
SENATE BILL 5870

State of Washington

68th Legislature

2024 Regular Session

By Senators C. Wilson and Billig

Prefiled 12/18/23.

1 AN ACT Relating to expanding and streamlining eligibility for
2 early learning programs including the working connections child care
3 program, the early childhood education and assistance program, and
4 the birth to three early childhood education and assistance program;
5 amending RCW 43.216.1364, 43.216.505, 43.216.578, 43.216.578, and
6 43.216.1368; reenacting and amending RCW 43.216.505; adding a new
7 section to chapter 43.216 RCW; creating a new section; providing an
8 effective date; and providing an expiration date.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that the early
11 childhood education and assistance, birth to three early childhood
12 education and assistance, head start, and early head start programs
13 provide quality early learning and child care services to families
14 across Washington state. The legislature intends to increase access
15 to early education programs for certain families by expanding
16 eligibility and streamlining eligibility for early learning programs.

17 (2) The legislature recognizes that in recent years, early
18 childhood education and assistance, birth to three early childhood
19 education and assistance, head start, and early head start program
20 providers have faced challenges in hiring and retaining staff.
21 Similar to the benefit conferred to other early education staff

1 pursuant to RCW 43.216.1364, the legislature intends to provide
2 program staff with access to working connections child care
3 eligibility to strengthen workforce resiliency and benefits.

4 (3) The legislature further recognizes that these programs
5 provide care for children and also services for the family unit,
6 which require participation and efforts on the part of the family.
7 The legislature finds that current approved activity requirements can
8 hinder program efficacy and child continuity of care. The legislature
9 intends to recognize program participation as an approved activity so
10 families can achieve stability and long-term economic success and
11 well-being.

12 (4) The legislature further recognizes that navigating public
13 benefits systems for early education and child care programs can be
14 difficult for families. The legislature resolves to reduce
15 administrative barriers to eligibility by providing categorical
16 access for families that have already met income eligibility tests
17 for certain other public benefit programs.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216
19 RCW to read as follows:

20 (1) The department shall establish and implement policies in the
21 working connections child care program to allow categorical
22 eligibility for families with children who are participating in the:

23 (a) Early childhood education and assistance program;

24 (b) Birth to three early childhood education and assistance
25 program;

26 (c) Head start or a successor federal program providing
27 comprehensive services for children from three to five years of age;
28 and

29 (d) Early head start or successor federal program providing
30 comprehensive services for children from birth through two years of
31 age.

32 (2) Families who are eligible for working connections child care
33 under this section have no copayment to the extent allowable under
34 federal law; otherwise, a maximum of \$15.

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

37 (1) Beginning October 1, 2023, a family is eligible for working
38 connections child care when the household's annual income is at or

1 below 85 percent of the state median income adjusted for family size
2 and:

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

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

9 (i) Licensed or certified child care center or family home
10 provider;

11 (ii) Early childhood education and assistance program or birth to
12 three early childhood education and assistance program; or

13 (iii) Head start or early head start program or a successor
14 federal program; and

15 (c) The household meets all other program eligibility
16 requirements.

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

20 **Sec. 4.** RCW 43.216.505 and 2021 c 67 s 1 are each amended to
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout RCW 43.216.500 through 43.216.559,
24 43.216.900, and 43.216.901.

25 (1) "Advisory committee" means the advisory committee under RCW
26 43.216.520.

27 (2) "Approved programs" means those state-supported education and
28 special assistance programs which are recognized by the department as
29 meeting the minimum program rules adopted by the department to
30 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
31 43.216.901 and are designated as eligible for funding by the
32 department under RCW 43.216.530 and 43.216.540.

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

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

1 (a) Has a family income at or below one hundred ten percent of
2 the federal poverty level, as published annually by the federal
3 department of health and human services;

4 (b) Has a person in their household receiving or eligible for
5 basic food benefits, including the federal supplemental nutrition
6 assistance program or the Washington state food assistance program as
7 authorized under RCW 74.08A.120;

8 (c) Is eligible for special education due to disability under RCW
9 28A.155.020; or

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

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

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

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

22 (c) Further their education and training;

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

25 (e) Increase their self-reliance.

26 (6) "Homeless" means a child without a fixed, regular, and
27 adequate nighttime residence as described in the federal McKinney-
28 Vento homeless assistance act (Title 42 U.S.C., chapter 119,
29 subchapter VI, part B) as it existed on January 1, 2021.

30 **Sec. 5.** RCW 43.216.505 and 2021 c 199 s 204 are each reenacted
31 and amended to read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout RCW 43.216.500 through 43.216.559,
34 43.216.900, and 43.216.901.

35 (1) "Advisory committee" means the advisory committee under RCW
36 43.216.520.

37 (2) "Approved programs" means those state-supported education and
38 special assistance programs which are recognized by the department as
39 meeting the minimum program rules adopted by the department to

1 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
2 43.216.901 and are designated as eligible for funding by the
3 department under RCW 43.216.530 and 43.216.540.

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

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

10 (a) Has a family with financial need;

11 (b) Has a person in their household receiving or eligible for
12 basic food benefits, including the federal supplemental nutrition
13 assistance program or the Washington state food assistance program as
14 authorized under RCW 74.08A.120;

15 (c) Is experiencing homelessness;

16 ~~((e))~~ (d) Has participated in early head start or a successor
17 federal program providing comprehensive services for children from
18 birth through two years of age, the early support for infants and
19 toddlers program or received class C developmental services, the
20 birth to three early childhood education and assistance program, or
21 the early childhood intervention and prevention services program;

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

24 ~~((e))~~ (f) Is Indian as defined in rule by the department after
25 consultation and agreement with Washington state's federally
26 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100
27 percent of the state median income adjusted for family size; or

28 ~~((f))~~ (g) Meets criteria under rules adopted by the department
29 if the number of such children equals not more than ten percent of
30 the total enrollment in the early childhood program. Preference for
31 enrollment in this group shall be given to children from families
32 with the lowest income, children in foster care, or to eligible
33 children from families with multiple needs.

34 (5) "Experiencing homelessness" means a child without a fixed,
35 regular, and adequate nighttime residence as described in the federal
36 McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119,
37 subchapter VI, part B) as it existed on January 1, 2021.

38 (6) "Family support services" means providing opportunities for
39 parents to:

- 1 (a) Actively participate in their child's early childhood
2 program;
- 3 (b) Increase their knowledge of child development and parenting
4 skills;
- 5 (c) Further their education and training;
- 6 (d) Increase their ability to use needed services in the
7 community;
- 8 (e) Increase their self-reliance; and
- 9 (f) Connect with culturally competent, disability positive
10 therapists and supports where appropriate.
- 11 (7) "Family with financial need" means families with incomes at
12 or below 36 percent of the state median income adjusted for family
13 size until the 2030-31 school year. Beginning in the 2030-31 school
14 year, "family with financial need" means families with incomes at or
15 below 50 percent of the state median income adjusted for family size.

16 **Sec. 6.** RCW 43.216.578 and 2019 c 408 s 8 are each amended to
17 read as follows:

18 (1) (~~Within resources available under the federal preschool~~
19 ~~development grant birth to five grant award received in December~~
20 ~~2018~~) Subject to the availability of amounts appropriated for this
21 specific purpose, the department shall develop a plan for phased
22 implementation of a birth to three early childhood education and
23 assistance program pilot project for eligible children under
24 (~~thirty-six~~) 36 months old. Funds to implement the pilot project
25 may include a combination of federal, state, or private sources.

26 (2) The department may adopt rules to implement the pilot project
27 and may waive or adapt early childhood education and assistance
28 program requirements when necessary to allow for the operation of the
29 birth to three early childhood education and assistance program. The
30 department shall consider early head start rules and regulations when
31 developing the provider and family eligibility requirements and
32 program requirements. Any deviations from early head start standards,
33 rules, or regulations must be identified and explained by the
34 department in its annual report under subsection (6) of this section.

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

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

3 (4) When selecting pilot project locations for service delivery,
4 the department may allow each pilot project location to have up to
5 three classrooms per location. When selecting and approving pilot
6 project locations, the department shall attempt to select a
7 combination of rural, urban, and suburban locations. The department
8 shall prioritize locations with programs currently operating early
9 head start, head start, or the early childhood education and
10 assistance program.

11 (5) To be eligible for the birth to three early childhood
12 education and assistance program, ~~((a child's family income must be
13 at or below one hundred thirty percent of the federal poverty level
14 and the child must be under thirty-six months old))~~ which is subject
15 to the availability of amounts appropriated for this specific
16 purpose, a child must be under 36 months old and:

17 (a) Have a family with financial need, which means families with
18 incomes up to 50 percent of the state median income adjusted for
19 family size;

20 (b) Have a person in their household receiving or eligible for
21 basic food benefits, including the federal supplemental nutrition
22 assistance program or the Washington state food assistance program as
23 authorized under RCW 74.08A.120;

24 (c) Is experiencing homelessness;

25 (d) Is participating in the early support for infants and
26 toddlers program or is receiving class C developmental services;

27 (e) Is Indian as defined in rule by the department after
28 consultation and agreement with Washington state's federally
29 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100
30 percent of the state median income adjusted for family size; or

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

37 (6) Beginning November 1, 2020, and each November 1st thereafter
38 during pilot project activity, the department shall submit an annual
39 report to the governor and legislature that includes a status update
40 that describes the planning work completed, the status of funds

1 secured, and any implementation activities of the pilot project.
2 Implementation activity reports must include a description of the
3 participating programs and number of children and families served.

4 **Sec. 7.** RCW 43.216.578 and 2021 c 199 s 403 are each amended to
5 read as follows:

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

12 (2) The department may adopt rules to implement the program and
13 may waive or adapt early childhood education and assistance program
14 requirements when necessary to allow for the operation of the birth
15 to three early childhood education and assistance program. The
16 department shall consider early head start rules and regulations when
17 developing the provider and family eligibility requirements and
18 program requirements.

19 (3) (a) The birth to three early childhood education and
20 assistance program must be delivered through child care centers and
21 family home providers who meet minimum licensing standards and are
22 enrolled in the early achievers program.

23 (b) The department must determine minimum early achievers ratings
24 scores for participating contractors.

25 (4) To be eligible for the birth to three early childhood
26 education and assistance program, (~~(a child's family income must be~~
27 ~~at or below 50 percent of the state median income and the child must~~
28 ~~be under thirty-six months old)) which is subject to the availability
29 of amounts appropriated for this specific purpose, a child must be
30 under 36 months old and:~~

31 (a) Have a family with financial need, which means families with
32 incomes up to 50 percent of the state median income adjusted for
33 family size;

34 (b) Have a person in their household receiving or eligible for
35 basic food benefits, including the federal supplemental nutrition
36 assistance program or the Washington state food assistance program as
37 authorized under RCW 74.08A.120;

38 (c) Is experiencing homelessness;

1 (d) Is participating in the early support for infants and
2 toddlers program or is receiving class C developmental services;

3 (e) Is Indian as defined in rule by the department after
4 consultation and agreement with Washington state's federally
5 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100
6 percent of the state median income adjusted for family size; or

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

13 **Sec. 8.** RCW 43.216.1368 and 2023 c 222 s 4 are each amended to
14 read as follows:

15 (1) It is the intent of the legislature to increase working
16 families' access to affordable, high quality child care and to
17 support the expansion of the workforce to support businesses and the
18 statewide economy.

19 (2) Beginning October 1, 2021, a family is eligible for working
20 connections child care when the household's annual income is at or
21 below 60 percent of the state median income adjusted for family size
22 and:

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

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

28 (3) Beginning July 1, 2025, a family is eligible for working
29 connections child care when the household's annual income is above 60
30 percent and at or below 75 percent of the state median income
31 adjusted for family size and:

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

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

37 (4) Beginning July 1, 2027, and subject to the availability of
38 amounts appropriated for this specific purpose, a family is eligible
39 for working connections child care when the household's annual income

1 is above 75 percent of the state median income and is at or below 85
2 percent of the state median income adjusted for family size and:

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

6 (b) The household meets all other program eligibility
7 requirements.

8 (5) (a) Beginning October 1, 2021, through June 30, 2023, the
9 department must calculate a monthly copayment according to the
10 following schedule:

11 If the household's income is:	Then the household's maximum monthly copayment is:
12 At or below 20 percent of the state median income	Waived to the extent allowable under federal law; 13 otherwise, a maximum of \$15
14 Above 20 percent and at or below 36 percent of the state 15 median income	\$65
16 Above 36 percent and at or below 50 percent of the state 17 median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
18 Above 50 percent and at or below 60 percent of the state 19 median income	\$115

20 (b) Beginning July 1, 2023, the department must calculate a
21 monthly copayment according to the following schedule:

22 If the household's income is:	Then the household's maximum monthly copayment is:
23 At or below 20 percent of the state median income	Waived to the extent allowable under federal law; 24 otherwise, a maximum of \$15
25 Above 20 percent and at or below 36 percent of the state 26 median income	\$65
27 Above 36 percent and at or below 50 percent of the state 28 median income	\$90
29 Above 50 percent and at or below 60 percent of the state 30 median income	\$165

31 (c) Beginning July 1, 2025, the department must calculate a
32 maximum monthly copayment of \$215 for households with incomes above
33 60 percent and at or below 75 percent of the state median income.

34 (d) Subject to the availability of amounts appropriated for this
35 specific purpose, the department shall adopt a copayment model for
36 households with annual incomes above 75 percent of the state median

1 income and at or below 85 percent of the state median income. The
2 model must calculate a copayment for each household that is no
3 greater than seven percent of the household's countable income within
4 this income range.

5 (e) The department may adjust the copayment schedule to comply
6 with federal law.

7 (6) The department must adopt rules to implement this section,
8 including an income phase-out eligibility period.

9 (7) When an applicant or consumer has a person in their household
10 receiving basic food benefits, including the federal supplemental
11 nutrition assistance program or the Washington state food assistance
12 program as authorized under RCW 74.08A.120, the department must
13 determine that the household income eligibility requirements in this
14 section are met.

15 (8) This section does not apply to households eligible for the
16 working connections child care program under RCW 43.216.145 and
17 43.216.1364.

18 NEW SECTION. **Sec. 9.** Sections 4 and 6 of this act expire July
19 1, 2026.

20 NEW SECTION. **Sec. 10.** Sections 5 and 7 of this act take effect
21 July 1, 2026.

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