

1 AN ACT Relating to education; amending RCW 43.215.100,
2 43.215.135, 43.215.1352, 43.215.425, 43.215.415, 43.215.430,
3 43.215.455, 43.215.090, 28A.150.261, 28B.15.031, 28B.15.066,
4 28B.15.067, 28B.15.069, 28B.95.020, 28B.95.030, and 28B.118.010;
5 reenacting and amending RCW 43.215.200, 43.215.010, and 28A.150.260;
6 adding new sections to chapter 43.215 RCW; adding a new section to
7 chapter 28B.92 RCW; creating new sections; repealing RCW 28B.15.068
8 and 28B.15.102; repealing 2013 2nd sp.s. c 16 s 2 (uncodified);
9 providing effective dates; providing an expiration date; and
10 declaring an emergency.

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

12 **PART I**
13 **EARLY START ACT**

14 NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds that
15 quality early care and education builds the foundation for a child's
16 success in school and in life. The legislature acknowledges that a
17 quality framework is necessary for the early care and education
18 system in Washington. The legislature recognizes that empirical
19 evidence supports the conclusion that high quality programs
20 consistently yield more positive outcomes for children, with the

1 strongest positive impacts on the most vulnerable children. The
2 legislature acknowledges that critical developmental windows exist in
3 early childhood, and low quality child care has damaging effects for
4 children. The legislature further understands that the proper dosage,
5 duration of programming, and stability of care are critical to
6 enhancing program quality and improving child outcomes. The
7 legislature acknowledges that the early care and education system
8 should strive to address the needs of Washington's culturally and
9 linguistically diverse populations. The legislature understands that
10 parental choice and provider diversity are guiding principles for
11 early learning programs.

12 (2) The legislature intends to prioritize the integration of
13 child care and preschool in an effort to promote full day
14 programming. The legislature further intends to reward quality and
15 create incentives for providers to participate in a quality rating
16 and improvement system that will also provide valuable information to
17 parents regarding the quality of care available in their communities.

18 **Sec. 102.** RCW 43.215.100 and 2013 c 323 s 6 are each amended to
19 read as follows:

20 EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM. (1)
21 Subject to the availability of amounts appropriated for this specific
22 purpose, the department, in collaboration with tribal governments and
23 community and statewide partners, shall implement a ~~((voluntary))~~
24 quality rating and improvement system, called the early achievers
25 program~~((, that))~~. The early achievers program provides a foundation
26 of quality for the early care and education system. The early
27 achievers program is applicable to licensed or certified child care
28 centers and homes and early ~~((education))~~ learning programs such as
29 working connections child care and early childhood education and
30 assistance programs.

31 (2) The ~~((purpose))~~ objectives of the early achievers program
32 ~~((is))~~ are to:

33 (a) ~~((To))~~ Improve short-term and long-term educational outcomes
34 for children as measured by assessments including, but not limited
35 to, the Washington kindergarten inventory of developing skills in RCW
36 28A.655.080;

37 (b) Give parents clear and easily accessible information about
38 the quality of child care and early education programs~~((τ))~~;

1 (c) Support improvement in early learning and child care programs
2 throughout the state((τ))i

3 (d) Increase the readiness of children for school((τ—and))i

4 (e) Close the ((disparity)) disparities in access to quality
5 care;

6 (f) Provide professional development and coaching opportunities
7 to early child care and education providers; and ((b—to))

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

11 (3)(a) Licensed or certified child care centers and homes serving
12 nonschool age children and receiving state subsidy payments must
13 participate in the early achievers program by the required deadlines
14 established in RCW 43.215.135.

15 (b) Approved early childhood education and assistance program
16 providers receiving state-funded support must participate in the
17 early achievers program by the required deadlines established in RCW
18 43.215.415.

19 (c) Participation in the early achievers program is voluntary
20 for:

21 (i) Licensed or certified child care centers and homes not
22 receiving state subsidy payments; and

23 (ii) Early learning programs not receiving state funds.

24 (d) School age child care providers are exempt from participating
25 in the early achievers program. By July 1, 2017, the department and
26 the office of the superintendent of public instruction shall jointly
27 design a plan to incorporate school age child care providers into the
28 early achievers program or other appropriate quality improvement
29 system. To test implementation of the early achievers system for
30 school age child care providers the department and the office of the
31 superintendent of public instruction shall implement a pilot program.

32 (4) ((By fiscal year 2015, Washington state preschool programs
33 receiving state funds must enroll in the early achievers program and
34 maintain a minimum score level.

35 (5) Before final implementation of the early achievers program,
36 the department shall report on program progress, as defined within
37 the race to the top federal grant award, and expenditures to the
38 appropriate policy and fiscal committees of the legislature.)) There
39 are five levels in the early achievers program. Participants are

1 expected to actively engage and continually advance within the
2 program.

3 (5) The department has the authority to determine the rating
4 cycle for the early achievers program. The department shall
5 streamline and eliminate duplication between early achievers
6 standards and state child care rules in order to reduce costs
7 associated with the early achievers rating cycle and child care
8 licensing.

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

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

15 (c) The first rating is free for early achievers program
16 participants.

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

19 (6)(a) Early achievers program participants may request to be
20 rerated outside the established rating cycle.

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

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

27 (7)(a) The department must create a single source of information
28 for parents and caregivers to access details on a provider's early
29 achievers program rating level, licensing history, and other
30 indicators of quality and safety that will help parents and
31 caregivers make informed choices.

32 (b) The department shall publish to the department's web site, or
33 offer a link on its web site to, the following information:

34 (i) By November 1, 2015, early achievers program rating levels 1
35 through 5 for all child care programs that receive state subsidy,
36 early childhood education and assistance programs, and federal head
37 start programs in Washington; and

38 (ii) New early achievers program ratings within thirty days after
39 a program becomes licensed or certified, or receives a rating.

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

4 (d) The department must publish early achievers program rating
5 levels for child care programs that do not receive state subsidy but
6 have voluntarily joined the early achievers program.

7 (e) Early achievers program participants who have published
8 rating levels on the department's web site or on a link on the
9 department's web site may include a brief description of their
10 program, contingent upon the review and approval by the department,
11 as determined by established marketing standards.

12 (8)(a) The department shall create a professional development
13 pathway for early achievers program participants to obtain a high
14 school diploma or equivalency or higher education credential in early
15 childhood education, early childhood studies, child development, or
16 an academic field related to early care and education.

17 (b) The professional development pathway must include
18 opportunities for scholarships and grants to assist early achievers
19 program participants with the costs associated with obtaining an
20 educational degree.

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

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

27 (10) In collaboration with tribal governments, community and
28 statewide partners, and the early achievers review subcommittee
29 created in RCW 43.215.090, the department shall develop a protocol
30 for granting early achievers program participants an extension in
31 meeting rating level requirement timelines outlined for the working
32 connections child care program and the early childhood education and
33 assistance program.

34 (a) The department may grant extensions only under exceptional
35 circumstances, such as when early achievers program participants
36 experience an unexpected life circumstance.

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

1 (c) Extensions may only be granted to early achievers program
2 participants who have demonstrated engagement in the early achievers
3 program.

4 (11)(a) The department shall accept national accreditation that
5 meets the requirements of this subsection (11) as a qualification for
6 the early achievers program ratings.

7 (b) Each national accreditation agency will be allowed to submit
8 its most current standards of accreditation to establish potential
9 credit earned in the early achievers program. The department shall
10 grant credit to accreditation bodies that can demonstrate that their
11 standards meet or exceed the current early achievers program
12 standards.

13 (c) Licensed child care centers and child care home providers
14 must meet national accreditation standards approved by the department
15 for the early achievers program in order to be granted credit for the
16 early achievers program standards. Eligibility for the early
17 achievers program is not subject to bargaining, mediation, or
18 interest arbitration under RCW 41.56.028, consistent with the
19 legislative reservation of rights under RCW 41.56.028(4)(d).

20 (12) The department shall explore the use of alternative quality
21 assessment tools that meet the culturally specific needs of the
22 federally recognized tribes in the state of Washington.

23 (13) A child care or early learning program that is operated by a
24 federally recognized tribe and receives state funds shall participate
25 in the early achievers program. The tribe may choose to participate
26 through an interlocal agreement between the tribe and the department.
27 The interlocal agreement must reflect the government-to-government
28 relationship between the state and the tribe, including recognition
29 of tribal sovereignty. The interlocal agreement must provide that:

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

32 (b) Tribal child care facilities and early learning programs are
33 not required to have their early achievers program rating level
34 published to the department's web site or through a link on the
35 department's web site; and

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

1 (14) The department shall consult with the early achievers review
2 subcommittee on all substantial policy changes to the early achievers
3 program.

4 (15) Nothing in this section changes the department's
5 responsibility to collectively bargain over mandatory subjects or
6 limits the legislature's authority to make programmatic modifications
7 to licensed child care and early learning programs under RCW
8 41.56.028(4)(d).

9 NEW SECTION. Sec. 103. A new section is added to chapter 43.215
10 RCW to read as follows:

11 SINGLE SET OF LICENSING STANDARDS. (1) No later than November 1,
12 2016, the department shall implement a single set of licensing
13 standards for child care and the early childhood education and
14 assistance program. The department shall produce the single set of
15 licensing standards within the department's available appropriations.
16 The new licensing standards must:

17 (a) Provide minimum health and safety standards for child care
18 and preschool programs;

19 (b) Rely on the standards established in the early achievers
20 program to address quality issues in participating early childhood
21 programs;

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

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

25 (2) Private schools that operate early learning programs and do
26 not receive state subsidy payments shall be subject only to the
27 minimum health and safety standards in subsection (1)(a) of this
28 section and the requirements necessary to assure a sufficient early
29 childhood education to meet usual requirements needed for transition
30 into elementary school. The state, and any agency thereof, shall not
31 restrict or dictate any specific educational or other programs for
32 early learning programs operated by private schools except for
33 programs that receive state subsidy payments.

34 **Sec. 104.** RCW 43.215.200 and 2011 c 359 s 2 and 2011 c 253 s 3
35 are each reenacted and amended to read as follows:

36 DIRECTOR'S LICENSING DUTIES. It shall be the director's duty with
37 regard to licensing:

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

9 (2)(a) In consultation with the state fire marshal's office, the
10 director shall use an interagency process to address health and
11 safety requirements for child care programs that serve school age
12 children and are operated in buildings that contain public or private
13 schools that safely serve children during times in which school is in
14 session;

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

20 (3) In consultation and with the advice and assistance of parents
21 or guardians, and persons representative of the various type agencies
22 to be licensed, to adopt and publish minimum requirements for
23 licensing applicable to each of the various categories of agencies to
24 be licensed under this chapter;

25 (4) In consultation with law enforcement personnel, the director
26 shall investigate the conviction record or pending charges of each
27 agency and its staff seeking licensure or relicensure, and other
28 persons having unsupervised access to children in care;

29 (5) To satisfy the shared background check requirements provided
30 for in RCW 43.215.215 and 43.20A.710, the department of early
31 learning and the department of social and health services shall share
32 federal fingerprint-based background check results as permitted under
33 the law. The purpose of this provision is to allow both departments
34 to fulfill their joint background check responsibility of checking
35 any individual who may have unsupervised access to vulnerable adults,
36 children, or juveniles. Neither department may share the federal
37 background check results with any other state agency or person;

38 (6) To issue, revoke, or deny licenses to agencies pursuant to
39 this chapter. Licenses shall specify the category of care that an

1 agency is authorized to render and the ages and number of children to
2 be served;

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

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

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

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

15 NEW SECTION. **Sec. 105.** A new section is added to chapter 43.215
16 RCW to read as follows:

17 REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY
18 ACHIEVERS. (1)(a) Subject to the availability of amounts appropriated
19 for this specific purpose, the department shall, in collaboration
20 with tribal governments and community and statewide partners,
21 implement a protocol to maximize and encourage participation in the
22 early achievers program for culturally diverse and low-income center
23 and family home child care providers. Amounts appropriated for the
24 encouragement of culturally diverse and low-income center and family
25 home child care provider participation shall be appropriated
26 separately from the other funds appropriated for the department, are
27 the only funds that may be used for the protocol, and may not be used
28 for any other purposes. Funds appropriated for the protocol shall be
29 considered an ongoing program for purposes of future departmental
30 budget requests.

31 (b) During the first thirty months of implementation of the early
32 achievers program the department shall prioritize the resources
33 authorized in this section to assist providers rating at a level 2 in
34 the early achievers program to help them reach a level 3 rating
35 wherever access to subsidized care is at risk.

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

38 (a) The creation of a substitute pool;

1 (b) The development of needs-based grants for providers at level
2 2 in the early achievers program to assist with purchasing curriculum
3 development, instructional materials, supplies, and equipment to
4 improve program quality. Priority for the needs-based grants shall be
5 given to culturally diverse and low-income providers;

6 (c) The development of materials and assessments in a timely
7 manner, and to the extent feasible, in the provider and family home
8 languages; and

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

12 **Sec. 106.** RCW 43.215.135 and 2013 c 323 s 9 are each amended to
13 read as follows:

14 WORKING CONNECTIONS CHILD CARE. (1) The department shall
15 establish and implement policies in the working connections child
16 care program to promote stability and quality of care for children
17 from low-income households. These policies shall focus on supporting
18 school readiness for young learners. Policies for the expenditure of
19 funds constituting the working connections child care program must be
20 consistent with the outcome measures defined in RCW 74.08A.410 and
21 the standards established in this section intended to promote
22 ~~((continuity of care for children))~~ stability, quality, and
23 continuity of early care and education programming.

24 (2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public
25 Law 113-186, authorizations for the working connections child care
26 subsidy shall be effective for twelve months ~~((unless a change in~~
27 ~~circumstances necessitates reauthorization sooner than twelve months.~~
28 ~~The twelve month certification applies only if the enrollments in the~~
29 ~~child care subsidy or working connections child care program are~~
30 ~~eapped.~~

31 ~~(3) Subject to the availability of amounts appropriated for this~~
32 ~~specific purpose, beginning September 1, 2013, working connections~~
33 ~~child care providers shall receive a five percent increase in the~~
34 ~~subsidy rate for enrolling in level 2 in the early achievers~~
35 ~~programs. Providers must complete level 2 and advance to level 3~~
36 ~~within thirty months in order to maintain this increase))~~ beginning
37 July 1, 2016, unless a different date is provided in the 2015-2017
38 omnibus appropriations act.

1 (3) Existing child care providers serving nonschool age children
2 and receiving state subsidy payments must complete the following
3 requirements to be eligible for a state subsidy under this section:

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

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

7 (c) Rate at a level 3 or higher in the early achievers program by
8 December 31, 2019. If a child care provider rates below a level 3 by
9 December 31, 2019, the provider must complete remedial activities
10 with the department, and rate at a level 3 or higher no later than
11 June 30, 2020.

12 (4) Effective July 1, 2016, a new child care provider serving
13 nonschool age children and receiving state subsidy payments must
14 complete the following activities to be eligible to receive a state
15 subsidy under this 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 at a level 3 or higher in the early achievers program
21 within thirty months of enrollment. If a child care provider rates
22 below a level 3 within thirty months from enrollment into the early
23 achievers program, the provider must complete remedial activities
24 with the department, and rate at a level 3 or higher within six
25 months of beginning remedial activities.

26 (5) If a child care provider does not rate at a level 3 or higher
27 following the remedial period, the provider is no longer eligible to
28 receive state subsidy under this section.

29 (6) If a child care provider serving nonschool age children and
30 receiving state subsidy payments has successfully completed all level
31 2 activities and is waiting to be rated by the deadline provided in
32 this section, the provider may continue to receive a state subsidy
33 pending the successful completion of the level 3 rating activity.

34 (7) Subject to the availability of amounts appropriated for this
35 specific purpose, the department shall implement tiered reimbursement
36 for early achievers program participants in the working connections
37 child care program rating at level 3, 4, or 5.

38 (8) The department shall account for a child care copayment
39 collected by the provider from the family for each contracted slot
40 and establish the copayment fee by rule.

1 **Sec. 107.** RCW 43.215.1352 and 2012 c 251 s 2 are each amended to
2 read as follows:

3 WORKING CONNECTIONS CHILD CARE. Beginning July 1, 2016, unless a
4 different date is provided in the 2015-2017 omnibus appropriations
5 act, when an applicant or recipient applies for or receives working
6 connections child care benefits, ((he or she)) the applicant or
7 recipient is required to((+

8 ~~(1))~~ notify the department of social and health services, within
9 five days, of any change in providers((+and

10 ~~(2) Notify the department of social and health services, within~~
11 ~~ten days, about any significant change related to the number of child~~
12 ~~care hours the applicant or recipient needs, cost sharing, or~~
13 ~~eligibility)).~~

14 **Sec. 108.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to
15 read as follows:

16 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) The
17 department shall adopt rules under chapter 34.05 RCW for the
18 administration of the early childhood education and assistance
19 program. Approved early childhood education and assistance programs
20 shall conduct needs assessments of their service area((+)) and
21 identify any targeted groups of children, to include but not be
22 limited to children of seasonal and migrant farmworkers and native
23 American populations living either on or off reservation((,+and)).
24 Approved early childhood education and assistance programs shall
25 provide to the department a service delivery plan, to the extent
26 practicable, that addresses these targeted populations.

27 (2) The department, in developing rules for the early childhood
28 education and assistance program, shall consult with the early
29 learning advisory ((committee)) council, and shall consider such
30 factors as coordination with existing head start and other early
31 childhood programs, the preparation necessary for instructors,
32 qualifications of instructors, adequate space and equipment, and
33 special transportation needs. The rules shall specifically require
34 the early childhood programs to provide for parental involvement in
35 participation with their child's program, in local program policy
36 decisions, in development and revision of service delivery systems,
37 and in parent education and training.

38 (3) By January 1, 2016, the department shall adopt rules
39 requiring early childhood education and assistance program employees

1 who have access to children to submit to a fingerprint background
2 check. Fingerprint background check procedures for the early
3 childhood education and assistance program shall be the same as the
4 background check procedures in RCW 43.215.215.

5 **Sec. 109.** RCW 43.215.415 and 1994 c 166 s 5 are each amended to
6 read as follows:

7 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Approved
8 early childhood education and assistance programs shall receive
9 state-funded support through the department. Public or private
10 ((nonsectarian)) organizations, including, but not limited to school
11 districts, educational service districts, community and technical
12 colleges, local governments, or nonprofit organizations, are eligible
13 to participate as providers of the state early childhood education
14 and assistance program. ((Funds appropriated for the state program
15 shall be used to continue to operate existing programs or to
16 establish new or expanded early childhood programs, and shall not be
17 used to supplant federally supported head start programs.))

18 (2) Funds obtained by providers through voluntary grants or
19 contributions from individuals, agencies, corporations, or
20 organizations may be used to expand or enhance preschool programs so
21 long as program standards established by the department are
22 maintained((, but shall not be used to supplant federally supported
23 head start programs or state-supported early childhood programs)).

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

30 (4) Existing early childhood education and assistance program
31 providers must complete the following requirements to be eligible to
32 receive state-funded support under the early childhood education and
33 assistance program:

34 (a) Enroll in the early achievers program by October 1, 2015;

35 (b) Rate at a level 4 or 5 in the early achievers program by
36 March 1, 2016. If an early childhood education and assistance program
37 provider rates below a level 4 by March 1, 2016, the provider must
38 complete remedial activities with the department, and rate at a level
39 4 or 5 within six months of beginning remedial activities.

1 (5) Effective October 1, 2015, a new early childhood education
2 and assistance program provider must complete the requirements in
3 this subsection (5) to be eligible to receive state-funded support
4 under the early childhood education and assistance program:

5 (a) Enroll in the early achievers program within thirty days of
6 the start date of the early childhood education and assistance
7 program contract;

8 (b)(i) Except as provided in (b)(ii) of this subsection, rate at
9 a level 4 or 5 in the early achievers program within twelve months of
10 enrollment. If an early childhood education and assistance program
11 provider rates below a level 4 within twelve months of enrollment,
12 the provider must complete remedial activities with the department,
13 and rate at a level 4 or 5 within six months of beginning remedial
14 activities.

15 (ii) Licensed or certified child care centers and homes that
16 administer an early childhood education and assistance program shall
17 rate at a level 4 or 5 in the early achievers program within eighteen
18 months of the start date of the early childhood education and
19 assistance program contract. If an early childhood education and
20 assistance program provider rates below a level 4 within eighteen
21 months, the provider must complete remedial activities with the
22 department, and rate at a level 4 or 5 within six months of beginning
23 remedial activities.

24 (6)(a) If an early childhood education and assistance program
25 provider has successfully completed all of the required early
26 achievers program activities and is waiting to be rated by the
27 deadline provided in this section, the provider may continue to
28 participate in the early achievers program as an approved early
29 childhood education and assistance program provider and receive state
30 subsidy pending the successful completion of a level 4 or 5 rating.

31 (b) To avoid disruption, the department may allow for early
32 childhood education and assistance program providers who have rated
33 below a level 4 after completion of the six-month remedial period to
34 continue to provide services until the current school year is
35 finished.

36 (7) The department shall collect data periodically to determine
37 the demand for full-day programming for early childhood education and
38 assistance program providers. The department shall analyze this
39 demand by geographic region and shall include the findings in the
40 annual report required under section 117 of this act.

1 (8) By December 1, 2015, the department shall develop a pathway
2 for licensed or certified child care centers and homes to administer
3 an early childhood education and assistance program. The pathway
4 shall include an accommodation for these providers to rate at a level
5 4 or 5 in the early achievers program according to the timelines and
6 standards established in subsection (5)(b)(ii) of this section.

7 **Sec. 110.** RCW 43.215.430 and 2013 c 323 s 7 are each amended to
8 read as follows:

9 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. The department
10 shall review applications from public or private (~~(nonsectarian)~~)
11 organizations for state funding of early childhood education and
12 assistance programs. The department shall consider local community
13 needs, demonstrated capacity, and the need to support a mixed
14 delivery system of early learning that includes alternative models
15 for delivery including licensed centers and licensed family child
16 care providers when reviewing applications.

17 **Sec. 111.** RCW 43.215.455 and 2010 c 231 s 3 are each amended to
18 read as follows:

19 EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM. (1) Beginning
20 September 1, 2011, an early learning program to provide voluntary
21 preschool opportunities for children three and four years of age
22 shall be implemented according to the funding and implementation plan
23 in RCW (~~(43.215.142)~~) 43.215.456. The program must (~~(be)~~) offer a
24 comprehensive program (~~(providing)~~) of early childhood education and
25 family support, (~~(options for)~~) including parental involvement(~~(r)~~)
26 and health information, screening, and referral services, (~~(as)~~)
27 based on family need (~~(is determined)~~). Participation in the program
28 is voluntary. On a space available basis, the program may allow
29 enrollment of children who are not otherwise eligible by assessing a
30 fee.

31 (2) The (~~(first phase of the)~~) program shall be implemented by
32 utilizing the program standards and eligibility criteria in the early
33 childhood education and assistance program in RCW 43.215.400 through
34 43.215.450.

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

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

4 (i) Programs offering an extended day program for early care and
5 education;

6 (ii) Programs offering services to children diagnosed with a
7 special need; or

8 (iii) Programs offering services to children involved in the
9 child welfare system.

10 (4) The director shall adopt rules for the following program
11 components, as appropriate and necessary during the phased
12 implementation of the program, consistent with early achievers
13 program standards established in RCW 43.215.100:

14 (a) Minimum program standards(~~(, including lead teacher,~~
15 ~~assistant teacher, and staff qualifications));~~

16 (b) Approval of program providers; and

17 (c) Accountability and adherence to performance standards.

18 ~~((+4))~~ (5) The department has administrative responsibility for:

19 (a) Approving and contracting with providers according to rules
20 developed by the director under this section;

21 (b) In partnership with school districts, monitoring program
22 quality and assuring the program is responsive to the needs of
23 eligible children;

24 (c) Assuring that program providers work cooperatively with
25 school districts to coordinate the transition from preschool to
26 kindergarten so that children and their families are well-prepared
27 and supported; and

28 (d) Providing technical assistance to contracted providers.

29 NEW SECTION. Sec. 112. A new section is added to chapter 43.215
30 RCW to read as follows:

31 PROGRAM DATA COLLECTION AND EVALUATION. (1) Subject to the
32 availability of amounts appropriated for this specific purpose, the
33 education data center established in RCW 43.41.400 must collect
34 longitudinal, student-level data on all children attending an early
35 childhood education and assistance program. Upon completion of an
36 electronic time and attendance record system, the education data
37 center must collect longitudinal, student-level data on all children
38 attending a working connections child care program. Data collected
39 should capture at a minimum the following characteristics:

- 1 (a) Daily program attendance;
- 2 (b) Identification of classroom and teacher;
- 3 (c) Early achievers program quality level rating;
- 4 (d) Program hours;
- 5 (e) Program duration;
- 6 (f) Developmental results from the Washington kindergarten
- 7 inventory of developing skills in RCW 28A.655.080; and
- 8 (g) To the extent data is available, the distinct ethnic
- 9 categories within racial subgroups of children and providers that
- 10 align with categories recognized by the education data center.

11 (2) The department shall provide early learning providers
12 student-level data collected pursuant to this section that are
13 specific to the early learning provider's program. Upon completion of
14 an electronic time and attendance record system identified in
15 subsection (1) of this section, the department shall provide child
16 care providers student-level data that are specific to the child care
17 provider's program.

18 (3)(a) The department shall review available research and best
19 practices literature on cultural competency in early learning
20 settings. The department shall review the K-12 components for
21 cultural competency developed by the professional educator standards
22 board and identify components appropriate for early learning
23 professional development.

24 (b) By July 31, 2016, the department shall provide
25 recommendations to the appropriate committees of the legislature and
26 the early learning advisory council on research-based cultural
27 competency standards for early learning professional training.

28 (4)(a) The Washington state institute for public policy shall
29 conduct a longitudinal analysis examining relationships between the
30 early achievers program quality ratings levels and outcomes for
31 children participating in subsidized early care and education
32 programs.

33 (b) The institute shall submit the first report to the
34 appropriate committees of the legislature and the early learning
35 advisory council by December 31, 2019. The institute shall submit
36 subsequent reports annually to the appropriate committees of the
37 legislature and the early learning advisory council by December 31st,
38 with the final report due December 31, 2022. The final report shall
39 include a cost-benefit analysis.

1 (5)(a) By December 1, 2015, the department shall provide
2 recommendations to the appropriate committees of the legislature on
3 child attendance policies pertaining to the working connections child
4 care program and the early childhood education and assistance
5 program. The recommendations shall include the following:

6 (i) Allowable periods of child absences;

7 (ii) Required contact with parents or caregivers to discuss child
8 absences and encourage regular program attendance; and

9 (iii) A de-enrollment procedure when allowable child absences are
10 exceeded.

11 (b) The department shall develop recommendations on child
12 absences and attendance within the department's appropriations.

13 NEW SECTION. **Sec. 113.** A new section is added to chapter 43.215
14 RCW to read as follows:

15 CONTRACTED CHILD CARE SLOTS AND VOUCHERS. (1) Subject to the
16 availability of amounts appropriated for this specific purpose, the
17 department may employ a combination of vouchers and contracted slots
18 for the subsidized child care programs in RCW 43.215.135. Child care
19 vouchers preserve parental choice. Child care contracted slots
20 promote access to continuous quality care for children, provide
21 parents and caregivers stable child care that supports employment,
22 and allow providers to have predictable funding. Any contracted slots
23 the department may create under this section must meet the
24 requirements in subsections (2) through (6) of this section.

25 (2) Only child care providers who participate in the early
26 achievers program and rate at a level 3, 4, or 5 are eligible to be
27 awarded a contracted slot.

28 (3)(a) The department is required to use data to calculate a set
29 number of targeted contracted slots. In calculating the number, the
30 department must take into account a balance of family home and center
31 child care programs and the overall geographic distribution of child
32 care programs in the state and the distribution of slots between ages
33 zero and five.

34 (b) The targeted contracted slots are reserved for programs
35 meeting both of the following conditions:

36 (i) Programs in low-income neighborhoods; and

37 (ii) Programs that consist of at least fifty percent of children
38 receiving subsidy pursuant to RCW 43.215.135.

1 (c) Until August 1, 2017, the department shall assure an even
2 distribution of contracted slots for children birth to age five.

3 (4) The department shall award the remaining contracted slots via
4 a competitive process and prioritize child care programs with at
5 least one of the following characteristics:

6 (a) Programs located in a high-need geographic area;

7 (b) Programs partnering with elementary schools to offer
8 transitional planning and support to children as they advance to
9 kindergarten;

10 (c) Programs serving children involved in the child welfare
11 system; or

12 (d) Programs serving children diagnosed with a special need.

13 (5) The department shall pay a provider for each contracted slot,
14 unless a contracted slot is not used for thirty days.

15 (6) The department shall include the number of contracted slots
16 that use both early childhood education and assistance program
17 funding and working connections child care program funding in the
18 annual report to the legislature required under section 117 of this
19 act.

20 NEW SECTION. **Sec. 114.** A new section is added to chapter 43.215
21 RCW to read as follows:

22 INTEGRATION WITH LOCAL GOVERNMENT EFFORTS. (1) The foundation of
23 quality in the early care and education system in Washington is the
24 quality rating and improvement system entitled the early achievers
25 program. In an effort to build on the existing quality framework,
26 enhance access to quality care for children, and strengthen the
27 entire early care and education systems in the state, it is important
28 to integrate the efforts of state and local governments.

29 (2) Local governments are encouraged to collaborate with the
30 department when establishing early learning programs for residents.

31 (3) Local governments may contribute funds to the department for
32 the following purposes:

33 (a) Initial investments to build capacity and quality in local
34 early care and education programming; and

35 (b) Reductions in copayments charged to parents or caregivers.

36 (4) Funds contributed to the department by local governments must
37 be deposited in the early start account established in section 116 of
38 this act.

1 **Sec. 115.** RCW 43.215.090 and 2012 c 229 s 589 are each amended
2 to read as follows:

3 EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory
4 council is established to advise the department on statewide early
5 learning issues that would build a comprehensive system of quality
6 early learning programs and services for Washington's children and
7 families by assessing needs and the availability of services,
8 aligning resources, developing plans for data collection and
9 professional development of early childhood educators, and
10 establishing key performance measures.

11 (2) The council shall work in conjunction with the department to
12 develop a statewide early learning plan that guides the department in
13 promoting alignment of private and public sector actions, objectives,
14 and resources, and ensuring school readiness.

15 (3) The council shall include diverse, statewide representation
16 from public, nonprofit, and for-profit entities. Its membership shall
17 reflect regional, racial, and cultural diversity to adequately
18 represent the needs of all children and families in the state.

19 (4) Councilmembers shall serve two-year terms. However, to
20 stagger the terms of the council, the initial appointments for twelve
21 of the members shall be for one year. Once the initial one-year to
22 two-year terms expire, all subsequent terms shall be for two years,
23 with the terms expiring on June 30th of the applicable year. The
24 terms shall be staggered in such a way that, where possible, the
25 terms of members representing a specific group do not expire
26 simultaneously.

27 (5) The council shall consist of not more than twenty-three
28 members, as follows:

29 (a) The governor shall appoint at least one representative from
30 each of the following: The department, the office of financial
31 management, the department of social and health services, the
32 department of health, the student achievement council, and the state
33 board for community and technical colleges;

34 (b) One representative from the office of the superintendent of
35 public instruction, to be appointed by the superintendent of public
36 instruction;

37 (c) The governor shall appoint seven leaders in early childhood
38 education, with at least one representative with experience or
39 expertise in one or more of the areas such as the following: The K-12

1 system, family day care providers, and child care centers with four
2 of the seven governor's appointees made as follows:

3 (i) The head start state collaboration office director or the
4 director's designee;

5 (ii) A representative of a head start, early head start, migrant/
6 seasonal head start, or tribal head start program;

7 (iii) A representative of a local education agency; and

8 (iv) A representative of the state agency responsible for
9 programs under section 619 or part C of the federal individuals with
10 disabilities education act;

11 (d) Two members of the house of representatives, one from each
12 caucus, and two members of the senate, one from each caucus, to be
13 appointed by the speaker of the house of representatives and the
14 president of the senate, respectively;

15 (e) Two parents, one of whom serves on the department's parent
16 advisory group, to be appointed by the governor;

17 (f) One representative of the private-public partnership created
18 in RCW 43.215.070, to be appointed by the partnership board;

19 (g) One representative designated by sovereign tribal
20 governments; and

21 (h) One representative from the Washington federation of
22 independent schools.

23 (6) The council shall be cochaired by one representative of a
24 state agency and one nongovernmental member, to be elected by the
25 council for two-year terms.

26 (7) The council shall appoint two members and stakeholders with
27 expertise in early learning to sit on the technical working group
28 created in section 2, chapter 234, Laws of 2010.

29 (8) Each member of the board shall be compensated in accordance
30 with RCW 43.03.240 and reimbursed for travel expenses incurred in
31 carrying out the duties of the board in accordance with RCW 43.03.050
32 and 43.03.060.

33 (9)(a) Subject to the availability of amounts appropriated for
34 this specific purpose, the council shall convene an early achievers
35 review subcommittee to provide feedback and guidance on strategies to
36 improve the quality of instruction and environment for early learning
37 and provide input and recommendations on the implementation and
38 refinement of the early achievers program. The review conducted by
39 the subcommittee shall be a part of the annual progress report

1 required in section 117 of this act. At a minimum the review shall
2 address the following:

3 (i) Adequacy of data collection procedures;

4 (ii) Coaching and technical assistance standards;

5 (iii) Progress in reducing barriers to participation for low-
6 income providers and providers from diverse cultural backgrounds,
7 including a review of the early achievers program's rating tools,
8 quality standard areas, and components, and how they are applied;

9 (iv) Strategies in response to data on the effectiveness of early
10 achievers program standards in relation to providers and children
11 from diverse cultural backgrounds;

12 (v) Status of the life circumstance exemption protocols; and

13 (vi) Analysis of early achievers program data trends.

14 (b) The subcommittee must include consideration of cultural
15 linguistic responsiveness when analyzing the areas for review
16 required by (a) of this subsection.

17 (c) The subcommittee shall include representatives from child
18 care centers, family child care, the early childhood education and
19 assistance program, contractors for early achievers program technical
20 assistance and coaching, tribal governments, the organization
21 responsible for conducting early achiever program ratings, and
22 parents of children participating in early learning programs,
23 including working connections child care and early childhood
24 education and assistance programs. The subcommittee shall include
25 representatives from diverse cultural and linguistic backgrounds.

26 (10) The department shall provide staff support to the council.

27 NEW SECTION. Sec. 116. A new section is added to chapter 43.215
28 RCW to read as follows:

29 EARLY START ACCOUNT. The early start account is created in the
30 state treasury. Revenues in the account shall consist of
31 appropriations by the legislature and all other sources deposited
32 into the account. Moneys in the account may only be used after
33 appropriation. Expenditures from the account may be used only to
34 improve the quality of early care and education programming. The
35 department oversees the account.

36 NEW SECTION. Sec. 117. A new section is added to chapter 43.215
37 RCW to read as follows:

1 ANNUAL PROGRESS REPORT. (1) Beginning December 15, 2015, and each
2 December 15th thereafter, the department, in collaboration with the
3 early achievers review subcommittee of the early learning advisory
4 council, shall submit, in compliance with RCW 43.01.036, a progress
5 report to the governor and the legislature regarding providers'
6 progress in the early achievers program. Each progress report must
7 include the following elements:

8 (a) The number, and relative percentage, of family child care and
9 center providers who have enrolled in the early achievers program and
10 who have:

11 (i) Completed the level 2 activities;

12 (ii) Completed rating readiness consultation and are waiting to
13 be rated;

14 (iii) Achieved the required rating level to remain eligible for
15 state-funded support under the early childhood education and
16 assistance program or a subsidy under the working connections child
17 care program;

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

21 (v) Not achieved the required rating level initially and engaged
22 in remedial activities before successfully achieving the required
23 rating level;

24 (vi) Not achieved the required rating level after completing
25 remedial activities; or

26 (vii) Received an extension from the department based on
27 exceptional circumstances pursuant to RCW 43.215.100;

28 (b) A review of the services available to providers and children
29 from diverse cultural backgrounds;

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

34 (d) A description of the primary obstacles and challenges faced
35 by providers who have not achieved the required rating level to
36 remain eligible to receive:

37 (i) A subsidy under the working connections child care program;
38 or

39 (ii) State-funded support under the early childhood education and
40 assistance program;

1 (e) A summary of the types of exceptional circumstances for which
2 the department has granted an extension pursuant to RCW 43.215.100;

3 (f) The average amount of time required for providers to achieve
4 local level milestones within each level of the early achievers
5 program;

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

10 (h) Recommendations for improving access for children from
11 diverse cultural backgrounds to providers rated at a level 3 or
12 higher in the early achievers program;

13 (i) Recommendations for improving the early achievers program
14 standards;

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

17 (k) The number of contracted slots that use both early childhood
18 education and assistance program funding and working connections
19 child care program funding; and

20 (l) A description of the early childhood education and assistance
21 program implementation to include the following:

22 (i) Progress on early childhood education and assistance program
23 implementation as required pursuant to RCW 43.215.415, 43.215.425,
24 and 43.215.455;

25 (ii) An examination of the regional distribution of new preschool
26 programming by zip code;

27 (iii) An analysis of the impact of preschool expansion on low-
28 income neighborhoods and communities;

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

31 (v) An analysis of any impact of extended day early care and
32 education opportunities directives;

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

35 (vii) An analysis of the demand for full-day programming for
36 early childhood education and assistance program providers required
37 under RCW 43.215.415; and

38 (viii) To the extent data is available, an analysis of the
39 cultural diversity of early childhood education and assistance
40 program providers and participants.

1 (2) The first annual report due under subsection (1) of this
2 section also shall include a description of the early achievers
3 program extension protocol required under RCW 43.215.100.

4 (3) The elements required to be reported under subsection (1)(a)
5 of this section must be reported at the county level, and for those
6 counties with a population of five hundred thousand and higher, the
7 data must be reported at the zip code level.

8 (4) If, based on information in an annual report submitted in
9 2018 or later under this section, fifteen percent or more of the
10 licensed or contracted providers who are participating in the early
11 achievers program in a county or in a single zip code have not
12 achieved the rating levels under RCW 43.215.135 and 43.215.415, the
13 department must:

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

16 (b) Develop a plan to mitigate the effect on the children and
17 families served by these providers. The plan must be submitted to the
18 legislature as part of the annual progress report along with any
19 recommendations for legislative action to address the needs of the
20 providers and the children and families they serve.

21 **Sec. 118.** RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1
22 are each reenacted and amended to read as follows:

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

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

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

32 (b) "Early learning" includes but is not limited to programs and
33 services for child care; state, federal, private, and nonprofit
34 preschool; child care subsidies; child care resource and referral;
35 parental education and support; and training and professional
36 development for early learning professionals;

37 (c) "Family day care provider" means a child care provider who
38 regularly provides early childhood education and early learning

1 services for not more than twelve children in the provider's home in
2 the family living quarters;

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

8 (e) "Service provider" means the entity that operates a community
9 facility.

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

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

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

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

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

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

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

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

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

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

34 (f) Schools, including boarding schools, that are engaged
35 primarily in education, operate on a definite school year schedule,
36 follow a stated academic curriculum, accept only school((-))age
37 children, and do not accept custody of children;

38 (g) Seasonal camps of three months' or less duration engaged
39 primarily in recreational or educational activities;

1 (h) Facilities providing child care for periods of less than
2 twenty-four hours when a parent or legal guardian of the child
3 remains on the premises of the facility for the purpose of
4 participating in:

5 (i) Activities other than employment; or

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

10 (i) Any entity that provides recreational or educational
11 programming for school((-))age((@)) children only and the entity
12 meets all of the following requirements:

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

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

18 (iii) The entity is a local affiliate of a national nonprofit;
19 and

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

22 (j) A program operated by any unit of local, state, or federal
23 government or an agency, located within the boundaries of a federally
24 recognized Indian reservation, licensed by the Indian tribe;

25 (k) A program located on a federal military reservation, except
26 where the military authorities request that such agency be subject to
27 the licensing requirements of this chapter;

28 (l) A program that offers early learning and support services,
29 such as parent education, and does not provide child care services on
30 a regular basis.

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

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

36 (5) "Department" means the department of early learning.

37 (6) "Director" means the director of the department.

38 (7) "Early achievers" means a program that improves the quality
39 of early learning programs and supports and rewards providers for
40 their participation.

1 (8) "Early childhood education and assistance program contractor"
2 means an organization that provides early childhood education and
3 assistance program services under a signed contract with the
4 department.

5 (9) "Early childhood education and assistance program provider"
6 means an organization that provides site level, direct, and high
7 quality early childhood education and assistance program services
8 under the direction of an early childhood education and assistance
9 program contractor.

10 (10) "Early start" means an integrated high quality continuum of
11 early learning programs for children birth-to-five years of age.
12 Components of early start include, but are not limited to, the
13 following:

- 14 (a) Home visiting and parent education and support programs;
- 15 (b) The early achievers program described in RCW 43.215.100;
- 16 (c) Integrated full-day and part-day high quality early learning
17 programs; and
- 18 (d) High quality preschool for children whose family income is at
19 or below one hundred ten percent of the federal poverty level.

20 ~~((9))~~ (11) "Education data center" means the education data
21 center established in RCW 43.41.400, commonly referred to as the
22 education research and data center.

23 (12) "Employer" means a person or business that engages the
24 services of one or more people, especially for wages or salary to
25 work in an agency.

26 ~~((10))~~ (13) "Enforcement action" means denial, suspension,
27 revocation, modification, or nonrenewal of a license pursuant to RCW
28 43.215.300(1) or assessment of civil monetary penalties pursuant to
29 RCW 43.215.300(3).

30 ~~((11))~~ (14) "Extended day program" means an early childhood
31 education and assistance program that offers early learning education
32 for at least ten hours per day, a minimum of two thousand hours per
33 year, at least four days per week, and operates year round.

34 (15) "Full day program" means an early childhood education and
35 assistance program that offers early learning education for a minimum
36 of one thousand hours per year.

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

1 (17) "Low-income neighborhood" means a district or community
2 where more than twenty percent of households are below the federal
3 poverty level.

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

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

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

13 (c) An adverse agency action, including termination, revocation,
14 or denial of a license or certification, or if pending adverse agency
15 action, the voluntary surrender of a license, certification, or
16 contract in lieu of the adverse action;

17 (d) A revocation, denial, or restriction placed on any
18 professional license; or

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

20 ~~((12))~~ (19) "Nonconviction information" means arrest, founded
21 allegations of child abuse, or neglect pursuant to chapter 26.44 RCW,
22 or other negative action adverse to the applicant.

23 ~~((13))~~ (20) "Nonschool age child" means a child who is age six
24 years or younger and who is not enrolled in a public or private
25 school.

26 (21) "Part day program" means an early childhood education and
27 assistance program that offers early learning education for at least
28 two and one-half hours per class session, at least three hundred
29 twenty hours per year, for a minimum of thirty weeks per year.

30 (22) "Private school" means a private school approved by the
31 state under chapter 28A.195 RCW.

32 (23) "Probationary license" means a license issued as a
33 disciplinary measure to an agency that has previously been issued a
34 full license but is out of compliance with licensing standards.

35 ~~((14))~~ (24) "Requirement" means any rule, regulation, or
36 standard of care to be maintained by an agency.

37 ~~((15))~~ (25) "School age child" means a child who is between the
38 ages of five years and twelve years and is attending a public or
39 private school or is receiving home-based instruction under chapter
40 28A.200 RCW.

1 (26) "Washington state preschool program" means an education
2 program for children three-to-five years of age who have not yet
3 entered kindergarten, such as the early childhood education and
4 assistance program.

5 NEW SECTION. **Sec. 119.** A new section is added to chapter 43.215
6 RCW to read as follows:

7 JOINT SELECT COMMITTEE ON THE EARLY ACHIEVERS PROGRAM. (1)(a) A
8 joint select committee on the early achievers program is established
9 with members as provided in this subsection.

10 (i) Chair and ranking minority member of the house of
11 representatives appropriations committee, or his or her designee who
12 must be a member of the house of representatives appropriations
13 committee;

14 (ii) Chair and ranking minority member of the senate ways and
15 means committee, or his or her designee who must be a member of the
16 senate ways and means committee;

17 (iii) Chair and ranking minority member of the house of
18 representatives early learning and human services committee, or his
19 or her designee who must be a member of the house of representatives
20 early learning and human services committee; and

21 (iv) Chair and ranking minority member of the senate early
22 learning and K-12 education committee, or his or her designee who
23 must be a member of the senate early learning and K-12 education
24 committee.

25 (b) The committee shall choose its chair or cochairs from among
26 its legislative membership. The chair of the house of representatives
27 early learning and human services committee, or his or her designee,
28 and the chair of the senate early learning and K-12 education
29 committee, or his or her designee, shall convene the initial meeting
30 of the committee.

31 (2) Between July 1, 2018, and December 1, 2018, the early
32 achievers joint select committee shall review the demand and
33 availability of licensed or certified child care family homes and
34 centers, approved early childhood education and assistance programs,
35 head start programs, and family, friend, and neighbor caregivers by
36 geographic region, including rural and low-income neighborhoods. This
37 review shall specifically look at the following:

1 (a) The geographic distribution of these child care programs by
2 type of program, programs that accept state subsidy, enrollment in
3 the early achievers program, and early achievers rating levels; and

4 (b) The demand and availability of these child care programs for
5 major ethnic populations.

6 (3) By December 1, 2018, the early achievers joint select
7 committee shall make recommendations to the legislature on the
8 following:

9 (a) The sufficiency of funding provided for the early achievers
10 program;

11 (b) The need for targeted funding for specific geographic regions
12 or major ethnic populations; and

13 (c) Whether to modify the deadlines established in RCW 43.215.135
14 for purposes of the early achievers program mandate established in
15 RCW 43.215.100.

16 (4) Staff support for the committee must be provided by the
17 senate committee services and the house of representatives office of
18 program research.

19 (5) Legislative members of the committee must be reimbursed for
20 travel expenses in accordance with RCW 44.04.120.

21 (6) The expenses of the committee must be paid jointly by the
22 senate and the house of representatives. Committee expenditures are
23 subject to approval by the senate facilities and operations committee
24 and the house of representatives executive rules committee, or their
25 successor committees.

26 (7) The committee shall report its findings and recommendations
27 to the appropriate committees of the legislature by December 1, 2018.

28 (8) This section expires December 1, 2019.

29 NEW SECTION. **Sec. 120.** REPEALER. 2013 2nd sp.s. c 16 s 2
30 (uncodified) is repealed.

31 NEW SECTION. **Sec. 121.** A new section is added to chapter 43.215
32 RCW to read as follows:

33 SHORT TITLE. Sections 102 through 119, chapter . . . , Laws of
34 2015 2nd sp. sess. (sections 102 through 119 of this act) may be
35 known and cited as the early start act.

36 **PART II**

37 **K-12 EDUCATION**

1 NEW SECTION. **Sec. 201.** (1) The purpose of sections 202 and 203
2 of this act is to continue the legislature's effort to address in
3 good faith the issues identified in *McCleary v. State*, 173 Wn.2d 477
4 (2012). The legislature recognizes that achieving improved student
5 performance is not simply a function of adding more fiscal resources.
6 Making real improvement in student outcomes is achieved by constantly
7 reviewing, evaluating, and implementing the best and most cost-
8 effective strategies for the delivery of K-12 public school
9 instruction. The legislature intends to fulfill the state's
10 obligation under Article IX of the state Constitution and to partner
11 with school districts in serving students.

12 (2) The legislature intends to continue to make changes to the
13 program of basic education in those areas where emerging research and
14 evidence demonstrate that better and more efficient strategies are
15 available to help students succeed. Sections 202 and 203 of this act
16 revise certain provisions of chapter 548, Laws of 2009 (Engrossed
17 Substitute House Bill No. 2261), chapter 236, Laws of 2010
18 (Substitute House Bill No. 2776), and chapter 2, Laws of 2015
19 (Initiative Measure No. 1351) as a result of the best available and
20 current information indicating the most effective and research-based
21 practices that are also cost-beneficial education investments. It is
22 the intent of the legislature that the additional K-12 investments
23 between 2013 and 2018 to meet the state's funding obligations will be
24 based on the current information of the most cost-effective K-12
25 investments.

26 (3) The legislature finds, as a result of evidence-based
27 research, that the greatest improvements in student outcomes in the
28 common schools can be achieved by focusing the investment of state
29 fiscal resources in these areas:

30 (a) The reduction of class sizes in kindergarten through third
31 grade;

32 (b) Increased access and support from guidance counselors;

33 (c) Additional support for parent involvement coordinators to
34 increase family engagement;

35 (d) The reduction of class sizes in high school laboratory
36 science classes to meet the new requirements for a more rigorous high
37 school diploma;

38 (e) Additional support for the transitional bilingual instruction
39 program for students learning English as a second language; and

1 (f) Remediation through the learning assistance program for
2 struggling students to ensure that third grade students are reading
3 at grade level.

4 **Sec. 202.** RCW 28A.150.260 and 2015 c 2 s 2 (Initiative Measure
5 No. 1351) and 2014 c 217 s 206 are each reenacted and amended to read
6 as follows:

7 The purpose of this section is to provide for the allocation of
8 state funding that the legislature deems necessary to support school
9 districts in offering the minimum instructional program of basic
10 education under RCW 28A.150.220. The allocation shall be determined
11 as follows:

12 (1) The governor shall and the superintendent of public
13 instruction may recommend to the legislature a formula for the
14 distribution of a basic education instructional allocation for each
15 common school district.

16 (2) The distribution formula under this section shall be for
17 allocation purposes only. Except as required for class size reduction
18 funding provided under subsection (4)((~~f~~))(e) of this section and
19 as may be required under chapter 28A.155, 28A.165, 28A.180, or
20 28A.185 RCW, or federal laws and regulations, nothing in this section
21 requires school districts to use basic education instructional funds
22 to implement a particular instructional approach or service. Nothing
23 in this section requires school districts to maintain a particular
24 classroom teacher-to-student ratio or other staff-to-student ratio or
25 to use allocated funds to pay for particular types or classifications
26 of staff. Nothing in this section entitles an individual teacher to a
27 particular teacher planning period.

28 (3)(a) To the extent the technical details of the formula have
29 been adopted by the legislature and except when specifically provided
30 as a school district allocation, the distribution formula for the
31 basic education instructional allocation shall be based on minimum
32 staffing and nonstaff costs the legislature deems necessary to
33 support instruction and operations in prototypical schools serving
34 high, middle, and elementary school students as provided in this
35 section. The use of prototypical schools for the distribution formula
36 does not constitute legislative intent that schools should be
37 operated or structured in a similar fashion as the prototypes.
38 Prototypical schools illustrate the level of resources needed to
39 operate a school of a particular size with particular types and grade

1 levels of students using commonly understood terms and inputs, such
 2 as class size, hours of instruction, and various categories of school
 3 staff. It is the intent that the funding allocations to school
 4 districts be adjusted from the school prototypes based on the actual
 5 number of annual average full-time equivalent students in each grade
 6 level at each school in the district and not based on the grade-level
 7 configuration of the school to the extent that data is available. The
 8 allocations shall be further adjusted from the school prototypes with
 9 minimum allocations for small schools and to reflect other factors
 10 identified in the omnibus appropriations act.

11 (b) For the purposes of this section, prototypical schools are
 12 defined as follows:

13 (i) A prototypical high school has six hundred average annual
 14 full-time equivalent students in grades nine through twelve;

15 (ii) A prototypical middle school has four hundred thirty-two
 16 average annual full-time equivalent students in grades seven and
 17 eight; and

18 (iii) A prototypical elementary school has four hundred average
 19 annual full-time equivalent students in grades kindergarten through
 20 six.

21 (4)(a)(i) The minimum allocation for each level of prototypical
 22 school shall be based on the number of full-time equivalent classroom
 23 teachers needed to provide instruction over the minimum required
 24 annual instructional hours under RCW 28A.150.220 and provide at least
 25 one teacher planning period per school day, and based on the
 26 following general education average class size of full-time
 27 equivalent students per teacher:

	General education average class size
28 Grades K-3.	17.0
29 Grade 4.	((25.0)) <u>27.00</u>
30 Grades 5-6.	((25.0)) <u>27.00</u>
31 Grades 7-8.	((25.0)) <u>28.53</u>
32 Grades 9-12.	((25.0)) <u>28.74</u>

33 (ii) The minimum class size allocation for each prototypical high
 34 school shall also provide for enhanced funding for class size
 35 reduction for two laboratory science classes within grades nine
 36 through twelve per full-time equivalent high school student

1 multiplied by a laboratory science course factor of 0.0833, based on
2 the number of full-time equivalent classroom teachers needed to
3 provide instruction over the minimum required annual instructional
4 hours in RCW 28A.150.220, and providing at least one teacher planning
5 period per school day:

6		Laboratory science	
7		average class size	
8	Grades 9-12.		19.98

9 ~~(b) ((During the 2011-2013 biennium and beginning with schools~~
10 ~~with the highest percentage of students eligible for free and~~
11 ~~reduced price meals in the prior school year, the general education~~
12 ~~average class size for grades K-3 shall be reduced until the average~~
13 ~~class size funded under this subsection (4) is no more than 17.0~~
14 ~~full-time equivalent students per teacher beginning in the 2017-18~~
15 ~~school year.~~

16 ~~(e))~~ The minimum allocation for each prototypical middle and
17 high school shall also provide for full-time equivalent classroom
18 teachers based on the following number of full-time equivalent
19 students per teacher in career and technical education:

20		Career and technical	
21		education average	
22		class size	
23	Approved career and technical education offered at		
24	the middle school and high school level.	((19.0))	<u>26.57</u>
25	Skill center programs meeting the standards established		
26	by the office of the superintendent of public		
27	instruction.	((16.0))	<u>22.76</u>

28 ~~((d))~~ (c) In addition, the omnibus appropriations act shall at
29 a minimum specify a specialty average class size for advanced
30 placement and international baccalaureate courses.

31 ~~((e))~~ (d) For each level of prototypical school at which more
32 than fifty percent of the students were eligible for free and
33 reduced-price meals in the prior school year, the superintendent
34 shall allocate funding based on the following average class size of
35 full-time equivalent students per teacher:

36		General education average	
37		class size in	
38		high poverty	

1	Grades K-3.	((15.0))	<u>17.00</u>
2	Grade 4.	((22.0))	<u>27.00</u>
3	Grades 5-6.	((23.0))	<u>27.00</u>
4	Grades 7-8.	((23.0))	<u>28.53</u>
5	Grades 9-12.	((23.0))	<u>28.74</u>

6 ((f)) (e)(i) Funding for average kindergarten through third
7 grade class sizes in this subsection (4) shall be provided only to
8 the extent of, and proportionate to, the school district's
9 demonstrated actual kindergarten through third grade average class
10 size, up to the funded class sizes.

11 (ii) ~~((Districts that demonstrate capital facility needs that~~
12 ~~prevent them from reducing actual class sizes to funded levels, may~~
13 ~~use funding in this subsection (4) for school-based personnel who~~
14 ~~provide direct services to students. Districts that use this funding~~
15 ~~for purposes other than reducing actual class sizes must annually~~
16 ~~report the number and dollar value for each type of personnel funded~~
17 ~~by school and grade level.~~

18 (iii)) The office of the superintendent of public instruction
19 shall develop rules to implement this subsection (4).

20 (5) The minimum allocation for each level of prototypical school
21 shall include allocations necessary for the safe and effective
22 operation of a school, to meet individual student needs, and to
23 ensure all required school functions can be performed by
24 appropriately trained personnel, for the following types of staff in
25 addition to classroom teachers:

	Elementary	Middle	High
	School	School	School
26 Principals, assistant principals, and other certificated building-level			
27 administrators.	((1.3))	((1.4))	((1.9))
28	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
29			
30 Teacher librarians, a function that includes information literacy, technology,			
31 and media to support school library media programs.	((1.0))	((1.0))	((1.0))
32	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
33			
34 Health and social services:			
35 School nurses.	((0.585))	((0.888))	((0.824))
36	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>

1	Social workers.....	((0.314))	((0.088))	((0.127))
2		<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
3	Psychologists.....	((0.104))	((0.024))	((0.049))
4		<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
5	Guidance counselors, a function that includes parent outreach and graduation			
6	advising.....	((0.50))	((2.0))	((3.5))
7		<u>0.493</u>	<u>1.216</u>	<u>2.539</u>
8	Teaching assistance, including any aspect of educational instructional services			
9	provided by classified employees.....	((2.0))	((1.0))	((1.0))
10		<u>0.936</u>	<u>0.700</u>	<u>0.652</u>
11	Office support and other noninstructional aides.....	((3.0))	((3.5))	((3.5))
12		<u>2.012</u>	<u>2.325</u>	<u>3.269</u>
13	Custodians.....	((1.7))	((2.0))	((3.0))
14		<u>1.657</u>	<u>1.942</u>	<u>2.965</u>
15	Classified staff providing student and staff safety.....	((0.0))	((0.7))	((1.3))
16		<u>0.079</u>	<u>0.092</u>	<u>0.141</u>
17	Parent involvement coordinators.....	((1.0))	((1.0))	((1.0))
18		<u>0.0825</u>	<u>0.00</u>	<u>0.00</u>

19 (6)(a) The minimum staffing allocation for each school district
20 to provide district-wide support services shall be allocated per one
21 thousand annual average full-time equivalent students in grades K-12
22 as follows:

23		Staff per 1,000
24		K-12 students
25	Technology.	((2.8)) <u>0.628</u>
26	Facilities, maintenance, and grounds.	((4.0)) <u>1.813</u>
27	Warehouse, laborers, and mechanics.	((1.9)) <u>0.332</u>

28 (b) The minimum allocation of staff units for each school
29 district to support certificated and classified staffing of central
30 administration shall be 5.30 percent of the staff units generated
31 under subsections (4)(a) and ((+b)) (d) and (5) of this section and
32 (a) of this subsection.

33 (7) The distribution formula shall include staffing allocations
34 to school districts for career and technical education and skill
35 center administrative and other school-level certificated staff, as
36 specified in the omnibus appropriations act.

1 (8)(a) Except as provided in (b) and (c) of this subsection, the
2 minimum allocation for each school district shall include allocations
3 per annual average full-time equivalent student for the following
4 materials, supplies, and operating costs, to be adjusted for
5 inflation from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
6 Technology.	\$54.43
7 Utilities and insurance.	\$147.90
8 Curriculum and textbooks.	\$58.44
9 Other supplies and library materials.	\$124.07
10 Instructional professional development for certified and 11 classified staff.	\$9.04
12 Facilities maintenance.	\$73.27
13 Security and central office.	\$50.76

17 (b) During the 2011-2013 biennium, the minimum allocation for
18 maintenance, supplies, and operating costs shall be increased as
19 specified in the omnibus appropriations act. The following
20 allocations, adjusted for inflation from the 2007-08 school year, are
21 provided in the 2015-16 school year, after which the allocations
22 shall be adjusted annually for inflation as specified in the omnibus
23 appropriations act:

	Per annual average full-time equivalent student in grades K-12
24 Technology.	\$113.80
25 Utilities and insurance.	\$309.21
26 Curriculum and textbooks.	\$122.17
27 Other supplies and library materials.	\$259.39
28 Instructional professional development for certificated and 29 classified staff.	\$18.89
30 Facilities maintenance.	\$153.18
31 Security and central office administration.	\$106.12

35 (c) In addition to the amounts provided in (a) and (b) of this
36 subsection, beginning in the 2014-15 school year, the omnibus
37 appropriations act shall provide the following minimum allocation for
38 each annual average full-time equivalent student in grades nine

1 through twelve for the following materials, supplies, and operating
2 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
3 Technology.	\$36.35
4 Curriculum and textbooks.	\$39.02
5 Other supplies and library materials.	\$82.84
6 Instructional professional development for certificated and 7 classified staff.	\$6.04

8 (9) In addition to the amounts provided in subsection (8) of this
9 section, the omnibus appropriations act shall provide an amount based
10 on full-time equivalent student enrollment in each of the following:

- 11 (a) Exploratory career and technical education courses for
12 students in grades seven through twelve;
- 13 (b) Preparatory career and technical education courses for
14 students in grades nine through twelve offered in a high school; and
- 15 (c) Preparatory career and technical education courses for
16 students in grades eleven and twelve offered through a skill center.

17 (10) In addition to the allocations otherwise provided under this
18 section, amounts shall be provided to support the following programs
19 and services:

20 (a) To provide supplemental instruction and services for
21 underachieving students through the learning assistance program under
22 RCW 28A.165.005 through 28A.165.065, allocations shall be based on
23 the district percentage of students in grades K-12 who were eligible
24 for free or reduced-price meals in the prior school year. The minimum
25 allocation for the program shall provide for each level of
26 prototypical school resources to provide, on a statewide average,
27 ~~((1.5156))~~ 2.3975 hours per week in extra instruction with a class
28 size of fifteen learning assistance program students per teacher.

29 (b)(i) To provide supplemental instruction and services for
30 students whose primary language is other than English~~((7))~~:

31 (A) Allocations shall be based on the head count number of
32 students in each school who are eligible for and enrolled in the
33 transitional bilingual instruction program under RCW 28A.180.010
34 through 28A.180.080. The minimum allocation for each level of
35 prototypical school shall provide resources to provide, on a
36 statewide average, 4.7780 hours per week in extra instruction with
37
38
39

1 fifteen transitional bilingual instruction program students per
2 teacher.

3 (B) Allocations shall be provided for exited pupils, as defined
4 in RCW 28A.180.030, for up to two years of instructional support
5 immediately after the pupils exit the program. Instructional support
6 includes assistance reaching grade-level performance in academic
7 subjects even though the pupils have achieved English proficiency for
8 purposes of the transitional bilingual instruction program. The
9 minimum allocation for each level of prototypical school shall
10 provide resources to provide, on a statewide average, 3.0 hours per
11 week in extra instruction with fifteen transitional bilingual
12 instruction program students per teacher based on the head count of
13 students who exited the program within the prior two years based on
14 their performance on the English proficiency assessment.

15 (ii) Notwithstanding other provisions of this subsection (10),
16 the actual per-student allocation may be scaled to provide a larger
17 allocation for students needing more intensive intervention and a
18 commensurate reduced allocation for students needing less intensive
19 intervention, as detailed in the omnibus appropriations act.

20 (c) To provide additional allocations to support programs for
21 highly capable students under RCW 28A.185.010 through 28A.185.030,
22 allocations shall be based on two and ~~((three hundred fourteen one-~~
23 ~~thousandths))~~ one-half percent of each school district's full-time
24 equivalent basic education enrollment. The minimum allocation for the
25 programs shall provide resources to provide, on a statewide average,
26 ~~((2.1590))~~ 2.35 hours per week in extra instruction with fifteen
27 highly capable program students per teacher.

28 (11) The allocations under subsections (4)(a) and ~~((b))~~ (d),
29 (5), (6), and (8) of this section shall be enhanced as provided under
30 RCW 28A.150.390 on an excess cost basis to provide supplemental
31 instructional resources for students with disabilities.

32 (12)(a) For the purposes of allocations for prototypical high
33 schools and middle schools under subsections (4) and (10) of this
34 section that are based on the percent of students in the school who
35 are eligible for free and reduced-price meals, the actual percent of
36 such students in a school shall be adjusted by a factor identified in
37 the omnibus appropriations act to reflect underreporting of free and
38 reduced-price meal eligibility among middle and high school students.

39 (b) Allocations or enhancements provided under subsections (4),
40 (7), and (9) of this section for exploratory and preparatory career

1 and technical education courses shall be provided only for courses
2 approved by the office of the superintendent of public instruction
3 under chapter 28A.700 RCW.

4 (13)(a) This formula for distribution of basic education funds
5 shall be reviewed biennially by the superintendent and governor. The
6 recommended formula shall be subject to approval, amendment or
7 rejection by the legislature.

8 (b) In the event the legislature rejects the distribution formula
9 recommended by the governor, without adopting a new distribution
10 formula, the distribution formula for the previous school year shall
11 remain in effect.

12 (c) The enrollment of any district shall be the annual average
13 number of full-time equivalent students and part-time students as
14 provided in RCW 28A.150.350, enrolled on the first school day of each
15 month, including students who are in attendance pursuant to RCW
16 28A.335.160 and 28A.225.250 who do not reside within the servicing
17 school district. The definition of full-time equivalent student shall
18 be determined by rules of the superintendent of public instruction
19 and shall be included as part of the superintendent's biennial budget
20 request. The definition shall be based on the minimum instructional
21 hour offerings required under RCW 28A.150.220. Any revision of the
22 present definition shall not take effect until approved by the house
23 ways and means committee and the senate ways and means committee.

24 (d) The office of financial management shall make a monthly
25 review of the superintendent's reported full-time equivalent students
26 in the common schools in conjunction with RCW 43.62.050.

27 **Sec. 203.** RCW 28A.150.261 and 2015 c 2 s 3 (Initiative Measure
28 No. 1351) are each amended to read as follows:

29 In order to make measurable progress toward implementing the
30 provisions of section 2, chapter 2, Laws of 2015, as amended by
31 section 202, chapter . . ., Laws of 2015 2nd sp. sess. (section 202
32 of this act), by September 1, 2017, the legislature shall increase
33 state funding allocations under RCW 28A.150.260 according to the
34 following schedule:

35 (1) For the 2015-2017 biennium, funding allocations shall be no
36 less than fifty percent of the difference between the funding
37 necessary to support the numerical values under RCW 28A.150.260 as of
38 September 1, 2013, and the funding necessary to support the numerical
39 values under section 2, chapter 2, Laws of 2015, as amended by

1 section 202, chapter . . ., Laws of 2015 2nd sp. sess. (section 202
2 of this act), with priority for additional funding provided during
3 this biennium for the highest poverty schools and school districts;

4 (2) By the end of the 2017-2019 biennium and thereafter, funding
5 allocations shall be no less than the funding necessary to support
6 the numerical values under section 2, chapter 2, Laws of 2015, as
7 amended by section 202, chapter . . ., Laws of 2015 2nd sp. sess.
8 (section 202 of this act).

9 NEW SECTION. Sec. 204. (1) As provided in the 2015-2017 omnibus
10 appropriations act, school district employees shall be provided a
11 one-time salary bonus of 3.753 percent of annual salary to be paid in
12 one payment on August 31, 2015, in addition to the salary provided to
13 school districts and educational service districts in Part V, chapter
14 4, Laws of 2013 2nd sp. sess. This bonus is not part of the program
15 of basic education.

16 (2) The one-time salary bonus shall be calculated by applying the
17 rate in subsection (1) of this section to any state-funded salary
18 base used in state funding formulas for teachers and other school
19 district employees.

20 (3) A school district shall distribute its bonus allocation for
21 salaries and salary-related benefits in accordance with the
22 district's salary schedules and compensation policies. No later than
23 the end of the school year, each school district shall certify to the
24 superintendent of public instruction that it has spent the funds
25 provided for this bonus on salaries and salary-related benefits.

26 **PART III**
27 **HIGHER EDUCATION**

28 **Sec. 301.** RCW 28B.15.031 and 2012 c 230 s 6 are each amended to
29 read as follows:

30 (1) The term "operating fees" as used in this chapter shall
31 include the fees, other than building fees, charged all students
32 registering at the state's colleges and universities but shall not
33 include fees for short courses, self-supporting degree credit
34 programs and courses, marine station work, experimental station work,
35 correspondence or extension courses, and individual instruction and
36 student deposits or rentals, disciplinary and library fines, which
37 colleges and universities shall have the right to impose, laboratory,

1 gymnasium, health, technology and student activity fees, or fees,
2 charges, rentals, and other income derived from any or all revenue
3 producing lands, buildings and facilities of the colleges or
4 universities heretofore or hereafter acquired, constructed or
5 installed, including but not limited to income from rooms,
6 dormitories, dining rooms, hospitals, infirmaries, housing or student
7 activity buildings, vehicular parking facilities, land, or the
8 appurtenances thereon, or such other special fees as may be
9 established by any college or university board of trustees or regents
10 from time to time. All moneys received as operating fees at any
11 institution of higher education shall be deposited in a local account
12 containing only operating fees revenue and related interest:
13 ~~PROVIDED, That ((a minimum of five percent of operating fees shall be~~
14 ~~retained by the four-year institutions of higher education that~~
15 ~~increase tuition for resident undergraduate students above assumed~~
16 ~~tuition increases in the omnibus appropriations act,))~~ a minimum of
17 four percent of operating fees shall be retained by four-year
18 institutions of higher education ~~((that do not increase tuition for~~
19 ~~resident undergraduates above assumed increases in the omnibus~~
20 ~~appropriations act,))~~ and a minimum of three and one-half percent of
21 operating fees shall be retained by the community and technical
22 colleges for the purposes of RCW 28B.15.820. At least thirty percent
23 of operating fees required to be retained by the four-year
24 institutions for purposes of RCW 28B.15.820 shall be used only for
25 the purposes of RCW 28B.15.820(10).

26 (2) In addition to the three and one-half percent of operating
27 fees retained by the institutions under subsection (1) of this
28 section, up to three percent of operating fees charged to students at
29 community and technical colleges shall be transferred to the
30 community and technical college innovation account for the
31 implementation of the college board's strategic technology plan in
32 RCW 28B.50.515. The percentage to be transferred to the community and
33 technical college innovation account shall be determined by the
34 college board each year but shall not exceed three percent of the
35 operating fees collected each year.

36 (3) Local operating fee accounts shall not be subject to
37 appropriation by the legislature but shall be subject to allotment
38 procedures by budget program and fiscal year under chapter 43.88 RCW.

1 **Sec. 302.** RCW 28B.15.066 and 2003 c 232 s 3 are each amended to
2 read as follows:

3 ~~((It is the intent of the legislature that:~~

4 ~~In making appropriations from the state's general fund to~~
5 ~~institutions of higher education, each appropriation shall conform to~~
6 ~~the following:~~

7 ~~(1) The appropriation shall not be reduced by the amount of~~
8 ~~operating fees revenue estimated to be collected from students~~
9 ~~enrolled at the state-funded enrollment level specified in the~~
10 ~~omnibus biennial operating appropriations act;~~

11 ~~(2) The appropriation shall not be reduced by the amount of~~
12 ~~operating fees revenue collected from students enrolled above the~~
13 ~~state-funded level specified in the omnibus biennial operating~~
14 ~~appropriations act; and~~

15 ~~(3) The general fund state appropriation shall not be reduced by~~
16 ~~the amount of operating fees revenue collected as a result of waiving~~
17 ~~less operating fees revenue than the amounts authorized under RCW~~
18 ~~28B.15.910. State general fund appropriations shall not be provided~~
19 ~~for revenue foregone as a result of or for waivers granted under RCW~~
20 ~~28B.15.915-))~~ (1) Beginning with the 2015-2017 omnibus appropriations
21 act, the legislature shall appropriate to the state board for
22 community and technical colleges and to each of the four-year
23 institutions of higher education an amount that is at least equal to
24 the total state funds appropriated in the 2013-2015 biennium and the
25 net revenue loss from resident undergraduate tuition operating fees
26 based on budgeted full-time equivalent enrollment received for the
27 2015-2017 fiscal biennium under RCW 28B.15.067 (3) and (6). The net
28 revenue loss shall be adjusted for inflation in subsequent biennia.

29 (2) As used in this section and RCW 28B.15.069, "inflation" shall
30 be based on the consumer price index, using the official current
31 base, compiled by the bureau of labor statistics, United States
32 department of labor for the state of Washington. If the bureau of
33 labor statistics develops more than one consumer price index for
34 areas within the state, the index covering the greatest number of
35 people and covering areas exclusively within the boundaries of the
36 state shall be used.

37 **Sec. 303.** RCW 28B.15.067 and 2015 c 55 s 211 are each amended to
38 read as follows:

1 (1) Tuition fees shall be established under the provisions of
2 this chapter.

3 (2) Beginning in the 2011-12 academic year and through the
4 2014-15 academic year, reductions or increases in full-time tuition
5 fees shall be as provided in the omnibus appropriations act for
6 resident undergraduate students at community and technical colleges.

7 (3)(a) In the 2015-16 academic year, tuition operating fees for
8 resident undergraduates at community and technical colleges excluding
9 applied baccalaureate degrees as defined in RCW 28B.50.030, shall be
10 two percent less than the 2014-15 academic year tuition operating
11 fee.

12 (b) Beginning in the 2016-17 academic year, tuition operating
13 fees for resident undergraduates at community and technical colleges
14 excluding applied baccalaureate degrees as defined in RCW 28B.50.030,
15 may increase by no more than the average annual percentage growth
16 rate in the median hourly wage for Washington for the previous
17 fourteen years as the wage is determined by the federal bureau of
18 labor statistics.

19 (4) The governing boards of the state universities, regional
20 universities, and The Evergreen State College; and the state board
21 for community and technical colleges may reduce or increase full-time
22 tuition fees for all students other than resident undergraduates,
23 including nonresident students, summer school students, and students
24 in other self-supporting degree programs. Percentage increases in
25 full-time tuition may exceed the fiscal growth factor. Except during
26 the 2013-2015 fiscal biennium, the state board for community and
27 technical colleges may pilot or institute differential tuition
28 models. The board may define scale, scope, and rationale for the
29 models.

30 ~~((3))~~ (5)(a) Beginning with the 2011-12 academic year and
31 through the end of the 2014-15 academic year, the governing boards of
32 the state universities, the regional universities, and The Evergreen
33 State College may reduce or increase full-time tuition fees for all
34 students, including summer school students and students in other
35 self-supporting degree programs. Percentage increases in full-time
36 tuition fees may exceed the fiscal growth factor. Reductions or
37 increases may be made for all or portions of an institution's
38 programs, campuses, courses, or students; however, during the
39 2013-2015 fiscal biennium, reductions or increases in tuition must be
40 uniform among resident undergraduate students.

1 (b) Prior to reducing or increasing tuition for each academic
2 year, the governing boards of the state universities, the regional
3 universities, and The Evergreen State College shall consult with
4 existing student associations or organizations with student
5 undergraduate and graduate representatives regarding the impacts of
6 potential tuition increases. Each governing board shall make public
7 its proposal for tuition and fee increases twenty-one days before the
8 governing board of the institution considers adoption and allow
9 opportunity for public comment. However, the requirement to make
10 public a proposal for tuition and fee increases twenty-one days
11 before the governing board considers adoption shall not apply if the
12 omnibus appropriations act has not passed the legislature by May
13 15th. Governing boards shall be required to provide data regarding
14 the percentage of students receiving financial aid, the sources of
15 aid, and the percentage of total costs of attendance paid for by aid.

16 (c) Prior to reducing or increasing tuition for each academic
17 year, the state board for community and technical college system
18 shall consult with existing student associations or organizations
19 with undergraduate student representation regarding the impacts of
20 potential tuition increases. The state board for community and
21 technical colleges shall provide data regarding the percentage of
22 students receiving financial aid, the sources of aid, and the
23 percentage of total costs of attendance paid for by aid.

24 ~~((4) Beginning with))~~ (6)(a) In the 2015-16 academic year
25 ~~((through the 2018-19 academic year, the governing boards of the
26 state universities, regional universities, and The Evergreen State
27 College may set tuition for resident undergraduates as follows:~~

28 ~~(a) If state funding for a college or university falls below the
29 state funding provided in the operating budget for fiscal year 2011,
30 the governing board may increase tuition up to the limits set in (d)
31 of this subsection, reduce enrollments, or both;~~

32 ~~(b) If state funding for a college or university is at least at
33 the level of state funding provided in the operating budget for
34 fiscal year 2011, the governing board may increase tuition up to the
35 limits set in (d) of this subsection and shall continue to at least
36 maintain the actual enrollment levels for fiscal year 2011 or
37 increase enrollments as required in the omnibus appropriations act;~~

38 ~~(c) If state funding is increased so that combined with resident
39 undergraduate tuition the sixtieth percentile of the total per-
40 student funding at similar public institutions of higher education in~~

1 ~~the global challenge states under RCW 28B.15.068 is exceeded, the~~
2 ~~governing board shall decrease tuition by the amount needed for the~~
3 ~~total per student funding to be at the sixtieth percentile under RCW~~
4 ~~28B.15.068; and~~

5 ~~(d) The amount of tuition set by the governing board for an~~
6 ~~institution under this subsection (4) may not exceed the sixtieth~~
7 ~~percentile of the resident undergraduate tuition of similar public~~
8 ~~institutions of higher education in the global challenge states.~~

9 ~~(5))~~, full-time tuition operating fees for resident
10 undergraduates for:

11 (i) State universities shall be twenty-five percent less than
12 2014-15 academic year tuition operating fee; and

13 (ii) Regional universities, The Evergreen State College, and
14 applied baccalaureate degrees as defined in RCW 28B.50.030 shall be
15 twenty-five percent less than the 2014-15 academic year tuition
16 operating fee.

17 (b) Beginning with the 2016-17 academic year, full-time tuition
18 operating fees for resident undergraduates in (a) of this subsection
19 may increase by no more than the average annual percentage growth
20 rate in the median hourly wage for Washington for the previous
21 fourteen years as the wage is determined by the federal bureau of
22 labor statistics.

23 (7) The tuition fees established under this chapter shall not
24 apply to high school students enrolling in participating institutions
25 of higher education under RCW 28A.600.300 through 28A.600.400.

26 ~~((6))~~ (8) The tuition fees established under this chapter shall
27 not apply to eligible students enrolling in a dropout reengagement
28 program through an interlocal agreement between a school district and
29 a community or technical college under RCW 28A.175.100 through
30 28A.175.110.

31 ~~((7) Beginning in the 2019-20 academic year, reductions or~~
32 ~~increases in full-time tuition fees for resident undergraduates at~~
33 ~~four-year institutions of higher education shall be as provided in~~
34 ~~the omnibus appropriations act.~~

35 ~~(8))~~ (9) The legislative advisory committee to the committee on
36 advanced tuition payment established in RCW 28B.95.170 shall:

37 (a) Review the impact of ((differential)) decreasing tuition
38 rates on the funded status and future unit price of the Washington
39 advanced college tuition payment program; ((and))

1 (b) Review the feasibility of establishing a college savings
2 program as described in RCW 28B.95.150; and

3 (c) No later than January (~~(14, 2013)~~) 8, 2016, make a
4 recommendation to the appropriate policy and fiscal committees of the
5 legislature regarding how (~~(differential)~~) tuition rates should be
6 addressed in order to maintain the ongoing solvency of the Washington
7 advanced college tuition payment program and whether a college
8 savings program shall be implemented.

9 (10) As a result of any changes in tuition under section 303,
10 chapter . . . , Laws of 2015 2nd sp. sess. (this section), the
11 governing boards of the state universities, the regional
12 universities, and The Evergreen State College shall not reduce
13 resident undergraduate enrollment below the 2014-15 academic year
14 levels.

15 NEW SECTION. Sec. 304. A new section is added to chapter 28B.92
16 RCW to read as follows:

17 Beginning with the 2015-2017 omnibus appropriations act and each
18 biennium thereafter, reductions in tuition levels resulting from
19 section 303, chapter . . . , Laws of 2015 2nd sp. sess. (section 303
20 of this act) will allow the legislature to reduce state need grant
21 appropriations by an equal amount from the 2013-2015 fiscal biennium
22 amounts. The legislature does not intend to reduce award levels for
23 private colleges and universities below the 2014-15 academic year
24 levels.

25 By reducing the overall cost of tuition, the legislature in
26 future biennia is better able and intends to serve those students
27 currently eligible but unserved in the state need grant.

28 Sec. 305. RCW 28B.15.069 and 2015 c 55 s 212 are each amended to
29 read as follows:

30 (1) The building fee for each academic year shall be a percentage
31 of total tuition fees. This percentage shall be calculated by the
32 office of financial management and be based on the actual percentage
33 the building fee is of total tuition for each tuition category in the
34 1994-95 academic year, rounded up to the nearest half percent. After
35 the effective date of this section, the dollar value of the building
36 fee shall not be reduced below the level in the 2014-15 academic year
37 adjusted for inflation. As used in this subsection, "inflation" has
38 the meaning in RCW 28B.15.066(2).

1 (2) The governing boards of each institution of higher
2 education((τ)) shall charge to and collect from each student a
3 services and activities fee. A governing board may increase the
4 existing fee annually, consistent with budgeting procedures set forth
5 in RCW 28B.15.045, by a percentage not to exceed the annual
6 percentage increase in student tuition fees for resident
7 undergraduate students: PROVIDED, That such percentage increase shall
8 not apply to that portion of the services and activities fee
9 previously committed to the repayment of bonded debt. These rate
10 adjustments may exceed the fiscal growth factor. For the 2013-2015
11 fiscal biennium, each governing board is authorized to increase the
12 services and activities fees by amounts judged reasonable and
13 necessary by the services and activities fee committee and the
14 governing board consistent with the budgeting procedures set forth in
15 RCW 28B.15.045. The services and activities fee committee provided
16 for in RCW 28B.15.045 may initiate a request to the governing board
17 for a fee increase.

18 (3) Tuition and services and activities fees consistent with
19 subsection (2) of this section shall be set by the state board for
20 community and technical colleges for community and technical college
21 summer school students unless the college charges fees in accordance
22 with RCW 28B.15.515.

23 (4) Subject to the limitations of RCW 28B.15.910, each governing
24 board of a community or technical college may charge such fees for
25 ungraded courses, noncredit courses, community services courses, and
26 self-supporting courses as it, in its discretion, may determine,
27 consistent with the rules of the state board for community and
28 technical colleges.

29 (5) The governing board of a college offering an applied
30 baccalaureate degree program under RCW 28B.50.810 may charge tuition
31 fees for those courses above the associate degree level at rates
32 consistent with rules adopted by the state board for community and
33 technical colleges, not to exceed tuition fee rates at the regional
34 universities.

35 **Sec. 306.** RCW 28B.95.020 and 2015 c 202 s 5 are each amended to
36 read as follows:

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

1 (1) "Academic year" means the regular nine-month, three-quarter,
2 or two-semester period annually occurring between August 1st and July
3 31st.

4 (2) "Account" means the Washington advanced college tuition
5 payment program account established for the deposit of all money
6 received by the office from eligible purchasers and interest earnings
7 on investments of funds in the account, as well as for all
8 expenditures on behalf of eligible beneficiaries for the redemption
9 of tuition units and for the development of any authorized college
10 savings program pursuant to RCW 28B.95.150.

11 (3) "Committee on advanced tuition payment" or "committee" means
12 a committee of the following members: The state treasurer, the
13 director of the office of financial management, the director of the
14 office, or their designees, and two members to be appointed by the
15 governor, one representing program participants and one private
16 business representative with marketing, public relations, or
17 financial expertise.

18 (4) "Contractual obligation" means a legally binding contract of
19 the state with the purchaser and the beneficiary establishing that
20 purchases of tuition units will be worth the same number of tuition
21 units at the time of redemption as they were worth at the time of the
22 purchase, except as provided in RCW 28B.95.030(7).

23 (5) "Dual credit fees" means any fees charged to a student for
24 participation in college in the high school under RCW 28A.600.290 or
25 running start under RCW 28A.600.310.

26 (6) "Eligible beneficiary" means the person for whom the tuition
27 unit will be redeemed for attendance at an institution of higher
28 education, participation in college in the high school under RCW
29 28A.600.290, or participation in running start under RCW 28A.600.310.
30 The beneficiary is that person named by the purchaser at the time
31 that a tuition unit contract is accepted by the governing body.
32 Qualified organizations, as allowed under section 529 of the federal
33 internal revenue code, purchasing tuition unit contracts as future
34 scholarships need not designate a beneficiary at the time of
35 purchase.

36 (7) "Eligible purchaser" means an individual or organization that
37 has entered into a tuition unit contract with the governing body for
38 the purchase of tuition units for an eligible beneficiary. The state
39 of Washington may be an eligible purchaser for purposes of purchasing

1 tuition units to be held for granting Washington college bound
2 scholarships.

3 (8) "Full-time tuition charges" means resident tuition charges at
4 a state institution of higher education for enrollments between ten
5 credits and eighteen credit hours per academic term.

6 (9) "Governing body" means the committee empowered by the
7 legislature to administer the Washington advanced college tuition
8 payment program.

9 (10) "Institution of higher education" means an institution that
10 offers education beyond the secondary level and is recognized by the
11 internal revenue service under chapter 529 of the internal revenue
12 code.

13 (11) "Investment board" means the state investment board as
14 defined in chapter 43.33A RCW.

15 (12) "Office" means the office of student financial assistance as
16 defined in chapter 28B.76 RCW.

17 (13) "State institution of higher education" means institutions
18 of higher education as defined in RCW 28B.10.016.

19 (14) "Tuition and fees" means undergraduate tuition and services
20 and activities fees as defined in RCW 28B.15.020 and 28B.15.041
21 rounded to the nearest whole dollar. For purposes of this chapter,
22 services and activities fees do not include fees charged for the
23 payment of bonds heretofore or hereafter issued for, or other
24 indebtedness incurred to pay, all or part of the cost of acquiring,
25 constructing, or installing any lands, buildings, or facilities.

26 (15) "Tuition unit contract" means a contract between an eligible
27 purchaser and the governing body, or a successor agency appointed for
28 administration of this chapter, for the purchase of tuition units for
29 a specified beneficiary that may be redeemed at a later date for an
30 equal number of tuition units, except as provided in RCW
31 28B.95.030(7).

32 (16) "Unit purchase price" means the minimum cost to purchase one
33 tuition unit for an eligible beneficiary. Generally, the minimum
34 purchase price is one percent of the undergraduate tuition and fees
35 for the current year, rounded to the nearest whole dollar, adjusted
36 for the costs of administration and adjusted to ensure the actuarial
37 soundness of the account. The analysis for price setting shall also
38 include, but not be limited to consideration of past and projected
39 patterns of tuition increases, program liability, past and projected
40 investment returns, and the need for a prudent stabilization reserve.

1 **Sec. 307.** RCW 28B.95.030 and 2015 c 202 s 6 are each amended to
2 read as follows:

3 (1) The Washington advanced college tuition payment program shall
4 be administered by the committee on advanced tuition payment which
5 shall be chaired by the director of the office. The committee shall
6 be supported by staff of the office.

7 (2)(a) The Washington advanced college tuition payment program
8 shall consist of the sale of tuition units, which may be redeemed by
9 the beneficiary at a future date for an equal number of tuition units
10 regardless of any increase in the price of tuition, that may have
11 occurred in the interval, except as provided in subsection (7) of
12 this section.

13 (b) Each purchase shall be worth a specific number of or fraction
14 of tuition units at each state institution of higher education as
15 determined by the governing body, except as provided in subsection
16 (7) of this section.

17 (c) The number of tuition units necessary to pay for a full
18 year's, full-time undergraduate tuition and fee charges at a state
19 institution of higher education shall be set by the governing body at
20 the time a purchaser enters into a tuition unit contract, except as
21 provided in subsection (7) of this section.

22 (d) The governing body may limit the number of tuition units
23 purchased by any one purchaser or on behalf of any one beneficiary,
24 however, no limit may be imposed that is less than that necessary to
25 achieve four years of full-time, undergraduate tuition charges at a
26 state institution of higher education. The governing body also may,
27 at its discretion, limit the number of participants, if needed, to
28 ensure the actuarial soundness and integrity of the program.

29 (e) While the Washington advanced college tuition payment program
30 is designed to help all citizens of the state of Washington, the
31 governing body may determine residency requirements for eligible
32 purchasers and eligible beneficiaries to ensure the actuarial
33 soundness and integrity of the program.

34 (3)(a) No tuition unit may be redeemed until two years after the
35 purchase of the unit.

36 (b) Units may be redeemed for enrollment at any institution of
37 higher education that is recognized by the internal revenue service
38 under chapter 529 of the internal revenue code. Units may also be
39 redeemed to pay for dual credit fees.

1 ~~((b))~~ (c) Units redeemed at a nonstate institution of higher
2 education or for graduate enrollment shall be redeemed at the rate
3 for state public institutions in effect at the time of redemption.

4 (4) The governing body shall determine the conditions under which
5 the tuition benefit may be transferred to another family member. In
6 permitting such transfers, the governing body may not allow the
7 tuition benefit to be bought, sold, bartered, or otherwise exchanged
8 for goods and services by either the beneficiary or the purchaser.

9 (5) The governing body shall administer the Washington advanced
10 college tuition payment program in a manner reasonably designed to be
11 actuarially sound, such that the assets of the trust will be
12 sufficient to defray the obligations of the trust including the costs
13 of administration. The governing body may, at its discretion,
14 discount the minimum purchase price for certain kinds of purchases
15 such as those from families with young children, as long as the
16 actuarial soundness of the account is not jeopardized.

17 (6) The governing body shall annually determine current value of
18 a tuition unit.

19 (7) For the 2015-16 and 2016-17 academic years, the committee and
20 the governing body shall make such one-time adjustments to all
21 unredeemed tuition units purchased before the effective date of this
22 section as may be necessary to ensure that the total payout value of
23 each account at the effective date of this section is not decreased
24 or diluted as a result of the initial application of any changes in
25 tuition under section 303, chapter . . ., Laws of 2015 2nd sp. sess.
26 (section 303 of this act). The first notification to holders of
27 tuition units after the adjustment in this subsection is made must
28 include a statement concerning the adjustment. For accounts that are
29 opened prior to the effective date of this section, the committee and
30 the governing body shall make such adjustments to the number of
31 tuition units that may be redeemed in one year as may be necessary to
32 ensure that any change in tuition policy under section 303,
33 chapter . . ., Laws of 2015 2nd sp. sess. (section 303 of this act)
34 does not result in the decrease of the dollar value of the maximum
35 tuition units that may be used in any one year.

36 (8) The governing body shall promote, advertise, and publicize
37 the Washington advanced college tuition payment program.

38 ~~((8))~~ (9) In addition to any other powers conferred by this
39 chapter, the governing body may:

1 (a) Impose reasonable limits on the number of tuition units or
2 units that may be used in any one year;

3 (b) Determine and set any time limits, if necessary, for the use
4 of benefits under this chapter;

5 (c) Impose and collect administrative fees and charges in
6 connection with any transaction under this chapter;

7 (d) Appoint and use advisory committees and the state actuary as
8 needed to provide program direction and guidance;

9 (e) Formulate and adopt all other policies and rules necessary
10 for the efficient administration of the program;

11 (f) Consider the addition of an advanced payment program for room
12 and board contracts and also consider a college savings program;

13 (g) Purchase insurance from insurers licensed to do business in
14 the state, to provide for coverage against any loss in connection
15 with the account's property, assets, or activities or to further
16 insure the value of the tuition units;

17 (h) Make, execute, and deliver contracts, conveyances, and other
18 instruments necessary to the exercise and discharge of its powers and
19 duties under this chapter;

20 (i) Contract for the provision for all or part of the services
21 necessary for the management and operation of the program with other
22 state or nonstate entities authorized to do business in the state;

23 (j) Contract for other services or for goods needed by the
24 governing body in the conduct of its business under this chapter;

25 (k) Contract with financial consultants, actuaries, auditors, and
26 other consultants as necessary to carry out its responsibilities
27 under this chapter;

28 (l) Solicit and accept cash donations and grants from any person,
29 governmental agency, private business, or organization; and

30 (m) Perform all acts necessary and proper to carry out the duties
31 and responsibilities of this program under this chapter.

32 **Sec. 308.** RCW 28B.118.010 and 2015 c 244 s 3 are each amended to
33 read as follows:

34 The office of student financial assistance shall design the
35 Washington college bound scholarship program in accordance with this
36 section and in alignment with the state need grant program in chapter
37 28B.92 RCW unless otherwise provided in this section.

38 (1) "Eligible students" are those students who:

1 (a) Qualify for free or reduced-price lunches. If a student
2 qualifies in the seventh grade, the student remains eligible even if
3 the student does not receive free or reduced-price lunches
4 thereafter; or

5 (b) Are dependent pursuant to chapter 13.34 RCW and:

6 (i) In grade seven through twelve; or

7 (ii) Are between the ages of eighteen and twenty-one and have not
8 graduated from high school.

9 (2) Eligible students shall be notified of their eligibility for
10 the Washington college bound scholarship program beginning in their
11 seventh grade year. Students shall also be notified of the
12 requirements for award of the scholarship.

13 (3)(a) To be eligible for a Washington college bound scholarship,
14 a student eligible under subsection (1)(a) of this section must sign
15 a pledge during seventh or eighth grade that includes a commitment to
16 graduate from high school with at least a C average and with no
17 felony convictions. The pledge must be witnessed by a parent or
18 guardian and forwarded to the office of student financial assistance
19 by mail or electronically, as indicated on the pledge form.

20 (b) A student eligible under subsection (1)(b) of this section
21 shall be automatically enrolled, with no action necessary by the
22 student or the student's family, and the enrollment form must be
23 forwarded by the department of social and health services to the
24 higher education coordinating board or its successor by mail or
25 electronically, as indicated on the form.

26 (4)(a) Scholarships shall be awarded to eligible students
27 graduating from public high schools, approved private high schools
28 under chapter 28A.195 RCW, or who received home-based instruction
29 under chapter 28A.200 RCW.

30 (b)(i) To receive the Washington college bound scholarship, a
31 student must graduate with at least a "C" average from a public high
32 school or an approved private high school under chapter 28A.195 RCW
33 in Washington or have received home-based instruction under chapter
34 28A.200 RCW, must have no felony convictions, and must be a resident
35 student as defined in RCW 28B.15.012(2) (a) through (d).

36 (ii) For a student who does not meet the "C" average requirement,
37 and who completes fewer than two quarters in the running start
38 program, under chapter 28A.600 RCW, the student's first quarter of
39 running start course grades must be excluded from the student's

1 overall grade point average for purposes of determining their
2 eligibility to receive the scholarship.

3 (5) A student's family income will be assessed upon graduation
4 before awarding the scholarship.

5 (6) If at graduation from high school the student's family income
6 does not exceed sixty-five percent of the state median family income,
7 scholarship award amounts shall be as provided in this section.

8 (a) For students attending two or four-year institutions of
9 higher education as defined in RCW 28B.10.016, the value of the award
10 shall be (i) the difference between the student's tuition and
11 required fees, less the value of any state-funded grant, scholarship,
12 or waiver assistance the student receives; (ii) plus five hundred
13 dollars for books and materials.

14 (b) For students attending private four-year institutions of
15 higher education in Washington, the award amount shall be the
16 representative average of awards granted to students in public
17 research universities in Washington or the representative average of
18 awards granted to students in public research universities in
19 Washington in the 2014-15 academic year, whichever is greater.

20 (c) For students attending private vocational schools in
21 Washington, the award amount shall be the representative average of
22 awards granted to students in public community and technical colleges
23 in Washington or the representative average of awards granted to
24 students in public community and technical colleges in Washington in
25 the 2014-15 academic year, whichever is greater.

26 (7) Recipients may receive no more than four full-time years'
27 worth of scholarship awards.

28 (8) Institutions of higher education shall award the student all
29 need-based and merit-based financial aid for which the student would
30 otherwise qualify. The Washington college bound scholarship is
31 intended to replace unmet need, loans, and, at the student's option,
32 work-study award before any other grants or scholarships are reduced.

33 (9) The first scholarships shall be awarded to students
34 graduating in 2012.

35 (10) The state of Washington retains legal ownership of tuition
36 units awarded as scholarships under this chapter until the tuition
37 units are redeemed. These tuition units shall remain separately held
38 from any tuition units owned under chapter 28B.95 RCW by a Washington
39 college bound scholarship recipient.

1 (11) The scholarship award must be used within five years of
2 receipt. Any unused scholarship tuition units revert to the
3 Washington college bound scholarship account.

4 (12) Should the recipient terminate his or her enrollment for any
5 reason during the academic year, the unused portion of the
6 scholarship tuition units shall revert to the Washington college
7 bound scholarship account.

8 NEW SECTION. **Sec. 309.** The legislature intends to make college
9 more affordable for students and families through the implementation
10 of sections 301 through 308 of this act. As a result, the legislature
11 expects that resident undergraduate students are able to complete
12 their major course of study in a timely manner. The education data
13 center established in RCW 43.41.400 shall provide a statistical
14 analysis and report of the time to degree completion for each
15 undergraduate major course of study for each four-year institution of
16 higher education as defined in RCW 28B.10.016 and the state board for
17 community and technical colleges. The report shall include as many
18 years as possible to compare the results over time. The report shall
19 be provided to the appropriate committees of the legislature no later
20 than December 1, 2015.

21 NEW SECTION. **Sec. 310.** The Washington state institute for
22 public policy shall conduct a study on alternative resident
23 undergraduate tuition growth factors such as median wage, average
24 wage, consumer price index, student affordability metrics, and
25 others. The analysis should indicate how tuition is likely to change
26 under each metric over an extended period of time. The report should
27 also consider the relative ease of calculating or obtaining the
28 metric for budget development purposes. The legislature intends to
29 use this analysis to evaluate the median wage metric used in sections
30 301 through 308 of this act on an ongoing basis. The institute shall
31 report its findings to the relevant committees of the legislature by
32 December 1, 2015.

33 NEW SECTION. **Sec. 311.** The following acts or parts of acts are
34 each repealed:

35 (1) RCW 28B.15.068 (Tuition fees increase limitations—State
36 funding goals—Reports—"Global challenge states"—Notification of
37 availability of American opportunity tax credit) and 2012 c 229 s

1 525, 2012 c 229 s 524, 2011 1st sp.s. c 50 s 928, 2011 1st sp.s. c 10
2 s 7, 2009 c 540 s 1, & 2007 c 151 s 1; and

3 (2) RCW 28B.15.102 (Institutional tuition increases—Financial aid
4 offset—Reports—Resident first-year undergraduate enrollment at the
5 University of Washington, Seattle campus) and 2014 c 162 s 1, 2013 c
6 23 s 53, 2012 c 229 s 526, & 2011 1st sp.s. c 10 s 6.

7 NEW SECTION. **Sec. 312.** Sections 301 through 308 of this act may
8 be known and cited as the college affordability program.

9 **PART IV**

10 **MISCELLANEOUS PROVISIONS**

11 NEW SECTION. **Sec. 401.** Section 104 of this act takes effect
12 July 1, 2016.

13 NEW SECTION. **Sec. 402.** Section 202 of this act takes effect
14 September 1, 2018.

15 NEW SECTION. **Sec. 403.** Section 204 of this act is necessary for
16 the immediate preservation of the public peace, health, or safety, or
17 support of the state government and its existing public institutions,
18 and takes effect immediately.

--- END ---