13 ~~rating level requirement timelines.~~

14 ~~(c) Extensions may only be granted to early achievers program~~
15 ~~participants who have demonstrated engagement in the early achievers~~
16 ~~program.~~

17 ~~((11))~~ (a) The department shall accept national accreditation that
18 meets the requirements of this subsection ~~((11))~~ (10) as a
19 qualification for the early achievers program ratings.

20 (b) Each national accreditation agency will be allowed to submit
21 its most current standards of accreditation to establish potential
22 credit earned in the early achievers program. The department shall
23 grant credit to accreditation bodies that can demonstrate that their
24 standards meet or exceed the current early achievers program
25 standards. ~~((By December 1, 2019, and subject to the availability of~~
26 ~~amounts appropriated for this specific purpose, the department must~~
27 ~~submit a detailed plan to the governor and the legislature to~~
28 ~~implement a robust cross-accreditation process with multiple pathways~~
29 ~~that allows a provider to earn equivalent early achievers credit~~
30 ~~resulting from accreditation by high quality national~~
31 ~~organizations.))~~

32 (c) Licensed child care centers, child care home providers, and
33 outdoor nature-based child care must meet national accreditation
34 standards approved by the department for the early achievers program
35 in order to be granted credit for the early achievers program
36 standards. Eligibility for the early achievers program is not subject
37 to bargaining, mediation, or interest arbitration under RCW
38 41.56.028, consistent with the legislative reservation of rights
39 under RCW 41.56.028(4)(d).

1 ~~((12))~~ (11) The department shall explore the use of alternative
2 quality assessment tools that meet the culturally specific needs of
3 the federally recognized tribes in the state of Washington.

4 ~~((13))~~ (12) A child care or early learning program that is
5 operated by a federally recognized tribe and receives state funds
6 ~~((shall))~~ may participate in the early achievers program. The tribe
7 may choose to participate through an interlocal agreement between the
8 tribe and the department. The interlocal agreement must reflect the
9 government-to-government relationship between the state and the
10 tribe, including recognition of tribal sovereignty. The interlocal
11 agreement must provide that:

12 (a) Tribal child care facilities and early learning programs may
13 volunteer, but are not required, to be licensed by the department;

14 (b) Tribal child care facilities and early learning programs are
15 not required to have their early achievers program rating level
16 published to the department's website or through a link on the
17 department's website; and

18 (c) Tribal child care facilities and early learning programs must
19 provide notification to parents or guardians who apply for or have
20 been admitted into their program that early achievers program rating
21 level information is available and provide the parents or guardians
22 with the program's early achievers program rating level upon request.

23 ~~((14))~~ (13) The department shall consult with the early
24 achievers review subcommittee on all substantial policy changes to
25 the early achievers program.

26 ~~((15))~~ (14) Nothing in this section changes the department's
27 responsibility to collectively bargain over mandatory subjects or
28 limits the legislature's authority to make programmatic modifications
29 to licensed child care and early learning programs under RCW
30 41.56.028(4)(d).

31 **Sec. 3.** RCW 43.216.087 and 2021 c 304 s 7 are each amended to
32 read as follows:

33 (1)(a) The department shall, in collaboration with tribal
34 governments and community and statewide partners, implement a
35 protocol to maximize and encourage participation in the early
36 achievers program for culturally diverse and low-income center,
37 family home, and outdoor nature-based child care providers. Amounts
38 appropriated for the encouragement of culturally diverse and low-
39 income center, family home, and outdoor nature-based child care

1 provider participation shall be appropriated separately from the
2 other funds appropriated for the department, are the only funds that
3 may be used for the protocol, and may not be used for any other
4 purposes. Funds appropriated for the protocol shall be considered an
5 ongoing program for purposes of future departmental budget requests.

6 (b) The department shall prioritize the resources authorized in
7 this section to assist providers in the early achievers program to
8 help them reach a rating of level 3 or higher (~~wherever access to~~
9 ~~subsidized care is at risk~~)).

10 (2) The protocol should address barriers to early achievers
11 program participation and include at a minimum the following:

12 (a) The creation of a substitute pool;

13 (b) The development of needs-based grants for providers in the
14 early achievers program who demonstrate a need for assistance to
15 improve program quality. Needs-based grants may be used for
16 environmental improvements of early learning facilities; purchasing
17 curriculum development, instructional materials, supplies, and
18 equipment; and focused infant-toddler improvements. Priority for the
19 needs-based grants shall be given to culturally diverse and low-
20 income providers;

21 (c) The development of materials and assessments in a timely
22 manner, and to the extent feasible, in the provider and family home
23 languages; and

24 (d) The development of flexibility in technical assistance and
25 coaching structures to provide differentiated types and amounts of
26 support to providers based on individual need and cultural context.

27 **Sec. 4.** RCW 43.216.089 and 2021 c 304 s 8 are each amended to
28 read as follows:

29 (1) (~~By December 15, 2020, the department, in consultation with~~
30 ~~the statewide child care resource and referral network, and the early~~
31 ~~achievers review subcommittee of the early learning advisory council,~~
32 ~~shall submit, in compliance with RCW 43.01.036, a final report to the~~
33 ~~governor and the legislature regarding providers' progress in the~~
34 ~~early achievers program. The report must include the following~~
35 ~~elements:~~

36 ~~(a) The number, and relative percentage, of family child care,~~
37 ~~outdoor nature-based child care, and center providers who have~~
38 ~~enrolled in the early achievers program and who have:~~

39 ~~(i) Completed the level 2 activities;~~

1 ~~(ii) Completed rating readiness consultation and are waiting to~~
2 ~~be rated;~~

3 ~~(iii) Achieved the required rating level to remain eligible for~~
4 ~~state-funded support under the early childhood education and~~
5 ~~assistance program or a subsidy under the working connections child~~
6 ~~care subsidy program;~~

7 ~~(iv) Not achieved the required rating level initially but~~
8 ~~qualified for and are working through intensive targeted support in~~
9 ~~preparation for a partial rerate outside the standard rating cycle;~~

10 ~~(v) Not achieved the required rating level initially and engaged~~
11 ~~in remedial activities before successfully achieving the required~~
12 ~~rating level;~~

13 ~~(vi) Not achieved the required rating level after completing~~
14 ~~remedial activities; or~~

15 ~~(vii) Received an extension from the department based on~~
16 ~~exceptional circumstances pursuant to RCW 43.216.085;~~

17 ~~(b) A review of the services available to providers and children~~
18 ~~from diverse racial, ethnic, and cultural backgrounds;~~

19 ~~(c) An examination of the effectiveness of efforts to increase~~
20 ~~successful participation by providers serving children and families~~
21 ~~from diverse racial, ethnic, and cultural backgrounds and providers~~
22 ~~who serve children from low-income households;~~

23 ~~(d) A description of the primary obstacles and challenges faced~~
24 ~~by providers who have not achieved the required rating level to~~
25 ~~remain eligible to receive:~~

26 ~~(i) A subsidy under the working connections child care program;~~
27 ~~or~~

28 ~~(ii) State-funded support under the early childhood education and~~
29 ~~assistance program;~~

30 ~~(e) A summary of the types of exceptional circumstances for which~~
31 ~~the department has granted an extension pursuant to RCW 43.216.085;~~

32 ~~(f) The average amount of time required for providers to achieve~~
33 ~~local level milestones within each level of the early achievers~~
34 ~~program;~~

35 ~~(g) To the extent data is available, an analysis of the~~
36 ~~distribution of early achievers program-rated facilities in relation~~
37 ~~to child and provider demographics, including but not limited to race~~
38 ~~and ethnicity, home language, and geographical location;~~

1 ~~(h) Recommendations for improving access for children from~~
2 ~~diverse racial, ethnic, and cultural backgrounds to providers rated~~
3 ~~at a level 3 or higher in the early achievers program;~~

4 ~~(i) Recommendations for improving the early achievers program~~
5 ~~standards;~~

6 ~~(j) An analysis of any impact from quality strengthening efforts~~
7 ~~on the availability and quality of infant and toddler care;~~

8 ~~(k) The number of contracted slots that use both early childhood~~
9 ~~education and assistance program funding and working connections~~
10 ~~child care program funding;~~

11 ~~(l) An analysis of the impact of increased regulations on the~~
12 ~~cost of child care; and~~

13 ~~(m) A description of the early childhood education and assistance~~
14 ~~program implementation to include the following:~~

15 ~~(i) Progress on early childhood education and assistance program~~
16 ~~implementation as required pursuant to RCW 43.216.515, 43.216.525,~~
17 ~~and 43.216.555;~~

18 ~~(ii) An examination of the regional distribution of new preschool~~
19 ~~programming by school district;~~

20 ~~(iii) An analysis of the impact of preschool expansion on low-~~
21 ~~income neighborhoods and communities;~~

22 ~~(iv) Recommendations to address any identified barriers to access~~
23 ~~to quality preschool for children living in low-income neighborhoods;~~

24 ~~(v) An analysis of any impact of extended day early care and~~
25 ~~education opportunities directives;~~

26 ~~(vi) An examination of any identified barriers for providers to~~
27 ~~offer extended day early care and education opportunities;~~

28 ~~(vii) An analysis of the demand for full-day programming for~~
29 ~~early childhood education and assistance program providers required~~
30 ~~under RCW 43.216.515; and~~

31 ~~(viii) To the extent data is available, an analysis of the~~
32 ~~racial, ethnic, and cultural diversity of early childhood education~~
33 ~~and assistance program providers and participants.~~

34 ~~(2) The elements required to be reported under subsection (1)(a)~~
35 ~~of this section must be reported at the county level, and for those~~
36 ~~counties with a population of five hundred thousand and higher, the~~
37 ~~data must be reported at the zip code level.~~

38 ~~(3) If, based on information in an annual report submitted in~~
39 ~~2018 or later under this section, fifteen percent or more of the~~
40 ~~licensed or contracted providers who are participating in the early~~

1 ~~achievers program in a county or in a single zip code have not~~
2 ~~achieved the rating levels under RCW 43.216.135 and 43.216.515, the~~
3 ~~department must:~~

4 ~~(a) Analyze the reasons providers in the affected counties or zip~~
5 ~~codes have not attained the required rating levels; and~~

6 ~~(b) Develop a plan to mitigate the effect on the children and~~
7 ~~families served by these providers. The plan must be submitted to the~~
8 ~~legislature as part of the final report described in subsection (1)~~
9 ~~of this section along with any recommendations for legislative action~~
10 ~~to address the needs of the providers and the children and families~~
11 ~~they serve.~~

12 ~~(4))~~ (a) Beginning December 1, 2020, the department, in
13 collaboration with the statewide child care resource and referral
14 network, shall make available on its public website, in a consumer-
15 friendly format, the following elements:

16 (i) The number, and relative percentage, of family child care and
17 center child care providers who have enrolled in the early achievers
18 program and who have ~~(~~

19 ~~(A) Submitted)~~ submitted their request for on-site evaluation
20 and are waiting to be rated ~~(~~ and

21 ~~(B) Achieved the required rating level to remain eligible for~~
22 ~~state-funded support under the early childhood education and~~
23 ~~assistance program or a subsidy under the working connections child~~
24 ~~care subsidy program));~~

25 (ii) The distribution of early childhood education and assistance
26 program programming by school district; and

27 (iii) Indicators of supply and demand at the local level, as well
28 as identification of regions or areas in which there are insufficient
29 numbers of child care facilities using nationally developed
30 methodology.

31 (b) The elements required to be made available under (a)(i) of
32 this subsection ~~((4))~~ (1) must be made available at the county
33 level, and for those counties with a population of ~~((five hundred~~
34 ~~thousand))~~ 500,000 and higher, the data must be reported at the zip
35 code level.

36 (c) To the extent data are available, the elements required to be
37 reported under (a)(ii) and (iii) of this subsection ~~((4))~~ (1) must
38 be updated at a minimum of a quarterly basis on the department's
39 public website.

1 (d) If in any individual state fiscal year, based on information
2 reported in (a)(ii) and (iii) of this subsection (~~((+4))~~) (1),
3 (~~((fifteen))~~) 15 percent or more of the licensed or contracted
4 providers who are participating in the early achievers program in a
5 county or in a single zip code have not achieved the rating levels
6 (~~((required))~~) under RCW 43.216.135 (~~((and 43.216.515))~~), the department
7 must:

8 (i) Analyze the reasons providers in the affected counties or zip
9 codes have not attained the (~~((required))~~) rating levels; and

10 (ii) Develop a plan to mitigate the effect on the children and
11 families served by these providers. The plan must be submitted to the
12 legislature by November 1st of the year following the state fiscal
13 year in question, along with any recommendations for legislative
14 action to address the needs of the providers and the children and
15 families they serve.

16 (~~((+5))~~) (2) Beginning September 15, 2021, and each odd-numbered
17 year thereafter, the department shall submit a report to the governor
18 and the legislature outlining the availability and quality of
19 services available to early learning providers and children from
20 diverse racial, ethnic, and cultural backgrounds and from low-income
21 neighborhoods and communities. The report must include the following
22 elements:

23 (a) To the extent data is available, an analysis of the racial,
24 ethnic, and linguistic diversity of early childhood education and
25 assistance program providers and participants, and the providers and
26 participants of working connections child care;

27 (b) A review of the services available to providers and children
28 from diverse racial, ethnic, and cultural backgrounds;

29 (c) An examination of the effectiveness of efforts to increase
30 and maintain successful participation by providers serving children
31 and families from diverse racial, ethnic, and linguistic backgrounds
32 and providers who serve children from low-income households;

33 (d) To the extent data is available, the distribution of early
34 achievers program-rated facilities by child and provider
35 demographics, including but not limited to race and ethnicity, home
36 language, and geographical location;

37 (e) Recommendations for improving and maintaining access for
38 children from diverse racial, ethnic, and cultural backgrounds to
39 providers rated at a level 3 or higher in the early achievers
40 program;

1 (f) Recommendations to address any identified barriers to access
2 to high quality preschool for children living in low-income
3 neighborhoods;

4 (g) An examination of expulsion rates of children from diverse
5 racial, ethnic, and diverse cultural backgrounds and from low-income
6 neighborhoods and communities; and

7 (h) An analysis of how early learning providers and families from
8 diverse racial, ethnic, and cultural backgrounds and from low-income
9 neighborhoods and communities have influenced or participated in the
10 department's early learning plans and implementation strategies.

11 ~~((+6))~~ (3) Beginning September 15, 2022, and each even-numbered
12 year thereafter, the department shall submit a report to the governor
13 and the legislature on the availability of supports to providers and
14 their effectiveness at improving quality. The report must include the
15 following elements:

16 (a) An analysis of the effectiveness of recruitment efforts for
17 new and returning high quality early learning providers and programs;

18 (b) An analysis of the effectiveness of quality improvement tools
19 and incentives on the retention and quality improvement of early
20 learning professionals;

21 (c) An analysis of the supply of high quality subsidized early
22 learning. This analysis must include:

23 (i) An examination of the trend in supply of early learning
24 providers and workers;

25 (ii) A description of the primary obstacles and challenges faced
26 by providers ~~((who have not achieved the required early achievers
27 rating level to remain eligible to receive a subsidy under the
28 working connections child care program or state-funded support under
29 the early childhood education and assistance program))~~);

30 (iii) The number, and relative percentage, of family child care
31 and center providers who have enrolled in the early achievers program
32 and who have:

33 (A) Not achieved the ~~((required))~~ desired rating level initially
34 but qualified for and are working through intensive targeted support
35 in preparation for a partial rerate outside the standard rating
36 cycle;

37 (B) Not achieved the ~~((required))~~ desired rating level initially
38 and engaged in remedial activities before successfully achieving the
39 ~~((required))~~ desired rating level; or

1 (C) Not achieved the (~~required~~) desired rating level after
2 completing remedial activities (~~;~~ ~~or~~

3 ~~(D) Received an extension from the department based on~~
4 ~~exceptional circumstances pursuant to RCW 43.216.085)); and~~

5 (iv) Recommendations for improving retention and reducing
6 barriers to entry for early learning providers;

7 (d) The average amount of time required for providers to achieve
8 local level milestones within each level of the early achievers
9 program;

10 (e) (~~A summary of the types of exceptional circumstances for~~
11 ~~which the department has granted an extension to early achievers~~
12 ~~rating milestones pursuant to RCW 43.216.085;~~

13 ~~(f))~~) An analysis of the availability and quality of infant and
14 toddler care; and

15 (~~(g))~~) (f) An examination of any identified barriers that
16 discourage providers from offering extended day early care and
17 education opportunities.

18 (~~(7))~~) (4) The information to be disclosed or shared under this
19 section must not include sensitive personal information of in-home
20 caregivers for vulnerable populations as defined in RCW 42.56.640,
21 and must not include any other information protected from disclosure
22 under state or federal law.

23 **Sec. 5.** RCW 43.216.090 and 2021 c 199 s 309 are each amended to
24 read as follows:

25 (1) The department shall administer or contract for infant and
26 early childhood mental health consultation services to child care
27 providers and early learning providers participating in the early
28 achievers program.

29 (2) Beginning July 1, 2021, the department of children, youth,
30 and families must have or contract for one infant and early childhood
31 mental health consultation coordinator and must enter into a
32 contractual agreement with an organization providing coaching
33 services to early achievers program participants to hire at least 12
34 qualified infant and early childhood mental health consultants. The
35 department shall determine, in collaboration with the statewide child
36 care resource and referral network, where the additional consultants
37 should be sited based on factors such as the total provider numbers
38 overlaid with indicators of highest need. The infant and early
39 childhood mental health consultants must support early achievers

1 program coaches and all certified and licensed child care providers,
2 regardless of early achievers participation or rating level, by
3 providing resources, information, and guidance regarding challenging
4 behavior and expulsions (~~and~~). Mental health consultants may travel
5 to assist providers in serving families and children with severe
6 behavioral needs.

7 (3) The department shall provide, or contract with an entity to
8 provide, reflective supervision and professional development for
9 infant and early childhood mental health consultants to meet national
10 competency standards.

11 (4) As capacity allows, the department may provide access to
12 infant and early childhood mental health consultation services to
13 caregivers and licensed or certified, military, and tribal early
14 learning providers, license-exempt family, friend, and neighbor care
15 providers, and families with children expelled or at risk of
16 expulsion from child care.

17 **Sec. 6.** RCW 43.216.110 and 2012 c 149 s 2 are each amended to
18 read as follows:

19 (~~By December 31, 2012, the~~) The department shall adopt core
20 competencies for early care and education professionals and (~~child~~
21 ~~and youth development professionals and develop an implementation~~
22 ~~plan. The department shall~~) incorporate the core competencies into
23 (~~all appropriate professional development opportunities including,~~
24 ~~but not limited to,~~) the quality rating and improvement system(~~(~~
25 ~~the early childhood education and assistance program, child care~~
26 ~~licensing, and the early support for infants and toddlers program)~~).
27 The purpose of the core competencies is to serve as a foundation for
28 what early care and education professionals (~~and child and youth~~
29 ~~development professionals~~) who are voluntary participants in the
30 quality rating and improvement system need to know and do to provide
31 quality care for children. The core competencies must be reviewed and
32 updated every five years. The department may not apply the core
33 competencies to licensing standards.

34 **Sec. 7.** RCW 43.216.135 and 2020 c 355 s 2, 2020 c 321 s 2, and
35 2020 c 279 s 1 are each reenacted and amended to read as follows:

36 (1) (~~Existing child care providers serving nonschool-age~~
37 ~~children and receiving state subsidy payments must complete the~~

1 following requirements to be eligible for a state subsidy under this
2 section:

3 ~~(a) Enroll in the early achievers program by August 1, 2016;~~

4 ~~(b) Complete level 2 activities in the early achievers program by~~
5 ~~August 1, 2017; and~~

6 ~~(c) Rate or request to be rated at a level 3 or higher in the~~
7 ~~early achievers program by December 31, 2019. If a child care~~
8 ~~provider does not rate at or request to be rated at a level 3 by~~
9 ~~December 31, 2019, the provider must complete remedial activities~~
10 ~~with the department, and must rate at or request to be rated at a~~
11 ~~level 3 or higher no later than December 30, 2020.~~

12 ~~(2) A new child care provider serving nonschool-age children and~~
13 ~~receiving state subsidy payments must complete the following~~
14 ~~activities to be eligible to receive a state subsidy under this~~
15 ~~section:~~

16 ~~(a) Enroll in the early achievers program within thirty days of~~
17 ~~receiving the initial state subsidy payment;~~

18 ~~(b) Complete level 2 activities in the early achievers program~~
19 ~~within twelve months of enrollment; and~~

20 ~~(c) Rate or request to be rated at a level 3 or higher in the~~
21 ~~early achievers program within thirty months of enrollment. If a~~
22 ~~child care provider does not rate or request to be rated at a level 3~~
23 ~~within thirty months from enrollment into the early achievers~~
24 ~~program, the provider must complete remedial activities with the~~
25 ~~department, and rate or request to be rated at a level 3 or higher~~
26 ~~within twelve months of beginning remedial activities.~~

27 ~~(3) If a child care provider does not rate or request to be rated~~
28 ~~at a level 3 or higher following the remedial period, the provider is~~
29 ~~no longer eligible to receive state subsidy under this section. If a~~
30 ~~child care provider does not rate at a level 3 or higher when the~~
31 ~~rating is released following the remedial period, the provider is no~~
32 ~~longer eligible to receive state subsidy under this section.~~

33 ~~(4) If a child care provider serving nonschool-age children and~~
34 ~~receiving state subsidy payments has successfully completed all level~~
35 ~~2 activities and is waiting to be rated by the deadline provided in~~
36 ~~this section, the provider may continue to receive a state subsidy~~
37 ~~pending the successful completion of the level 3 rating activity.~~

38 ~~(5)) The department shall implement tiered reimbursement for~~
39 ~~early achievers program participants in the working connections child~~
40 ~~care program rating at level 3, 4, or 5.~~

1 ~~((6))~~ (2) The department shall account for a child care
2 copayment collected by the provider from the family for each
3 contracted slot and establish the copayment fee by rule.

4 **Sec. 8.** RCW 43.216.255 and 2021 c 304 s 10 are each amended to
5 read as follows:

6 ~~((1) No later than November 1, 2016, the)~~ The department shall
7 implement a single set of licensing standards for child care and the
8 early childhood education and assistance program. The department
9 shall produce the single set of licensing standards within the
10 department's available appropriations. The ~~((new))~~ licensing
11 standards must:

12 ~~((a))~~ (1) Provide minimum licensing requirements for child care
13 and preschool programs;

14 ~~((b) Rely on the standards established in the early achievers
15 program to address quality issues in participating early childhood
16 programs;~~

17 ~~(c))~~ (2) Take into account the separate needs of family care
18 providers, outdoor nature-based child care providers, and child care
19 centers; and

20 ~~((d))~~ (3) Promote the continued safety of child care settings.

21 ~~((2) Private schools that operate early learning programs and do
22 not receive state subsidy payments shall be subject to the minimum
23 health and safety standards as defined in RCW 43.216.395(2)(b), the
24 health and safety requirements under chapter 28A.195 RCW, and the
25 requirements necessary to assure a sufficient early childhood
26 education to meet usual requirements needed for transition into
27 elementary school. The state, and any agency thereof, shall not
28 restrict or dictate any specific educational or other programs for
29 early learning programs operated by private schools except for
30 programs that receive state subsidy payments.))~~

31 **Sec. 9.** RCW 43.216.515 and 2021 c 304 s 19 are each amended to
32 read as follows:

33 (1) Approved early childhood education and assistance programs
34 shall receive state-funded support through the department. Public or
35 private organizations including, but not limited to, school
36 districts, educational service districts, community and technical
37 colleges, local governments, or nonprofit organizations, are eligible

1 to participate as providers of the state early childhood education
2 and assistance program.

3 (2) Funds obtained by providers through voluntary grants or
4 contributions from individuals, agencies, corporations, or
5 organizations may be used to expand or enhance preschool programs so
6 long as program standards established by the department are
7 maintained.

8 (3) Persons applying to conduct the early childhood education and
9 assistance program shall identify targeted groups and the number of
10 children to be served, program components, the qualifications of
11 instructional and special staff, the source and amount of grants or
12 contributions from sources other than state funds, facilities and
13 equipment support, and transportation and personal care arrangements.

14 ~~(4) ((A new early childhood education and assistance program
15 provider must complete the requirements in this subsection to be
16 eligible to receive state-funded support under the early childhood
17 education and assistance program:~~

18 ~~(a) Enroll in the early achievers program within thirty days of
19 the start date of the early childhood education and assistance
20 program contract;~~

21 ~~(b) (i) Except as provided in (b) (ii) of this subsection, rate at
22 a level 4 or 5 in the early achievers program within twenty-four
23 months of enrollment. If an early childhood education and assistance
24 program provider rates below a level 4 within twenty-four months of
25 enrollment, the provider must complete remedial activities with the
26 department, and must rate at or request to be rated at a level 4 or 5
27 within twelve months of beginning remedial activities.~~

28 ~~(ii) Licensed or certified child care centers, family home
29 providers, and outdoor nature-based child care providers that
30 administer an early childhood education and assistance program shall
31 rate at a level 4 or 5 in the early achievers program within twenty-
32 four months of the start date of the early childhood education and
33 assistance program contract. If an early childhood education and
34 assistance program provider rates below a level 4 within twenty-four
35 months, the provider must complete remedial activities with the
36 department, and must rate at or request to be rated at a level 4 or 5
37 within twelve months of beginning remedial activities.~~

38 ~~(5) (a) If an early childhood education and assistance program
39 provider has successfully completed all of the required early
40 achievers program activities and is waiting to be rated by the~~

1 ~~deadline provided in this section, the provider may continue to~~
2 ~~participate in the early achievers program as an approved early~~
3 ~~childhood education and assistance program provider and receive state~~
4 ~~subsidy pending the successful completion of a level 4 or 5 rating.~~

5 ~~(b) To avoid disruption, the department may allow for early~~
6 ~~childhood education and assistance program providers who have rated~~
7 ~~below a level 4 after completion of the twelve-month remedial period~~
8 ~~to continue to provide services until the current school year is~~
9 ~~finished.~~

10 ~~(c) (i) If the early childhood education and assistance program~~
11 ~~provider described under subsection (4) (b) (i) or (ii) of this section~~
12 ~~does not rate or request to be rated at a level 4 or 5 following the~~
13 ~~remedial period, the provider is not eligible to receive state-funded~~
14 ~~support under the early childhood education and assistance program~~
15 ~~under this section.~~

16 ~~(ii) If the early childhood education and assistance program~~
17 ~~provider described under subsection (4) (b) (i) or (ii) of this section~~
18 ~~does not rate at a level 4 or 5 when the rating is released following~~
19 ~~the remedial period, the provider is not eligible to receive state-~~
20 ~~funded support under the early childhood education and assistance~~
21 ~~program under this section.~~

22 ~~(6)) (a) An early childhood education and assistance program~~
23 ~~provider may choose to participate and be rated in the early~~
24 ~~achievers program.~~

25 (b) When an early childhood education and assistance program in
26 good standing changes classroom locations to a comparable or improved
27 space within the same facility, or to a comparable or improved
28 outdoor location for an outdoor nature-based child care, a rerating
29 is not required outside of the regular rerating and renewal cycle.

30 ~~((b))~~ (c) When an early childhood education and assistance
31 program in good standing moves to a new facility, or to a new outdoor
32 location for an outdoor nature-based child care, the provider must
33 notify the department of the move within six months of changing
34 locations in order to retain their existing rating. The early
35 achievers program must conduct an observational visit to ensure the
36 new classroom space is of comparable or improved environmental
37 quality. If a provider fails to notify the department within six
38 months of a move, the early achievers rating must be changed from the
39 posted rated level to "Participating, Not Yet Rated(~~" and the~~

1 ~~provider will cease to receive tiered reimbursement incentives until~~
2 ~~a new rating is completed).~~."

3 ((7)) (5) The department shall collect data periodically to
4 determine the demand for full-day programming for early childhood
5 education and assistance program providers. The department shall
6 analyze this demand by geographic region and shall include the
7 findings in the annual report required under RCW 43.216.089.

8 ((8)) (6) The department shall develop multiple pathways for
9 licensed or certified child care centers and homes to administer an
10 early childhood education and assistance program. The pathways shall
11 include an accommodation for these providers to rate at a level 4 or
12 5 in the early achievers program (~~according to the timelines and~~
13 ~~standards established in subsection (4)(b)(ii) of this section~~). The
14 department must consider using the intermediate level that is between
15 level 3 and level 4 as described in RCW 43.216.085, incentives, and
16 front-end funding in order to encourage providers to participate in
17 the pathway.

18 **Sec. 10.** RCW 43.216.555 and 2019 c 408 s 9 are each amended to
19 read as follows:

20 (1) An early learning program to provide voluntary preschool
21 opportunities for children ages three to five years old who are not
22 age-eligible for kindergarten shall be implemented according to the
23 funding and implementation plan in RCW 43.216.556. The program must
24 offer a comprehensive program of early childhood education and family
25 support, including parental involvement and health information,
26 screening, and referral services, based on family need. Participation
27 in the program is voluntary. On a space available basis, the program
28 may allow enrollment of children who are not otherwise eligible by
29 assessing a fee.

30 (2) The program shall be implemented by utilizing the program
31 standards and eligibility criteria in the early childhood education
32 and assistance program in RCW 43.216.500 through 43.216.550.

33 (3)(a) The program implementation in this section shall
34 prioritize early childhood education and assistance programs located
35 in low-income neighborhoods within high-need geographical areas.

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

1 (i) Programs offering an extended day program for early care and
2 education;

3 (ii) Programs offering services to children diagnosed with a
4 special need; or

5 (iii) Programs offering services to children involved in the
6 child welfare system.

7 (4) The secretary shall adopt rules for the following program
8 components, as appropriate and necessary during the phased
9 implementation of the program(~~(, consistent with early achievers~~
10 ~~program standards established in RCW 43.216.085))):~~

11 (a) Minimum program standards;

12 (b) Approval of program providers; and

13 (c) Accountability and adherence to performance standards.

14 (5) The department has administrative responsibility for:

15 (a) Approving and contracting with providers according to rules
16 developed by the secretary under this section;

17 (b) In partnership with school districts, monitoring program
18 quality and assuring the program is responsive to the needs of
19 eligible children;

20 (c) Assuring that program providers work cooperatively with
21 school districts to coordinate the transition from preschool to
22 kindergarten so that children and their families are well-prepared
23 and supported; and

24 (d) Providing technical assistance to contracted providers.

25 **Sec. 11.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to
26 read as follows:

27 (1) Within resources available under the federal preschool
28 development grant birth to five grant award received in December
29 2018, the department shall develop a plan for phased implementation
30 of a birth to three early childhood education and assistance program
31 pilot project for eligible children under (~~(thirty-six))~~ 36 months
32 old. Funds to implement the pilot project may include a combination
33 of federal, state, or private sources.

34 (2) The department may adopt rules to implement the pilot project
35 and may waive or adapt early childhood education and assistance
36 program requirements when necessary to allow for the operation of the
37 birth to three early childhood education and assistance program. The
38 department shall consider early head start rules and regulations when
39 developing the provider and family eligibility requirements and

1 program requirements. Any deviations from early head start standards,
2 rules, or regulations must be identified and explained by the
3 department in its annual report under subsection (6) of this section.

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

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

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

18 (5) To be eligible for the birth to three early childhood
19 education and assistance program, a child's family income must be at
20 or below ~~((one hundred thirty))~~ 130 percent of the federal poverty
21 level and the child must be under ~~((thirty-six))~~ 36 months old.

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

29 **Sec. 12.** RCW 43.216.578 and 2021 c 199 s 403 are each amended to
30 read as follows:

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

37 (2) The department may adopt rules to implement the program and
38 may waive or adapt early childhood education and assistance program
39 requirements when necessary to allow for the operation of the birth

1 to three early childhood education and assistance program. The
2 department shall consider early head start rules and regulations when
3 developing the provider and family eligibility requirements and
4 program requirements.

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

9 ~~(b) The department must determine minimum early achievers ratings
10 scores for participating contractors).~~

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

15 **Sec. 13.** RCW 43.216.742 and 2021 c 304 s 28 are each amended to
16 read as follows:

17 (1) The department shall establish a licensed outdoor nature-
18 based child care program.

19 (2) The department shall adopt rules to implement the outdoor
20 nature-based child care program and may waive or adapt licensing
21 requirements when necessary to allow for the operation of outdoor
22 classrooms.

23 (3) ~~((The department shall apply))~~ Outdoor nature-based child
24 care programs may choose to participate in the early achievers
25 program ~~((to the outdoor nature-based child care program))~~ to assess
26 quality in the outdoor learning environment ~~((s and may waive or adapt
27 early achievers requirements when necessary to allow for the
28 operation of outdoor classrooms)).~~

29 (4) A child care or early learning program operated by a
30 federally recognized tribe may participate in the outdoor nature-
31 based child care program through an interlocal agreement between the
32 tribe and the department. The interlocal agreement must reflect the
33 government-to-government relationship between the state and the
34 tribe, including recognition of tribal sovereignty.

35 (5) Subject to the availability of funds, the department may
36 convene an advisory group of outdoor, nature-based early learning
37 practitioners to inform and support implementation of the outdoor
38 nature-based child care program.

1 **Sec. 14.** RCW 43.31.575 and 2021 c 130 s 2 are each amended to
2 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 43.216 RCW; and~~

23 ~~(b) — Demonstrate~~) demonstrate that projects receiving
24 construction, purchase, or renovation grants or loans must also:

25 ~~((i))~~ (a) Demonstrate that the project site is under the
26 applicant's control for a minimum of ~~((ten))~~ 10 years, either through
27 ownership or a long-term lease; and

28 ~~((ii))~~ (b) Commit to using the facility funded by the grant or
29 loan for the purposes of providing preschool or child care for a
30 minimum of ~~((ten))~~ (10) years.

31 ~~(3) ((To be eligible to receive funding from the early learning~~
32 ~~facilities grant and loan program for activities described in RCW~~
33 ~~43.31.577 (1) (b) and (c) and (2), religiously affiliated entities~~
34 ~~must use the facility to provide child care and education services~~
35 ~~consistent with subsection (4) (a) of this section.~~

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

39 ~~(b) If the recipient does not meet the conditions specified in~~
40 ~~(a) of this subsection, the grants shall be repaid to the early~~

1 ~~learning facilities revolving account or the early learning~~
2 ~~facilities development account, as directed by the department. So))~~
3 (a) As long as an eligible organization continues to provide an early
4 learning program in the facility(~~(r)~~) and the facility is used as
5 authorized, (~~and the eligible organization continues to be an active~~
6 ~~participant and in good standing with the early achievers program,~~)
7 the grant repayment is waived.

8 ~~((e))~~ (b) The department, in consultation with the department
9 of children, youth, and families, must adopt rules to implement this
10 section.

11 NEW SECTION. **Sec. 15.** Section 11 of this act expires July 1,
12 2026.

13 NEW SECTION. **Sec. 16.** Section 12 of this act takes effect July
14 1, 2026.

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