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**SENATE BILL 6482**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Wilson, C. and Darneille; by request of Department of Children, Youth, and Families

1 AN ACT Relating to licensing by the department of children,  
2 youth, and families; amending RCW 43.216.255, 43.216.305, 43.216.395,  
3 72.40.250, 72.40.280, 74.15.125, and 43.216.015; and reenacting and  
4 amending RCW 43.216.010.

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

6 **Sec. 1.** RCW 43.216.010 and 2017 3rd sp.s. c 6 s 201 are each  
7 reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Agency" means any person, firm, partnership, association,  
11 corporation, or facility that provides child care and early learning  
12 services outside a child's own home and includes the following  
13 irrespective of whether there is compensation to the agency:

14 (a) "Child day care center" means an agency that regularly  
15 provides early childhood education and early learning services for a  
16 group of children for periods of less than twenty-four hours;

17 (b) "Early learning" includes but is not limited to programs and  
18 services for child care; state, federal, private, and nonprofit  
19 preschool; child care subsidies; child care resource and referral;  
20 parental education and support; and training and professional  
21 development for early learning professionals;

1 (c) "Family day care provider" means a child care provider who  
2 regularly provides early childhood education and early learning  
3 services for not more than twelve children in the provider's home in  
4 the family living quarters;

5 (d) "Nongovernmental private-public partnership" means an entity  
6 registered as a nonprofit corporation in Washington state with a  
7 primary focus on early learning, school readiness, and parental  
8 support, and an ability to raise a minimum of five million dollars in  
9 contributions;

10 (e) "Service provider" means the entity that operates a community  
11 facility.

12 (2) "Agency" does not include the following:

13 (a) Persons related to the child in the following ways:

14 (i) Any blood relative, including those of half-blood, and  
15 including first cousins, nephews or nieces, and persons of preceding  
16 generations as denoted by prefixes of grand, great, or great-great;

17 (ii) Stepfather, stepmother, stepbrother, and stepsister;

18 (iii) A person who legally adopts a child or the child's parent  
19 as well as the natural and other legally adopted children of such  
20 persons, and other relatives of the adoptive parents in accordance  
21 with state law; or

22 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
23 this subsection, even after the marriage is terminated;

24 (b) Persons who are legal guardians of the child;

25 (c) Persons who care for a neighbor's or friend's child or  
26 children, with or without compensation, where the person providing  
27 care for periods of less than twenty-four hours does not conduct such  
28 activity on an ongoing, regularly scheduled basis for the purpose of  
29 engaging in business, which includes, but is not limited to,  
30 advertising such care;

31 (d) Parents on a mutually cooperative basis exchange care of one  
32 another's children;

33 (e) Nursery schools that are engaged primarily in early childhood  
34 education with preschool children and in which no child is enrolled  
35 on a regular basis for more than four hours per day;

36 (f) Schools, including boarding schools, that are engaged  
37 primarily in education, operate on a definite school year schedule,  
38 follow a stated academic curriculum, and accept only school age  
39 children;

1 (g) Seasonal camps (~~of three months' or less duration~~) engaged  
2 primarily in recreational or educational activities for three  
3 consecutive months or less in duration, within each period of twelve  
4 consecutive months;

5 (h) Facilities providing child care for periods of less than  
6 twenty-four hours when a parent or legal guardian of the child  
7 remains on the premises of the facility for the purpose of  
8 participating in:

9 (i) Activities other than employment; or

10 (ii) Employment of up to two hours per day when the facility is  
11 operated by a nonprofit entity that also operates a licensed child  
12 care program at the same facility in another location or at another  
13 facility;

14 (i) Any entity that provides recreational or educational  
15 programming for school age children only and the entity meets all of  
16 the following requirements:

17 (i) The entity utilizes a drop-in model for programming, where  
18 children are able to attend during any or all program hours without a  
19 formal reservation;

20 (ii) The entity does not assume responsibility in lieu of the  
21 parent, unless for coordinated transportation;

22 (iii) The entity is a local affiliate of a national nonprofit;  
23 and

24 (iv) The entity is in compliance with all safety and quality  
25 standards set by the associated national agency;

26 (j) A program operated by any unit of local, state, or federal  
27 government;

28 (k) A program located within the boundaries of a federally  
29 recognized Indian reservation, licensed by the Indian tribe;

30 (l) A program located on a federal military reservation, except  
31 where the military authorities request that such agency be subject to  
32 the licensing requirements of this chapter;

33 (m) A program that offers early learning and support services,  
34 such as parent education, and does not provide child care services on  
35 a regular basis.

36 (3) "Applicant" means a person who requests or seeks employment  
37 in an agency.

38 (4) "Conviction information" means criminal history record  
39 information relating to an incident which has led to a conviction or  
40 other disposition adverse to the applicant.

1 (5) "Department" means the department of children, youth, and  
2 families.

3 (6) "Early achievers" means a program that improves the quality  
4 of early learning programs and supports and rewards providers for  
5 their participation.

6 (7) "Early childhood education and assistance program contractor"  
7 means an organization that provides early childhood education and  
8 assistance program services under a signed contract with the  
9 department.

10 (8) "Early childhood education and assistance program provider"  
11 means an organization that provides site level, direct, and high  
12 quality early childhood education and assistance program services  
13 under the direction of an early childhood education and assistance  
14 program contractor.

15 (9) "Early start" means an integrated high quality continuum of  
16 early learning programs for children birth-to-five years of age.  
17 Components of early start include, but are not limited to, the  
18 following:

19 (a) Home visiting and parent education and support programs;  
20 (b) The early achievers program described in RCW 43.216.085;  
21 (c) Integrated full-day and part-day high quality early learning  
22 programs; and

23 (d) High quality preschool for children whose family income is at  
24 or below one hundred ten percent of the federal poverty level.

25 (10) "Education data center" means the education data center  
26 established in RCW 43.41.400, commonly referred to as the education  
27 research and data center.

28 (11) "Employer" means a person or business that engages the  
29 services of one or more people, especially for wages or salary to  
30 work in an agency.

31 (12) "Enforcement action" means denial, suspension, revocation,  
32 modification, or nonrenewal of a license pursuant to RCW  
33 43.216.325(1) or assessment of civil monetary penalties pursuant to  
34 RCW 43.216.325(3).

35 (13) "Extended day program" means an early childhood education  
36 and assistance program that offers early learning education for at  
37 least ten hours per day, a minimum of two thousand hours per year, at  
38 least four days per week, and operates year-round.

1 (14) "Full day program" means an early childhood education and  
2 assistance program that offers early learning education for a minimum  
3 of one thousand hours per year.

4 (15) "Inspection report" means a written or digital record  
5 developed by the department that identifies violations of licensing  
6 standards. An inspection report does not include a child care  
7 facility licensing compliance agreement as defined in RCW 43.216.395.

8 (16) "Low-income child care provider" means a person who  
9 administers a child care program that consists of at least eighty  
10 percent of children receiving working connections child care subsidy.

11 ((~~16~~)) (17) "Low-income neighborhood" means a district or  
12 community where more than twenty percent of households are below the  
13 federal poverty level.

14 ((~~17~~)) (18) "Negative action" means a court order, court  
15 judgment, or an adverse action taken by an agency, in any state,  
16 federal, tribal, or foreign jurisdiction, which results in a finding  
17 against the applicant reasonably related to the individual's  
18 character, suitability, and competence to care for or have  
19 unsupervised access to children in child care. This may include, but  
20 is not limited to:

21 (a) A decision issued by an administrative law judge;

22 (b) A final determination, decision, or finding made by an agency  
23 following an investigation;

24 (c) An adverse agency action, including termination, revocation,  
25 or denial of a license or certification, or if pending adverse agency  
26 action, the voluntary surrender of a license, certification, or  
27 contract in lieu of the adverse action;

28 (d) A revocation, denial, or restriction placed on any  
29 professional license; or

30 (e) A final decision of a disciplinary board.

31 ((~~18~~)) (19) "Nonconviction information" means arrest, founded  
32 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,  
33 or other negative action adverse to the applicant.

34 ((~~19~~)) (20) "Nonschool age child" means a child who is age six  
35 years or younger and who is not enrolled in a public or private  
36 school.

37 ((~~20~~)) (21) "Part day program" means an early childhood  
38 education and assistance program that offers early learning education  
39 for at least two and one-half hours per class session, at least three

1 hundred twenty hours per year, for a minimum of thirty weeks per  
2 year.

3 ~~((21))~~ (22) "Private school" means a private school approved by  
4 the state under chapter 28A.195 RCW.

5 ~~((22))~~ (23) "Probationary license" means a license issued as a  
6 disciplinary measure to an agency that has previously been issued a  
7 full license but is out of compliance with licensing standards.

8 ~~((23))~~ (24) "Requirement" means any rule, regulation, or  
9 standard of care to be maintained by an agency.

10 ~~((24))~~ (25) "School age child" means a child who is five years  
11 of age through twelve years of age and is attending a public or  
12 private school or is receiving home-based instruction under chapter  
13 28A.200 RCW.

14 ~~((25))~~ (26) "Secretary" means the secretary of the department.

15 ~~((26))~~ (27) "Washington state preschool program" means an  
16 education program for children three-to-five years of age who have  
17 not yet entered kindergarten, such as the early childhood education  
18 and assistance program.

19 **Sec. 2.** RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each  
20 amended to read as follows:

21 (1) No later than November 1, 2016, the department shall  
22 implement a single set of licensing standards for child care and the  
23 early childhood education and assistance program. The department  
24 shall produce the single set of licensing standards within the  
25 department's available appropriations. The new licensing standards  
26 must:

27 (a) Provide minimum ~~((health and safety standards))~~ licensing  
28 requirements for child care and preschool programs;

29 (b) Rely on the standards established in the early achievers  
30 program to address quality issues in participating early childhood  
31 programs;

32 (c) Take into account the separate needs of family care providers  
33 and child care centers; and

34 (d) Promote the continued safety of child care settings.

35 (2) Private schools that operate early learning programs and do  
36 not receive state subsidy payments shall be subject only to the  
37 minimum health and safety standards ~~((in subsection (1)(a) of this~~  
38 ~~section))~~ as defined in RCW 43.216.395(2)(b) and the requirements  
39 necessary to assure a sufficient early childhood education to meet

1 usual requirements needed for transition into elementary school. The  
2 state, and any agency thereof, shall not restrict or dictate any  
3 specific educational or other programs for early learning programs  
4 operated by private schools except for programs that receive state  
5 subsidy payments.

6 **Sec. 3.** RCW 43.216.305 and 2018 c 58 s 40 are each amended to  
7 read as follows:

8 (1) Each agency shall make application for a license or the  
9 continuation of a full license to the department (~~(on forms)~~) using a  
10 method prescribed by the department. Upon receipt of such  
11 application, the department shall either grant or deny a license or  
12 continuation of a full license within ninety days. A license or  
13 continuation shall be granted if the agency meets the minimum  
14 requirements set forth in this chapter and the departmental  
15 requirements consistent with this chapter, except that an initial  
16 license may be issued as provided in RCW 43.216.315. The department  
17 shall consider whether an agency is in good standing, as defined in  
18 subsection (4)(b) of this section, before granting a continuation of  
19 a full license. Full licenses provided for in this chapter shall  
20 continue to remain valid so long as the licensee meets the  
21 requirements for a nonexpiring license in subsection (2) of this  
22 section. The licensee, however, shall advise the secretary of any  
23 material change in circumstances which might constitute grounds for  
24 reclassification of license as to category. The license issued under  
25 this chapter is not transferable and applies only to the licensee and  
26 the location stated in the application. For licensed family day care  
27 homes having an acceptable history of child care, the license may  
28 remain in effect for two weeks after a move.

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

32 (a) Submit the annual licensing fee;

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

36 (c) Submit a declaration of compliance with all licensing rules;  
37 and

38 (d) Submit background check applications into the department's  
39 electronic workforce registry, as defined by rule and on the schedule

1 established by the department, for all current employees of the  
2 agency.

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

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

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

12 (i) Valid complaints;

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

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

17 (c) The department shall consider whether an agency is in good  
18 standing when determining the most appropriate approach and process  
19 for monitoring visits, for the purposes of administrative efficiency  
20 while protecting children, consistent with this chapter. If the  
21 department determines that an agency is not in good standing, the  
22 department may issue a probationary license, as provided in RCW  
23 43.216.320.

24 **Sec. 4.** RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each  
25 amended to read as follows:

26 (1) The department shall develop an internal review process to  
27 determine whether department licensors have appropriately and  
28 consistently applied agency rules (~~(in child care facility licensing~~  
29 ~~compliance agreements)) on inspection reports that do not involve a  
30 violation of health and safety standards. Adverse licensing decisions  
31 including license denial, suspension, revocation, modification, or  
32 nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines  
33 pursuant to RCW 43.216.335 are not subject to the internal review  
34 process in this section, but may be appealed using the administrative  
35 procedure act, chapter 34.05 RCW.~~

36 (2) The definitions in this subsection apply throughout this  
37 section.

38 (a) "Child care facility licensing compliance agreement" means an  
39 agreement issued by the department in lieu of the department taking



1 enforcement action against a child care provider that contains: (i) A  
2 description of the violation and the rule or law that was violated;  
3 (ii) a statement from the licensee regarding the proposed plan to  
4 comply with the rule or law; (iii) the date the violation must be  
5 corrected; (iv) information regarding other licensing action that may  
6 be imposed if compliance does not occur by the required date; and (v)  
7 the signature of the licensor and licensee or the licensee's  
8 delegate.

9 (b) "Health and safety standards" means rules or requirements  
10 developed by the department to protect the health and safety of  
11 children against ~~((substantial))~~ risk of bodily, mental, or  
12 psychological injury, harm, illness, or death.

13 (3) The internal review process shall be conducted by the  
14 following six individuals:

15 (a) Three department employees who may include child care  
16 licensors; and

17 (b) Three child care providers selected by the department from  
18 names submitted by the oversight board for children, youth, and  
19 families established in RCW 43.216.015.

20 (4) The internal review process established in this section may  
21 overturn, change, or uphold a department licensing decision by  
22 majority vote. In the event that the six individuals conducting the  
23 internal review process are equally divided, the secretary or the  
24 secretary's designee shall make the decision of the internal review  
25 process. The internal review process must provide the parties with a  
26 written decision of the outcome after completion of the internal  
27 review process. A licensee must request a review under the internal  
28 review process within ten days of the development of ~~((a child care~~  
29 ~~facility licensing compliance agreement))~~ an inspection report and  
30 the internal review process must be completed within ~~((thirty))~~ sixty  
31 days after the request from the licensee to initiate the internal  
32 review process is received.

33 (5) A licensee may request a final review by the oversight board  
34 for children, youth, and families after completing the internal  
35 review process established in this section by giving notice to the  
36 department and the oversight board for children, youth, and families  
37 within ten days of receiving the written decision produced by the  
38 internal review process.

39 ~~((6) The department shall not develop a child care facility~~  
40 ~~licensing compliance agreement with a child care provider for first-~~

1 ~~time violations of rules that do not relate to health and safety~~  
2 ~~standards and that can be corrected on the same day that the~~  
3 ~~violation is identified. The department shall develop a procedure for~~  
4 ~~providing a warning and offering technical assistance to providers in~~  
5 ~~response to these first-time violations.))~~

6 **Sec. 5.** RCW 72.40.250 and 2019 c 266 s 11 are each amended to  
7 read as follows:

8 In addition to the powers and duties under RCW 72.40.022 and  
9 72.40.024, the director of the Washington center for deaf and hard of  
10 hearing youth, or the director's designee, and the superintendent of  
11 the state school for the blind shall:

12 (1) Develop written procedures for the supervision of employees  
13 and volunteers who have the potential for contact with students. Such  
14 procedures shall be designed to prevent child abuse and neglect by  
15 providing for adequate supervision of such employees and volunteers,  
16 taking into consideration such factors as the student population  
17 served, architectural factors, and the size of the facility. Such  
18 procedures shall include, but need not be limited to, the following:

- 19 (a) Staffing patterns and the rationale for such;
- 20 (b) Responsibilities of supervisors;
- 21 (c) The method by which staff and volunteers are made aware of  
22 the identity of all supervisors, including designated on-site  
23 supervisors;
- 24 (d) Provision of written supervisory guidelines to employees and  
25 volunteers;
- 26 (e) Periodic supervisory conferences for employees and  
27 volunteers; and
- 28 (f) Written performance evaluations of staff to be conducted by  
29 supervisors in a manner consistent with applicable provisions of the  
30 civil service law.

31 (2) Develop written procedures for the protection of students  
32 when there is reason to believe an incident has occurred which would  
33 render a minor student an abused or neglected child within the  
34 meaning of RCW 26.44.020. Such procedures shall include, but need not  
35 be limited to, the following:

- 36 (a) Investigation. Immediately upon notification that a report of  
37 child abuse or neglect has been made to the department of (~~social~~  
38 ~~and health services~~) children, youth, and families or a law

1 enforcement agency, the superintendent or the director, or the  
2 director's designee, shall:

3 (i) Preserve any potential evidence through such actions as  
4 securing the area where suspected abuse or neglect occurred;

5 (ii) Obtain proper and prompt medical evaluation and treatment,  
6 as needed, with documentation of any evidence of abuse or neglect;  
7 and

8 (iii) Provide necessary assistance to the department of (~~social~~  
9 ~~and health services~~) children, youth, and families and local law  
10 enforcement in their investigations;

11 (b) Safety. Upon notification that a report of suspected child  
12 abuse or neglect has been made to the department of (~~social~~  
13 ~~and health services~~) children, youth, and families or a law enforcement  
14 agency, the superintendent or the director or his or her designee,  
15 with consideration for causing as little disruption as possible to  
16 the daily routines of the students, shall evaluate the situation and  
17 immediately take appropriate action to assure the health and safety  
18 of the students involved in the report and of any other students  
19 similarly situated, and take such additional action as is necessary  
20 to prevent future acts of abuse or neglect. Such action may include:

21 (i) Consistent with federal and state law:

22 (A) Removing the alleged perpetrator from the school;

23 (B) Increasing the degree of supervision of the alleged  
24 perpetrator; and

25 (C) Initiating appropriate disciplinary action against the  
26 alleged perpetrator;

27 (ii) Provision of increased training and increased supervision to  
28 volunteers and staff pertinent to the prevention and remediation of  
29 abuse and neglect;

30 (iii) Temporary removal of the students from a program and  
31 reassignment of the students within the school, as an emergency  
32 measure, if it is determined that there is a risk to the health or  
33 safety of such students in remaining in that program. Whenever a  
34 student is removed, pursuant to this subsection (2)(b)(iii), from a  
35 special education program or service specified in his or her  
36 individualized education program, the action shall be reviewed in an  
37 individualized education program meeting; and

38 (iv) Provision of counseling to the students involved in the  
39 report or any other students, as appropriate;

1 (c) Corrective action plans. Upon receipt of the results of an  
2 investigation by the department of (~~social and health services~~)  
3 children, youth, and families pursuant to a report of suspected child  
4 abuse or neglect, the superintendent or the director, or the  
5 director's designee, after consideration of any recommendations by  
6 the department of (~~social and health services~~) children, youth, and  
7 families for preventive and remedial action, shall implement a  
8 written plan of action designed to assure the continued health and  
9 safety of students and to provide for the prevention of future acts  
10 of abuse or neglect.

11 **Sec. 6.** RCW 72.40.280 and 2009 c 381 s 21 are each amended to  
12 read as follows:

13 (1) The department of (~~social and health services~~) children,  
14 youth, and families must periodically monitor the residential program  
15 at the state school for the deaf, including but not limited to  
16 examining the residential-related policies and procedures as well as  
17 the residential facilities. The department of (~~social and health~~  
18 ~~services~~) children, youth, and families must make recommendations to  
19 the director and the board of trustees of the center or its successor  
20 board on health and safety improvements related to child safety and  
21 well-being. The department of (~~social and health services~~)  
22 children, youth, and families must conduct the monitoring reviews at  
23 least annually. The director or the director's designee may from time  
24 to time request technical assistance from the department of (~~social~~  
25 ~~and health services~~) children, youth, and families.

26 (2) (~~The department of social and health services must conduct a~~  
27 ~~comprehensive child health and safety review, as defined in rule, of~~  
28 ~~the residential program at the state school for the deaf every three~~  
29 ~~years.~~

30 ~~(3))~~ The state school for the deaf must provide the department  
31 of (~~social and health services'~~) children, youth, and families'  
32 staff with full and complete access to all records and documents that  
33 the department staff may request to carry out the requirements of  
34 this section. The department of (~~social and health services~~)  
35 children, youth, and families must have full and complete access to  
36 all students and staff of the state school for the deaf to conduct  
37 interviews to carry out the requirements of this section.

38 (~~(4))~~ (3) For the purposes of this section, the department of  
39 (~~social and health services~~) children, youth, and families must use

1 the safety standards established in this chapter when conducting the  
2 reviews.

3 **Sec. 7.** RCW 74.15.125 and 1995 c 302 s 7 are each amended to  
4 read as follows:

5 (1) The department may issue a probationary license to a licensee  
6 who has had a license but is temporarily unable to comply with a rule  
7 or has been the subject of multiple complaints or concerns about  
8 noncompliance if:

9 (a) The noncompliance does not present an immediate threat to the  
10 health and well-being of the children but would be likely to do so if  
11 allowed to continue; and

12 (b) The licensee has a plan approved by the department to correct  
13 the area of noncompliance within the probationary period.

14 (2) A probationary license may be issued for up to six months,  
15 and at the discretion of the department it may be extended for an  
16 additional six months. The department shall immediately terminate the  
17 probationary license, if at any time the noncompliance for which the  
18 probationary license was issued presents an immediate threat to the  
19 health or well-being of the children.

20 (3) The department may, at any time, issue a probationary license  
21 for due cause that states the conditions of probation.

22 (4) An existing license is invalidated when a probationary  
23 license is issued.

24 (5) At the expiration of the probationary license, the department  
25 shall reinstate the original license for the remainder of its term,  
26 issue a new license, or revoke the original license.

27 (6) A right to an adjudicative proceeding shall not accrue to the  
28 licensee whose license has been placed on probationary status unless  
29 the licensee does not agree with the placement on probationary status  
30 and the department then suspends, revokes, or modifies the license.

31 (7) (a) The department may issue a child-specific license to  
32 individuals listed in RCW 13.34.030(21) who opt to become licensed  
33 for placement of relative children in the department's care, custody,  
34 and control.

35 (b) Such individuals must meet all minimum licensing requirements  
36 for foster family homes established pursuant to RCW 74.15.030 and are  
37 subject to child-specific license criteria, which the department is  
38 authorized to establish by rule.

1 (c) For purposes of federal funding, a child-specific license is  
2 considered a full license with all of the rights and responsibilities  
3 of a foster family home license, except that at the discretion of the  
4 department the licensee may only receive placement of specific  
5 children who are related to the licensee.

6 (d) Placement with a relative who holds a child-specific license  
7 is subject to the department's sole discretion. A child-specific  
8 license does not confer upon the licensee a right to placement of a  
9 particular child, nor does it confer party status in any proceeding  
10 under chapter 13.34 RCW.

11 **Sec. 8.** RCW 43.216.015 and 2019 c 429 s 1 are each amended to  
12 read as follows:

13 (1)(a) The department of children, youth, and families is created  
14 as an executive branch agency. The department is vested with all  
15 powers and duties transferred to it under chapter 6, Laws of 2017 3rd  
16 sp. sess. and such other powers and duties as may be authorized by  
17 law. The vision for the department is that Washington state's  
18 children and youth grow up safe and healthy—thriving physically,  
19 emotionally, and academically, nurtured by family and community.

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

33 (2) Beginning July 1, 2018, the department must develop  
34 definitions for, work plans to address, and metrics to measure the  
35 outcomes for children, youth, and families served by the department  
36 and must work with state agencies to ensure services for children,  
37 youth, and families are science-based, outcome-driven, data-informed,  
38 and collaborative.

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

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

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

9 (i) Improving child development and school readiness through  
10 voluntary, high quality early learning opportunities as measured by:

11 (A) Increasing the number and proportion of children kindergarten-  
12 ready as measured by the Washington kindergarten inventory of  
13 developing skills (WAKids) assessment including mathematics; (B)  
14 increasing the proportion of children in early learning programs that  
15 have achieved the level 3 or higher early achievers quality standard;  
16 and (C) increasing the available supply of licensed child care in  
17 both child care centers and family homes, including providers not  
18 receiving state subsidy;

19 (ii) Preventing child abuse and neglect;

20 (iii) Improving child and youth safety, permanency, and well-  
21 being as measured by: (A) Reducing the number of children entering  
22 out-of-home care; (B) reducing a child's length of stay in out-of-  
23 home care; (C) reducing maltreatment of youth while in out-of-home  
24 care; (D) licensing more foster homes than there are children in  
25 foster care; (E) reducing the number of children that reenter out-of-  
26 home care within twelve months; (F) increasing the stability of  
27 placements for children in out-of-home care; and (G) developing  
28 strategies to demonstrate to foster families that their service and  
29 involvement is highly valued by the department, as demonstrated by  
30 the development of strategies to consult with foster families  
31 regarding future placement of a foster child currently placed with a  
32 foster family;

33 (iv) Improving reconciliation of children and youth with their  
34 families as measured by: (A) Increasing family reunification; and (B)  
35 increasing the number of youth who are reunified with their family of  
36 origin;

37 (v) In collaboration with county juvenile justice programs,  
38 improving adolescent outcomes including reducing multisystem  
39 involvement and homelessness; and increasing school graduation rates

1 and successful transitions to adulthood for youth involved in the  
2 child welfare and juvenile justice systems;

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

6 (vii) In collaboration with county juvenile justice programs,  
7 reducing criminal justice involvement and recidivism as measured by:  
8 (A) An increase in the number of youth who successfully complete the  
9 terms of diversion or alternative sentencing options; (B) a decrease  
10 in the number of youth who commit subsequent crimes; and (C)  
11 eliminating the discharge of youth from institutional settings into  
12 homelessness; and

13 (viii) Reducing racial and ethnic disproportionality and  
14 disparities in system involvement and across child and youth outcomes  
15 in collaboration with other state agencies.

16 (4) Beginning July 1, 2018, the department must:

17 (a) Lead ongoing collaborative work to minimize or eliminate  
18 systemic barriers to effective, integrated services in collaboration  
19 with state agencies serving children, youth, and families;

20 (b) Identify necessary improvements and updates to statutes  
21 relevant to their responsibilities and proposing legislative changes  
22 to the governor no less than biennially;

23 (c) Help create a data-focused environment in which there are  
24 aligned outcomes and shared accountability for achieving those  
25 outcomes, with shared, real-time data that is accessible to  
26 authorized persons interacting with the family, child, or youth to  
27 identify what is needed and which services would be effective;

28 (d) Lead the provision of state services to adolescents, focusing  
29 on key transition points for youth, including exiting foster care and  
30 institutions, and coordinating with the office of homeless youth  
31 prevention and protection programs to address the unique needs of  
32 homeless youth; and

33 (e) Create and annually update a list of the rights and  
34 responsibilities of foster parents in partnership with foster parent  
35 representatives. The list of foster parent rights and  
36 responsibilities must be posted on the department's web site,  
37 provided to individuals participating in a foster parent orientation  
38 before licensure, provided to foster parents in writing at the time  
39 of licensure, and provided to foster parents applying for license  
40 renewal.



1 (5) The department is accountable to the public. To ensure  
2 transparency, beginning December 30, 2018, agency performance data  
3 for the services provided by the department, including outcome data  
4 for contracted services, must be available to the public, consistent  
5 with confidentiality laws, federal protections, and individual rights  
6 to privacy. Publicly available data must include budget and funding  
7 decisions, performance-based contracting data, including data for  
8 contracted services, and performance data on metrics identified in  
9 this section. The board must work with the secretary and director to  
10 develop the most effective and cost-efficient ways to make department  
11 data available to the public, including making this data readily  
12 available on the department's web site.

13 (6) The department shall ensure that all new and renewed  
14 contracts for services are performance-based.

15 (7) The department must execute all new and renewed contracts for  
16 services in accordance with this section and consistent with RCW  
17 74.13B.020. When contracted services are managed through a network  
18 administrator or other third party, the department must execute data-  
19 sharing agreements with the entities managing the contracts to track  
20 provider performance measures. Contracts with network administrators  
21 or other third parties must provide the contract administrator the  
22 ability to shift resources from one provider to another, to evaluate  
23 individual provider performance, to add or delete services in  
24 consultation with the department, and to reinvest savings from  
25 increased efficiencies into new or improved services in their  
26 catchment area. Whenever possible, contractor performance data must  
27 be made available to the public, consistent with confidentiality laws  
28 and individual rights to privacy.

29 (8)(a) The board shall begin its work and call the first meeting  
30 of the board on or after July 1, 2018. The board shall immediately  
31 assume the duties of the legislative children's oversight committee,  
32 as provided for in RCW 74.13.570 and assume the full functions of the  
33 board as provided for in this section by July 1, 2019. The office of  
34 innovation, alignment, and accountability shall provide quarterly  
35 updates regarding the implementation of the department to the board  
36 between July 1, 2018, and July 1, 2019.

37 (b) The office of the family and children's ombuds shall  
38 establish the board. The board is authorized for the purpose of  
39 monitoring and ensuring that the department achieves the stated  
40 outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with

1 administrative acts, relevant statutes, rules, and policies  
2 pertaining to early learning, juvenile rehabilitation, juvenile  
3 justice, and children and family services.

4 (9) (a) The board shall consist of the following members:

5 (i) Two senators and two representatives from the legislature  
6 with one member from each major caucus;

7 (ii) One nonvoting representative from the governor's office;

8 (iii) One subject matter expert in early learning;

9 (iv) One subject matter expert in child welfare;

10 (v) One subject matter expert in juvenile rehabilitation and  
11 justice;

12 (vi) One subject matter expert in reducing disparities in child  
13 outcomes by family income and race and ethnicity;

14 (vii) One tribal representative from west of the crest of the  
15 Cascade mountains;

16 (viii) One tribal representative from east of the crest of the  
17 Cascade mountains;

18 (ix) One current or former foster parent representative;

19 (x) One representative of an organization that advocates for the  
20 best interest of the child;

21 (xi) One parent stakeholder group representative;

22 (xii) One law enforcement representative;

23 (xiii) One child welfare caseworker representative;

24 (xiv) One early childhood learning program implementation  
25 practitioner;

26 (xv) One current or former foster youth under age twenty-five;

27 (xvi) One individual under age twenty-five with current or  
28 previous experience with the juvenile justice system;

29 (xvii) One physician with experience working with children or  
30 youth; and

31 (xviii) One judicial representative presiding over child welfare  
32 court proceedings or other children's matters.

33 (b) The senate members of the board shall be appointed by the  
34 leaders of the two major caucuses of the senate. The house of  
35 representatives members of the board shall be appointed by the  
36 leaders of the two major caucuses of the house of representatives.  
37 Members shall be appointed before the close of each regular session  
38 of the legislature during an odd-numbered year.

39 (c) The remaining board members shall be nominated by the  
40 governor, subject to the approval of the appointed legislators by

1 majority vote, and serve four-year terms. When nominating and  
2 approving members after July 28, 2019, the governor and appointed  
3 legislators must ensure that at least five of the board members  
4 reside east of the crest of the Cascade mountains.

5 (10) The board has the following powers, which may be exercised  
6 by majority vote of the board:

7 (a) To receive reports of the office of the family and children's  
8 ombuds;

9 (b) To obtain access to all relevant records in the possession of  
10 the office of the family and children's ombuds, except as prohibited  
11 by law;

12 (c) To select its officers and adoption of rules for orderly  
13 procedure;

14 (d) To request investigations by the office of the family and  
15 children's ombuds of administrative acts;

16 (e) To request and receive information, outcome data, documents,  
17 materials, and records from the department relating to children and  
18 family welfare, juvenile rehabilitation, juvenile justice, and early  
19 learning;

20 (f) To determine whether the department is achieving the  
21 performance measures;

22 (g) If final review is requested by a licensee, to review whether  
23 department licensors appropriately and consistently applied agency  
24 rules (~~(in child care facility licensing compliance agreements as~~  
25 ~~defined in RCW 43.216.395)) on inspection reports that do not involve  
26 a violation of health and safety standards as defined in RCW  
27 43.216.395 in cases that have already been reviewed by the internal  
28 review process described in RCW 43.216.395 with the authority to  
29 overturn, change, or uphold such decisions;~~

30 (h) To conduct annual reviews of a sample of department contracts  
31 for services from a variety of program and service areas to ensure  
32 that those contracts are performance-based and to assess the measures  
33 included in each contract; and

34 (i) Upon receipt of records or data from the office of the family  
35 and children's ombuds or the department, the board is subject to the  
36 same confidentiality restrictions as the office of the family and  
37 children's ombuds is under RCW 43.06A.050. The provisions of RCW  
38 43.06A.060 also apply to the board.

1 (11) The board has general oversight over the performance and  
2 policies of the department and shall provide advice and input to the  
3 department and the governor.

4 (12) The board must no less than twice per year convene  
5 stakeholder meetings to allow feedback to the board regarding  
6 contracting with the department, departmental use of local, state,  
7 private, and federal funds, and other matters as relating to carrying  
8 out the duties of the department.

9 (13) The board shall review existing surveys of providers,  
10 customers, parent groups, and external services to assess whether the  
11 department is effectively delivering services, and shall conduct  
12 additional surveys as needed to assess whether the department is  
13 effectively delivering services.

14 (14) The board is subject to the open public meetings act,  
15 chapter 42.30 RCW, except to the extent disclosure of records or  
16 information is otherwise confidential under state or federal law.

17 (15) Records or information received by the board is confidential  
18 to the extent permitted by state or federal law. This subsection does  
19 not create an exception for records covered by RCW 13.50.100.

20 (16) The board members shall receive no compensation for their  
21 service on the board, but shall be reimbursed for travel expenses  
22 incurred while conducting business of the board when authorized by  
23 the board and within resources allocated for this purpose, except  
24 appointed legislators who shall be reimbursed for travel expenses in  
25 accordance with RCW 43.03.050 and 43.03.060.

26 (17) The board shall select, by majority vote, an executive  
27 director who shall be the chief administrative officer of the board  
28 and shall be responsible for carrying out the policies adopted by the  
29 board. The executive director is exempt from the provisions of the  
30 state civil service law, chapter 41.06 RCW, and shall serve at the  
31 pleasure of the board established in this section.

32 (18) The board shall maintain a staff not to exceed one full-time  
33 equivalent employee. The board-selected executive director of the  
34 board is responsible for coordinating staff appointments.

35 (19) The board shall issue an annual report to the governor and  
36 legislature by December 1st of each year with an initial report  
37 delivered by December 1, 2019. The report must review the  
38 department's progress towards meeting stated performance measures and  
39 desired performance outcomes, and must also include a review of the  
40 department's strategic plan, policies, and rules.

1           (20) The definitions in this subsection apply throughout this  
2 section unless the context clearly requires otherwise.

3           (a) "Board" means the oversight board for children, youth, and  
4 families established in subsection (8) of this section.

5           (b) "Director" means the director of the office of innovation,  
6 alignment, and accountability.

7           (c) "Performance-based contract" means results-oriented  
8 contracting that focuses on the quality or outcomes that tie at least  
9 a portion of the contractor's payment, contract extensions, or  
10 contract renewals to the achievement of specific measurable  
11 performance standards and requirements.

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