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**HOUSE BILL 2124**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Eslick and Senn

Prefiled 01/04/24.

1 AN ACT Relating to supporting and expanding access to child care  
2 and early learning programs; amending RCW 43.216.1364 and 43.216.775;  
3 and reenacting and amending RCW 43.216.136.

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

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

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

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

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

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

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

7 (i) In the last six months have:

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

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

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

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

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

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

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

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

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

34 (ii) An associate degree program.

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

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

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

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

8 (6) Beginning July 1, 2024, the department must consider an  
9 applicant or consumer's participation in any of the following  
10 programs as an approved activity when determining eligibility for  
11 working connections child care benefits:

12 (a) Early childhood education and assistance program;

13 (b) Birth to three early childhood education and assistance  
14 program;

15 (c) Head start; or

16 (d) Early head start.

17 (7)(a) An applicant or consumer is eligible to receive working  
18 connections child care benefits for the care of one or more eligible  
19 children for the first 12 months of the applicant's or consumer's  
20 enrollment in a state registered apprenticeship program under chapter  
21 49.04 RCW when:

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

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

30 (iii) The household meets all other program eligibility  
31 requirements.

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

36 (~~(7)~~) (8)(a) The department must extend the homeless grace  
37 period, as adopted in department rule as of January 1, 2020, from a  
38 four-month grace period to a 12-month grace period.

39 (b) For the purposes of this section, "homeless" means being  
40 without a fixed, regular, and adequate nighttime residence as

1 described in the federal McKinney-Vento homeless assistance act (42  
2 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

3 ~~((8))~~ (9) For purposes of this section, "authorization" means a  
4 transaction created by the department that allows a child care  
5 provider to claim payment for care. The department may adjust an  
6 authorization based on a household's eligibility status.

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

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

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

16 (b) The applicant or consumer is employed in a licensed child  
17 care center or family home provider, or in an early childhood  
18 education and assistance program or birth to three early childhood  
19 education and assistance program, as verified in the agency's  
20 electronic workforce registry; and

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

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

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

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

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

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

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

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

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