



Memorandum

Date: December 2020
To: Senate Committee on Early Learning and K-12 Education
From: Ailey Kato, Staff to the Senate Committee on Early Learning and K-12 Education
Re: **Early Care and Education Responses to COVID-19**

As a 2020 interim project, the Senate Committee on Early Learning and K-12 Education asked staff to gather and summarize information regarding early care and education responses to COVID-19.¹

This memorandum provides the following information:

- I. [Introduction](#)
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Please contact staff for further information.

I. Introduction

On February 29, 2020, Governor Proclamation 20-05 declared a State of Emergency in all counties in the state of Washington as a result of the outbreak of COVID-19.

On March 23, 2020, Governor Proclamation 20-25, "Stay Home, Stay Healthy," prohibited employers from conducting business other than essential services and prohibiting people from gathering socially.² Child care was deemed an essential service under the order, and child care

¹ This memorandum is not meant to function as a comprehensive study of practices in Washington State, nor as a document of legislative intent, program endorsement, or policy prescription.

² Governor Proclamation 20-25 (March 23, 2020),

<https://www.governor.wa.gov/sites/default/files/proclamations/20-25%20Coronavirus%20Stay%20Safe-Stay%20Healthy%20%28tmp%29%20%28002%29.pdf>.

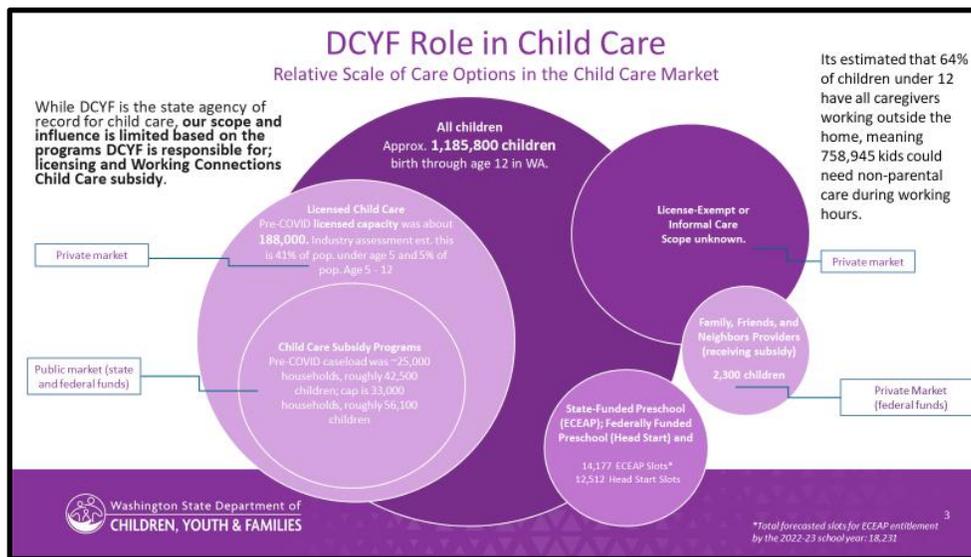
providers were not required to close.³ The Department of Children, Youth, and Families (DCYF) encouraged "child care facilities to continue serving their communities and to make their educated decisions based upon what information and recommendations are coming from the Washington State Department of Health [DOH]."⁴

Early care and education includes:

- licensed child care in child care centers and family home providers;
- Early Childhood Education and Assistance Program (ECEAP), the state-funded preschool program;
- the federal Head Start program;
- subsidized child care programs, which are Working Connections Child Care and Seasonal Child Care; and
- license-exempt or informal child care including family, friend, and neighbor caregivers.

Other programs include Early Support for Infants and Toddlers (ESIT), which provides early intervention services, and various home visiting programs.

DCYF explained its scope and influence is limited because it is only responsible for child care licensing and subsidized child care and early learning programs. The graphic below shows the number of children ages birth through 12 and the number of children in different programs.⁵



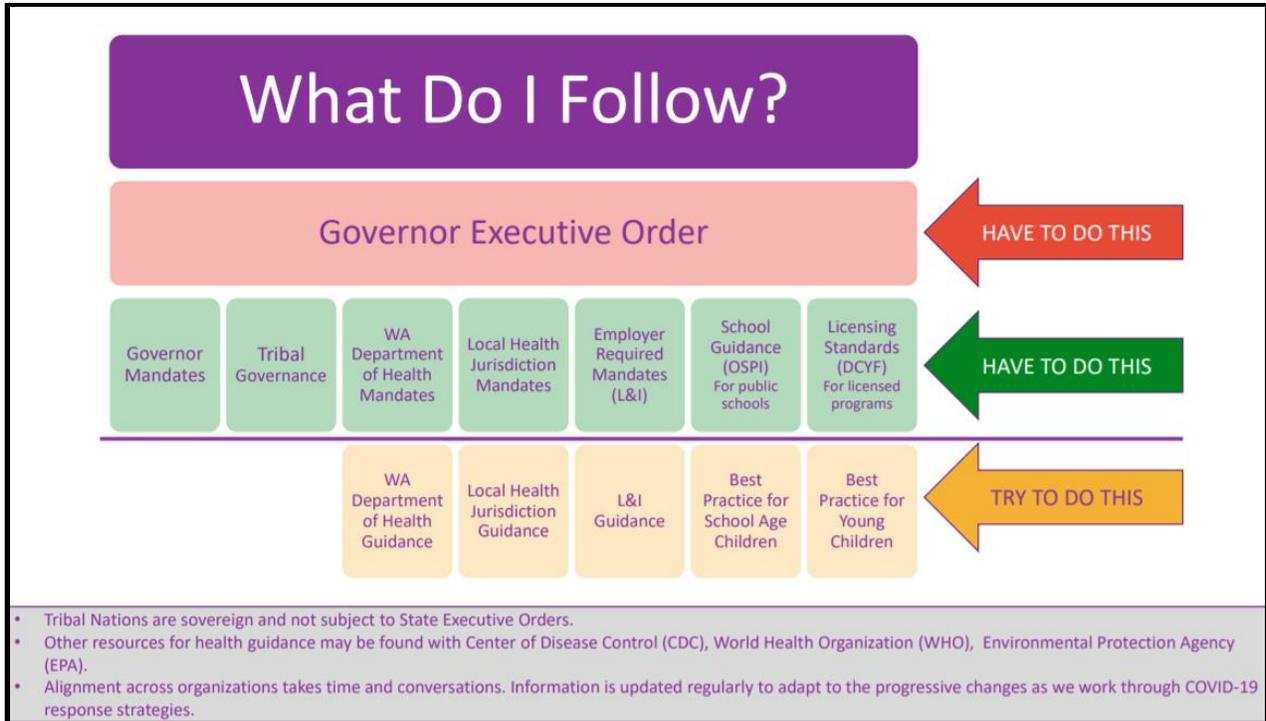
³ Essential Critical Infrastructure Workers (March 23, 2020), <https://www.governor.wa.gov/sites/default/files/WA%20Essential%20Critical%20Infrastructure%20Workers%2028Final%29.pdf>.

⁴ DCYF, Frequently Asked Questions for Early Learning and Child Care Settings, General Questions, <https://www.dcyf.wa.gov/coronavirus-covid-19/early-learning>.

⁵ DCYF, Work Session Presentation (December 4, 2020), <https://app.leg.wa.gov/committeeschedules/Home/Documents/28024?//EDU/////year>.

II. Summary of State Requirements and Guidance during COVID-19

Overview. DCYF created the following graphic to explain to child care providers what is required and encouraged during COVID-19.⁶



These mandates and guidance are summarized below.

Governor Executive Orders/Proclamations. On March 26, 2020, Governor Proclamation 20-31 waived and suspended requirements related to Early Achievers and finger-print background check requirements.⁷

Early Achievers. Early Achievers is the state's quality rating and improvement system for early care and education programs. Providers receiving state subsidies who are serving non-school age children must be enrolled in Early Achievers and meet certain rating deadlines. Governor Proclamation 20-31 stated, "It is necessary to immediately waive and suspend some of the statutory and regulatory Early Achievers Quality Rating and Improvement System requirements that delay child care providers from making child care available to the children of essential staff who are from low income families who require child care services during the COVID-19 pandemic."

⁶ COVID-19 Updates for Child Care Providers (June 30, 2020), <https://www.dcyf.wa.gov/sites/default/files/pdf/CCProviderWebinar06302020.pdf>.

⁷ Governor Proclamation 20-31 (March 26, 2020), <https://www.governor.wa.gov/sites/default/files/proclamations/20-31%20-%20COVID-19%20DCYF%20Child%20Care-Background%20Checks%20%28tmp%29.pdf>.

According to DCYF, all Early Achievers onsite ratings have been on hold since March 2020.⁸ Early Achievers coaching has moved to virtual coaching and is focusing on provider's immediate needs such as navigating health recommendations and requirements related to COVID-19. DCYF decided to retire previous data collection tools, the Environment Rating Scale and the Classroom Assessment Scoring System. DCYF is developing an alternative process to measure quality and plans to launch the new process in the summer of 2021.

Finger-Print Background Checks. The proclamation stated, "It is necessary to immediately waive and suspend statutes and rules that require fingerprint-based background checks before a person may be approved to have unsupervised access to children during the COVID-19 pandemic." DCYF reports that it has been conducting name and birthdate background checks while fingerprints are pending due to COVID-19. DCYF has announced that child care and early learning background check applicants must complete the fingerprint process in order to be compliant by January 1, 2021.

[Appendix B](#) shows the specific statutory language that has been waived and suspended. DCYF has adopted emergency rules that align with the proclamation. [Appendix A](#) is a table of DCYF emergency rules.

The proclamation has been extended multiple times and is currently set to expire on January 19, 2021 unless extended.⁹

DOH Mandates and Guidance. On July 24, 2020, the Secretary of Health issued Order 20-03.1 requiring anyone older than five years of age to wear a face covering when they are outside of their home except in certain circumstances.¹⁰

DOH has published a guide for child care, youth development, and day camps during the COVID-19 outbreak.¹¹ The guide includes mandates and guidance such as:

- prohibiting children, staff, vendors, parents/guardians, or guests on-site if they show symptoms of COVID-19 or have been in close contact with someone who has a confirmed or suspected case of COVID-19 in the last 14 days;
- screening all staff and children for sickness at entry each day;
- keeping group sizes to no more than 20 children, or the maximum group size allowed for a given age according to licensing requirements; and
- practicing physical distancing between people and between groups.

⁸ DCYF, Child Care and Early Learning Deep Dive Briefing (November 19, 2020).

⁹ Governor Proclamation 20.31.10 (December 8, 2020), https://www.governor.wa.gov/sites/default/files/proclamations/proc_20-31.10.pdf.

¹⁰ Secretary of Health Order 20-03.1 (July 24, 2020), https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/Secretary_of_Health_Order_20-03_Statewide_Face_Coverings.pdf.

¹¹ DOH, Child Care, Youth Development, and Day Camps during the COVID-19 (last updated September 4, 2020), <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/DOH-OSPI-DYCF-SchoolsChildCareGuidance.pdf>.

The guide applies to licensed and license-exempt child care, ECEAP, day camps, outdoor preschools, parent cooperatives, youth development programs, expanded learning opportunities, formal mentoring and tutoring programs, and child care, youth development, and summer days camps in K-12 facilities.

L&I Mandates and Guidance. The Department of Labor & Industries (L&I) requires employers to provide safe and healthy workplaces and to implement the Governor's order to prevent the spread of COVID-19.¹² L&I has published "Coronavirus (COVID-19) Prevention: General Requirements and Prevention Ideas for Workplace," which includes:

- mandatory social distancing;
- required frequent and adequate handwashing;
- required routine and frequent cleaning;
- procedures to address sick employees;
- required employee education;
- personal protective equipment; and
- other protective measures.¹³

DCYF Child Care Licensing. DCYF has not made changes to child care licensing requirements that specifically address health and safety requirements during COVID-19. DCYF "recommend[s] child care [providers] take the precautions that are normally recommended to prevent the spread of viruses in child care" and points to DOH guidance.¹⁴

DCYF has adopted emergency rules that allows it to issue emergency child care licenses during COVID-19 "to ensure a safe and healthy supply of child care services."¹⁵ See [Appendix A](#) for a summary of DCYF's emergency rules.

OSPI Early Learning Planning Guide. The Office of the Superintendent of Public Instruction (OSPI) convened three work groups focused on early learning and published an Early Learning Planning Guide.¹⁶ The guide includes recommended steps and considerations specific to school-based early learning programs for children ages 0-8 years old. The guide includes several implementation actions that address:

- recognizing the unique needs of young children;

¹² L&I, Coronavirus (COVID-19) Prevention: General Requirements and Prevention Ideas for Workplaces, <https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>; see also Washington Industrial Safety and Health Act, Chapter 49.17 RCW; Governor Proclamation 20.25.4 (May 31, 2020).

¹³ L&I Coronavirus (COVID-19) Prevention: General Requirements and Prevention Ideas for Workplaces, <https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>.

¹⁴ DCYF, Frequently Asked Questions for Early Learning and Child Care Settings, Screening, prevention and reacting to COVID-19 exposure, <https://www.dcyf.wa.gov/coronavirus-covid-19/early-learning>.

¹⁵ WSR 20-16-018 (July 23, 2020), <http://lawfilesexternal.wa.gov/law/wsr/2020/16/20-16-018.htm>.

¹⁶ OSPI Reopening Washington Schools 2020: Early Learning Planning Guide, <https://www.k12.wa.us/sites/default/files/public/communications/Reopening%20Washington%20Schools%202020%20Early%20Learning%20Planning%20Guide.pdf>.

- creating meaningful family connections;
- developing inclusive, culturally sustaining, anti-biased approaches;
- establishing strong community partnerships;
- supporting early learning transitions;
- planning for kindergarten/program registration;
- considering staff needs and responsibilities;
- providing professional learning specific to young students; and
- instructional considerations for early learners.

School-Community Partnerships Guide. DCYF and School's Out Washington, in collaboration with a number of state and local organizations, published a framework for ensuring students are learning, have child care if needed, and receive social-emotional support during COVID-19.¹⁷ The framework includes the following sections:

- knowing student challenges and goals and building strong partnerships;
- identifying potential partners;
- focusing on partnerships with child care;
- describing partnership examples; and
- listing resources and statewide organizations.

Head Start and Early Head Start. Early Head Start, which serves pregnant women and children who are not yet three years old, and Head Start, which serves children who are at least three and not in kindergarten, are voluntary federal programs that provide comprehensive services to children who meet certain eligibility requirements.

The federal Office of Head Start is allowing programs to determine what options or combination of options will work best for the 2020-21 program year.¹⁸ The office explains, "Since group sizes in centers will likely be smaller, programs may choose to provide home-based and virtual services for some or all enrolled children. Those service decisions could change throughout the 2020–21 program year as local conditions improve and stabilize."

Early Childhood Education and Assistance Program. ECEAP is the state-funded voluntary preschool program serving children ages three and four from low-income households, eligible for special education, or who have other risk factors. According to DCYF, ECEAP providers were not mandated to stay open or closed in the spring: "Decisions, such as voluntary closure during a health outbreak, are business decisions each facility makes on their own and in consultation with their local health department, tribal health jurisdiction, and ECEAP contractor (if applicable)."¹⁹

¹⁷ DCYF and School's Out Washington, School-Community Partnerships for Students during COVID-19, https://cdn.shopify.com/s/files/1/0515/3189/files/Partnerships_for_Students_During_COVID-19_-_FINAL_August_2020.pdf?v=1597696100.

¹⁸ Office of Head Start, Program Structure, <https://eclkc.ohs.acf.hhs.gov/about-us/coronavirus/program-structure>.

¹⁹ DCYF, ECEAP FAQ, On Closing, <https://www.dcyf.wa.gov/coronavirus-covid-19/eceap>.

In early spring, all ECEAP providers stopped in-person services; however, close to 700 slots eventually provided some in-person services.²⁰

DCYF has posted a number of FAQs on its website, which are "intended to provide guidance around how to safely care for children in care while ensuring the safety of the adults caring for them, and to support contractors in determining when they need to modify ECEAP services."²¹ Examples of nontraditional remote services include sending home learning materials/activities that align with curriculum, online platforms, virtual check-ins with families, providing food to families, and professional development.

Starting in the fall, implementation of ECEAP for the 2020-21 school year depends on the county's place in the phased re-opening plan, which is summarized in this graphic.²²

ECEAP Implementation in the 2020-21 School Year

Phase 1-	<ul style="list-style-type: none"> • Health Department determines the need for a site closure or reduced numbers at a site. • Comprehensive ECEAP services continue: <ul style="list-style-type: none"> • In-person for prioritized populations of children and families with staggered starts and alternating class sessions allowable • Remote for all other children and families
Phase 2-	<ul style="list-style-type: none"> • Health Department and/or Building Partners determine the opening of classrooms. • Comprehensive ECEAP services continue: <ul style="list-style-type: none"> • In-person expanded prioritized children and families, on alternating schedules or lower class sizes • Remote for the remaining time, with the exception of children and families who need full-time remote services
Phase 3-	<ul style="list-style-type: none"> • Building Partners determine the opening of classrooms • Comprehensive ECEAP services continue: <ul style="list-style-type: none"> • In-person for most children and families, on alternating schedules or lower class sizes • Remote for the remaining time, with the exception of children and families who need full-time remote services
Phase 4	<ul style="list-style-type: none"> • Restriction No Longer in Place and vaccine is partially available • Comprehensive ECEAP services continue: <ul style="list-style-type: none"> • In person for all children and families; back to mostly normal services with some COVID-related adjustments as still needed, such as masking, social distancing, increased sanitation and individualization for families with medically vulnerable individuals


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²⁰ DCYF, Legislative Briefing (October 7, 2020), Slide 10.

²¹ DCYF, ECEAP FAQ, <https://www.dcyf.wa.gov/coronavirus-covid-19/eceap>.

²² DCYF, Legislative Briefing (October 7, 2020), Slide 17.

DCYF summarized the ECEAP core requirements for the 2020-21 school year in the following graphic.²³

ECEAP Requirements in 2020-21*

Education	Family Support	Health	Admin/Enrollment
<ul style="list-style-type: none"> Child assessment Educational activities tied to curriculum Curriculum planning Individualization for children Differentiated learning supports for DLL, Children on IEP's and black/indigenous children of color 	<ul style="list-style-type: none"> Family assessment Mobility Mentoring activities (goal setting, meetings, follow-ups) Connecting families with resources Family education, connection and leadership opportunities Ensuring translation and interpretation for families who need it continues 	<ul style="list-style-type: none"> Ongoing food support and coordination Health screenings Health coordination 	<ul style="list-style-type: none"> COVID related professional development for staff Enrollment requirements continue Submittal of service delivery planning structure for the year & updates as needed Prioritization of children receiving in-person classroom services

*The requirements represented here are core ECEAP requirements. This is not an exhaustive list of all ECEAP Requirements in 2020-21


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For ECEAP programs providing in-person services, programs must adhere to guidance from the Centers for Disease Control and Prevention (CDC) and local health officials.²⁴

Early Support for Infants and Toddlers (ESIT). Part C of the federal Individuals with Disabilities Education Act (IDEA) provides early intervention services for infants and toddlers, birth to age three, who have disabilities or developmental delays. DCYF is the lead agency for the state's program called ESIT.

Providers can offer tele-intervention to families who typically have in-person services. DCYF reports that a majority of services are being delivered through virtual and remote formats primarily via videoconference but also phone and non-synchronous video exchange between families and providers.²⁵ DCYF has posted FAQs and guidance on their website that address a variety of topics including regulatory guidance, continuity of operations, fiscal and contract requirements, practice, and school district closures.²⁶

According to DCYF, "Qualitative reports from the field suggest any potential cost savings realized by a reduction in travel costs have been absorbed by expenses related to technology (e.g., staff and

²³ DCYF, Legislative Briefing (October 7, 2020), Slide 18.

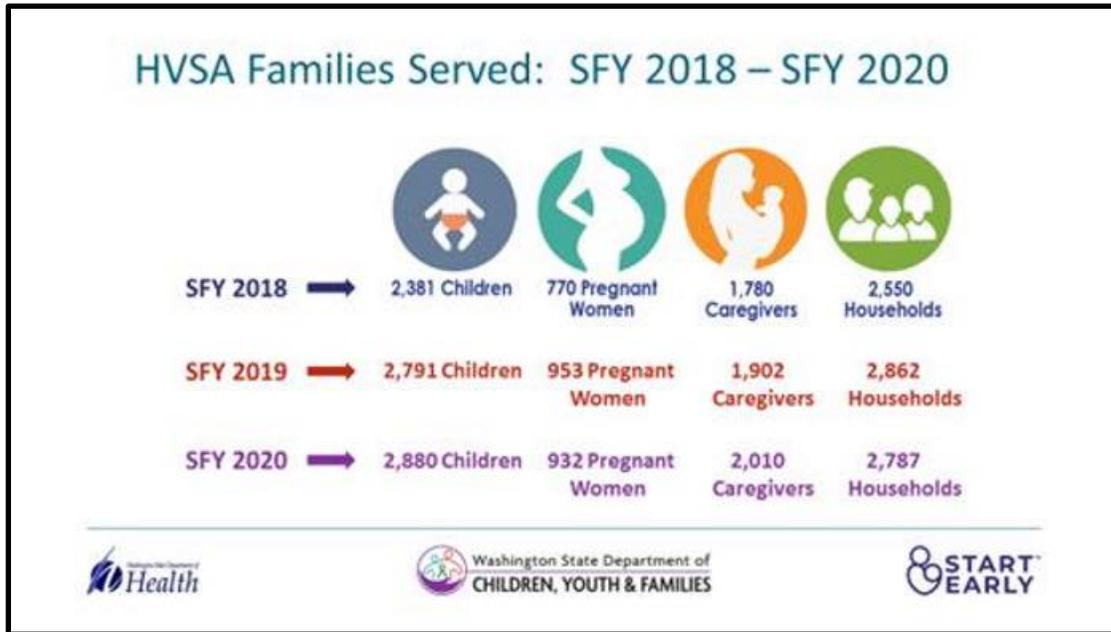
²⁴ Office of Head Start, Opening and Operating In-Person Services, <https://eclkc.ohs.acf.hhs.gov/about-us/coronavirus/opening-operating-person-services>.

²⁵ DCYF, Child Care and Early Learning Deep Dive Briefing (November 19, 2020).

²⁶ DCYF, COVID-19 Updates, ESIT, <https://www.dcyf.wa.gov/coronavirus-covid-19/esit>.

parent training, software licensing that supports secure video platforms and electronic signatures, tablets, and hotspots)."²⁷

Home Visiting. Home visiting programs provide support and education to expectant parents and new families. Home visiting programs are voluntary and typically offer an array of in-person services to families based on the objectives of the program and needs of the family. The Home Visiting Services Account (HVSA) was created to use state, federal, and private funding to support home visiting programs. The following graphic shows how many children and families were served through HVSA for the last three fiscal years.



With the outbreak of COVID-19, in-person home visiting was halted. According to DCYF, the department expects "home visiting providers to continue to engage with families to the extent possible during [the] time that face-to-face visits are not happening."²⁸ DCYF has posted FAQs and guidance online that address a variety of topics including virtual visits, documentation, contracts, and other topics.²⁹

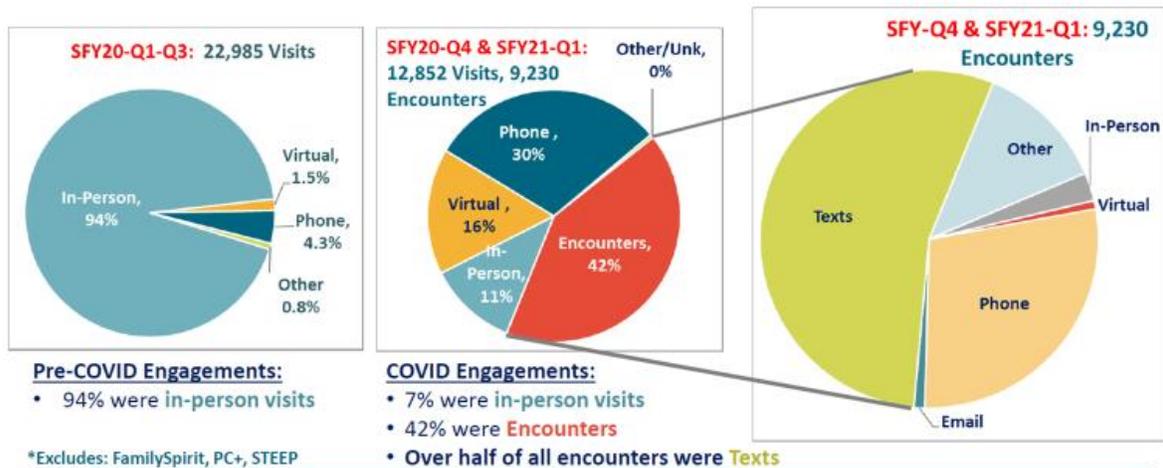
DOH, DCYF, and Start Early created the following graphic to show the types of engagement home visitors had with families in fiscal year 2020 and fiscal year 2021.

²⁷ DCYF, Child Care and Early Learning Deep Dive Briefing (November 19, 2020).

²⁸ DCFY, COVID-19 Updates, Home Visiting, <https://www.dcyf.wa.gov/coronavirus-covid-19/home-visiting>.

²⁹ DCFY, COVID-19 Updates, Home Visiting, <https://www.dcyf.wa.gov/coronavirus-covid-19/home-visiting>.

Engagement Types* SFY20 & SFY21



III. Industry Impact: Closures and System Resiliency

Early Care and Education Closures. During the response to COVID-19, child care was deemed an essential service, and child care providers were not required to close. The supply of licensed child care dropped by 27 percent between February and June 2020.³⁰

DOH rule requires licensed child care providers to notify appropriate local health officers when it becomes aware of the presence of a contagious disease at the facility.³¹ When there is an outbreak of a contagious disease and there is the potential for a case or cases within a school or licensed child care facility, the local health officer, after consultation with the secretary of health, must take all appropriate actions deemed necessary to control or eliminate the spread of the disease within their local health jurisdiction including:

- closing part or all of the affected schools or child care facilities;
- closing other schools or child care facilities;
- canceling activities or functions; and
- excluding any students, staff, and volunteers who are infections, or exposed and susceptible to the disease.³²

³⁰ Department of Commerce, Washington State Child Care Industry Assessment (July 1, 2020), page 16.

³¹ WAC 246-110-010; WAC 246-110-020.

³² WAC 246-110-020.

DOH Outbreak Data. Local health jurisdictions are asked to report outbreaks to DOH.³³ An outbreak in a non-healthcare congregate setting is defined by meeting the following criteria:

- two or more laboratory positive COVID-19 cases;
- at least two of the cases have symptoms onset dates within 14 days of each other; and
- plausible epidemiological evidence of transmission in a shared location other than a household is observed.

As of October 24, 2020, a total of 1273 non-healthcare associated COVID-19 outbreaks were reported.³⁴ Child care was the fourth highest setting category with 81 outbreaks reported. Thirty-four outbreaks had been reported for K-12 schools.

DCYF Closure Data. On May 7, 2020, DCYF adopted an emergency rule that requires all licensed early learning and child care providers to report the following information to DCYF via the electronic provider portal (COMPASS):

- a voluntary or involuntary closure of the program within 24 hours of such closure; and
- a current accounting of vacant slots for each age group the provider is licensed to serve.³⁵

According to DCYF, as of September 16, 2020, 16 percent of providers were temporarily closed due to COVID-19, which is 874 providers and represents 21.6 percent of license capacity.

The following graphic created by DCYF shows the license capacity of open child care providers from March to November.³⁶

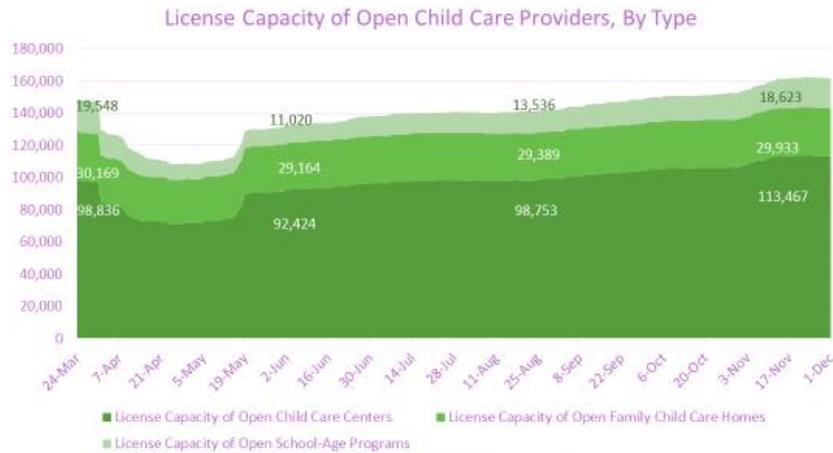
³³ DOH, Statewide COVID-19 Outbreak Report (October 29, 2020), <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/StatewideCOVID-19OutbreakReport.pdf>.

³⁴ DOH, Statewide COVID-19 Outbreak Report (October 29, 2020), <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/StatewideCOVID-19OutbreakReport.pdf>.

³⁵ [WSR 20-11-001](#) (May 7, 2020).

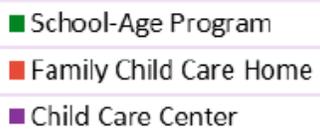
³⁶ DCYF, Work Session Presentation (December 4, 2020), <https://app.leg.wa.gov/committeeschedules/Home/Documents/28024?//EDU////year>.

Annual Child Care Capacity & Temporary Closures



DCYF also provided the following graphic, which shows the number of permanent child care license closures by facility type compared with 2019. These permanent closures do not include facilities temporarily closed because of COVID-19.³⁷

	2019	2020
Total license closures	458	332
Total new licenses*	431	280
Total closed capacity	7,827	7,930
Total new capacity	13,255	6,492



³⁷ DCYF, Early Learning Data Snapshot (December 1, 2020), <https://www.dcyf.wa.gov/sites/default/files/pdf/el-datasnapshot.pdf>.

Child Care Aware Data. CCA has been collecting data from child care providers, and updates this data weekly, including:

- provider supply concerns including breakdowns by region;
- child care vacancies by age group;
- enrollment and workforce loss;
- operational status as to open or closed; and
- percent decrease in capacity due to COVID-19 guidance.

See [Appendix C](#) for this data as of December 2020.

Recent Data Dashboards. As part of the Child Care Collaborative Task Force's work, a contractor, ICF, created a child care industry insights dashboard that shows potential child care deserts, child care capacities by county and zip code, and a percentage of income spent on child care.³⁸

In response to COVID-19, Child Care Aware published a child care supply dashboard that shows providers who are open or temporarily closed by zip code, and the estimated number of open vacancies.³⁹

Washington STEM also created a dashboard that shows available child care by zip code and the cost of child care by county.⁴⁰

Nationwide List of Child Care Surveys and Data Analyses. The Urban Institute has published a list of national, state, and local surveys that have collected information to better understand the needs of families and child care providers during COVID-19.⁴¹ The list compiles survey instruments, findings, and data analyses.

Washington State Child Care Industry Assessment. As directed by 2SHB 1344 (2019), the Department of Commerce contracted with ICF to publish a regional assessment of the child care industry.⁴² The industry assessment will inform the Child Care Collaborative Task Force's

³⁸ ICF, Washington Child Care Industry Insights Dashboard (July 1, 2020), <https://deptofcommerce.app.box.com/s/ffkiwt64nj02kbhs8iuffzaoym690dep>.

³⁹ Child Care Aware, Washington Child Care Supply: COVID-19, <https://www.arcgis.com/apps/webappviewer/index.html?id=b42f96711a4648d09a00f4de66ad5ccb&extent=-14012137.7068%2C5692393.9504%2C-12833172.9826%2C6319789.0785%2C102100>.

⁴⁰ Washington STEM Dashboard (2020), https://tableau.strivetoegether.org/t/GraduateTacoma/views/SotC_Childcare_r3/Childcare?%3Aiid=1&%3AisGuestRedirectFromVizportal=y&%3Aembed=y.

⁴¹ Urban Institute, A List of COVID-19 Child Care Surveys and Data Analyses, https://www.urban.org/policy-centers/center-labor-human-services-and-population/projects/list-covid-19-child-care-surveys-and-data-analyses?cm_ven=ExactTarget&cm_cat=LHP_CCDF+Webinar+Series+COVID+Surveys+%26+Procurement_CCDf+list&cm_pla=All+Subscribers&cm_ite=List+of+COVID-19+Child+Care+Surveys+and+Data+Analyses&cm_ainfo=&&utm_source=urban_EA&&utm_medium=email&&utm_campaign=ccdf_webinars&&utm_term=lhp&&utm_content=ccdf_admins.

⁴² Department of Commerce, Washington State Child Care Industry Assessment (July 1, 2020), <https://www.commerce.wa.gov/wp-content/uploads/2020/08/Child-Care-Collaborative-Task-Force-Industry-Assessment-Report.pdf>.

upcoming reports. The industry assessment focuses on systemic capacity issues that existed prior to COVID-19 and includes:

- a description of the supply and demand for child care;
- a geospatial analysis of the drive time distance to available child care;
- summaries of three approaches to understanding Washington families' needs and preferences for care (i.e., parent survey, parent engagement sessions, and state employee survey);
- a literature review of previous findings on child care; and
- an economic impact analysis that measured and projected the economic and fiscal impacts of limited access to child care in Washington state over a 10-year period.⁴³

The industry assessment also includes the findings of an informal poll of 21 centers and family home providers regarding how COVID-19 has impacted their programs. Some of the findings include:

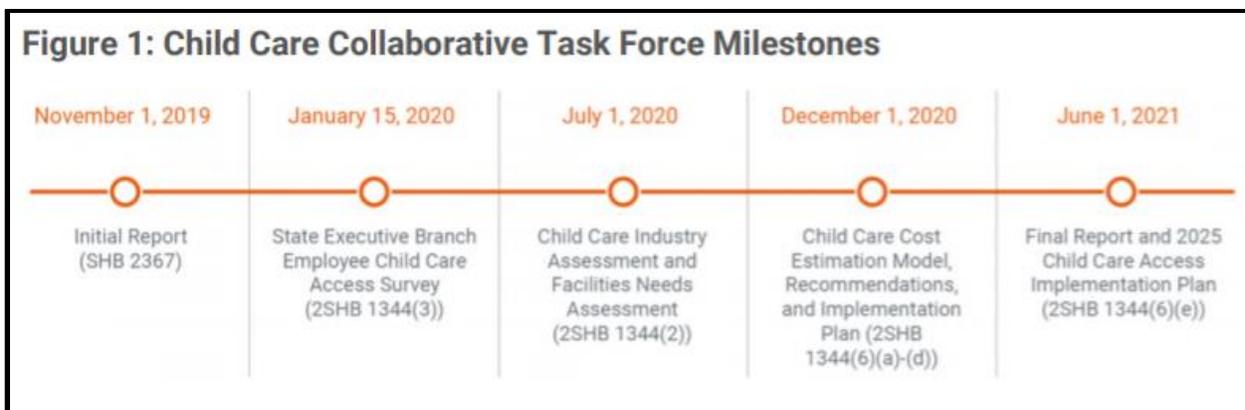
- providers are experiencing an incredible loss of income;
- operating a child care program during this pandemic is expensive and confusing;
- ongoing effects of the pandemic on child care supply and demand are hard to predict;
- essential supports aiding the ability of child care programs to remain open have either run out or will soon;
- the K-12 situation continues to be in flux, putting more pressure on both providers and parents;
- the responsibility to fill the gap for school-age families will fall into to child care providers without financial or supplies support;
- providers are reporting an increase in behavioral challenges in their programs; and
- operating child care programs during the pandemic offers great risk with few public supports or recognition.⁴⁴

Child Care Collaborative Task Force's Report. 2SHB 1344 (2019) directed this task force to submit several reports to the Legislature and Governor. The following graphic from a recent report provides an overview of these tasks.⁴⁵

⁴³ Department of Commerce, Washington State Child Care Industry Assessment (July 1, 2020), page 8.

⁴⁴ Department of Commerce, Washington State Child Care Industry Assessment (July 1, 2020), page 12-13.

⁴⁵ Department of Commerce, Washington State Child Care Industry Assessment (July 1, 2020), page 4.



In December 2020, the task force was directed to submit a report that includes recommendations on certain topics:

- a tool for modeling the costs associated with providing licensed child care at varying levels of quality based on Early Achievers;
- workforce compensation policy recommendations; and
- policy recommendations and an implementation plan to improve child care subsidies offered through the Working Connections Child Care program.⁴⁶

The Task Force began developing the child care cost model but was unable to collect financial information from providers as originally planned due to COVID-19. The task force's recommendations can be found in their final report.⁴⁷

IV. Access to Supplies and Resources

Department of Children, Youth, and Families. DCYF reports that child care providers are experiencing impacts to their business model due to the pandemic, which include additional costs related to increased cleaning and personal protective equipment (PPE), and families making different choices about sending their children to care. Based on work with the Emergency Management Department, DCYF advises child care providers to procure PPE in the open market. If they are unable to procure supplies in the open market, they can contact their local city, county or Tribal emergency management authority to submit a PPE request.⁴⁸ For the purposes of PPE prioritization, child care providers fall under Tier 3.⁴⁹

Child Care Aware of Washington (CCA) and Department of Commerce. CCA is the statewide child care resource and referral network. CCA is conducting weekly surveys of child care

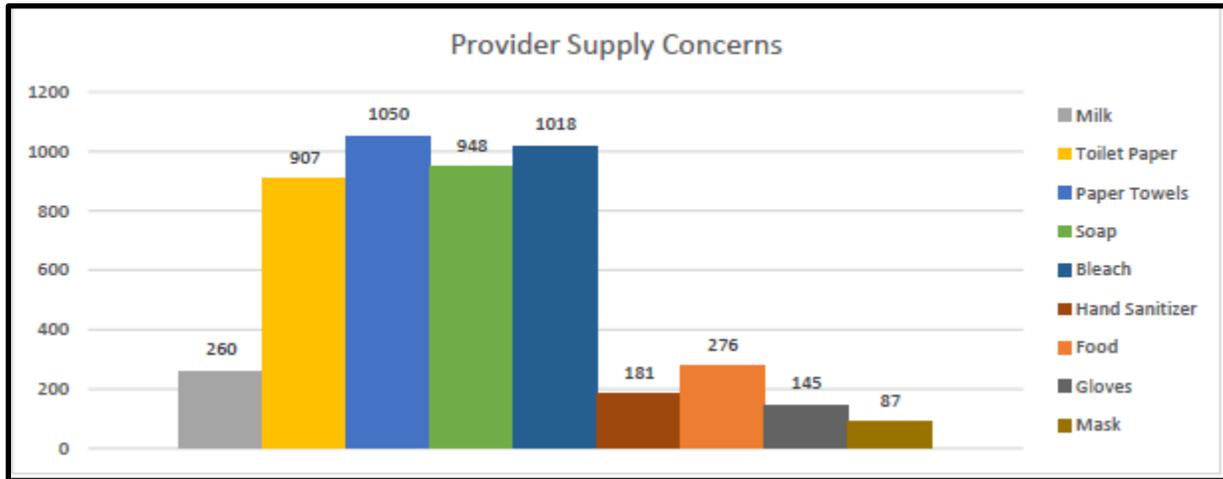
⁴⁶ RCW 43.330.527.

⁴⁷ Child Care Collaborative Task Force, 2020 Child Care Policy Recommendations (December 1, 2020), <https://www.commerce.wa.gov/wp-content/uploads/2020/12/Dec-2020-C3TF-Legislative-Report-FINAL.pdf>.

⁴⁸ DCYF provided a list of County/City/Tribal Emergency Coordinators, <https://mil.wa.gov/asset/5d4b1e1b82859>.

⁴⁹ See DOH's Interim Prioritization Guidelines for Allocation of Personal Protective Equipment (April 29, 2020), <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/PPEPrioritizationofAllocation.pdf>.

providers to determine overall and regional supply concerns. As of October 2020, the top supply concerns were paper towels, bleach, soap, and toilet paper.



In July 2020, Commerce provided a \$120,000 emergency grant to help CCA purchase needed supplies through a bulk purchasing plan.⁵⁰ CCA reported it was also able to secure investments from foundations and individuals to distribute large donations of supplies.⁵¹

Other Organizations. Several other organizations are focused on providing access to supplies and resources. Below are two examples.

Restart Partners. This nonprofit organization was created in response to COVID-19. It has been distributing donated masks and providing resources throughout the state. In November, it planned to distribute one million child-size masks to marginalized communities. Restart Partners is working with several organizations, including CCA and School's Out Washington, to help distribute masks, which were donated by FLTR.⁵²

Restart Partners also collects and points to existing resources including guidance aimed at children like a Sesame Street video⁵³ and comics.⁵⁴

All In WA. This nonprofit organization is described as "a coalition of public officials, companies, philanthropic leaders, community foundations, United Way organizations, frontline nonprofits, and individuals" that is providing emergency support for workers and families most impacted by

⁵⁰ Commerce, Child Care Aware team up to supply child care centers (July 7, 2020), <https://www.commerce.wa.gov/news-releases/community-grants/commerce-child-care-aware-team-up-to-supply-child-care-centers/>.

⁵¹ Child Care Aware, Donate to Supplies Fund, <https://childcareawarewa.org/donate/>.

⁵² FLTR, <https://www.fltr.com/product-page/kids-essentials-pack-masks-sanitizer-mask-pouches-1>.

⁵³ Sesame Street in Communities, "Fluffster Wears a Mask" (September 21, 2020), <https://www.youtube.com/watch?v=wRYfw5hIWwM>.

⁵⁴ Bella + Canvas, "Downloadable Resources for Your Class," <https://www.bellacanvas.com/masksforkids>.

COVID-19.⁵⁵ All In WA's Child Care Initiative plans to provide grants totaling at least \$3 million. It plans to prioritize child care business owners who are Black, Indigenous, and People of Color (BIPOC) and businesses in rural and remote areas that serve a high percentage of essential workers or BIPOC children. All In WA provides the following uses for the grants:

- "Close the revenue gap due to lost capacity and/or enrollment so that they can remain open during a period of under-enrollment."
- "Provide scholarships to financially vulnerable families, especially essential workers, who are not eligible for public subsidy or offset the cost of out-of-pocket co-pays for families who do receive public subsidies."
- "Purchase supplies and equipment to meet new COVID-related safety and hygiene guidelines."⁵⁶

The grant awards are expected to be announced in December.

Resources for Child Care Providers. CCA's website lists a number of resources and potential financial supports for child care small businesses.⁵⁷ Resources address a number of topics including information about unemployment benefits, health insurance, leave options, available grants, business supports and resources, and other guidance.

Resources for Families. DCYF published a resource guide titled "Caring for your Family during COVID-19."⁵⁸ The guide includes:

- resources including helplines and establishing schedules and plans;
- knowledge of parenting and of child and youth development including social and emotional development;
- ways for parents to cope; and
- ideas for social connections.

DOH published "Behavioral Health Toolbox for Families: Supporting Children and Teens during the COVID-19 Pandemic."⁵⁹ It discusses:

- the emotional impacts of COVID-19 on toddlers and preschool children, school-age children, and teens;
- the impacts of disasters on education; and
- self-care for parents and caregivers.

⁵⁵ All In WA, <https://allinwa.org/about/>.

⁵⁶ All In WA, Child Care Initiative Grant Guidelines, <https://allinwa.org/wp-content/uploads/2020/10/All-In-WA-COVID-Relief-Fund-Child-Care-Initiative-Guidelines-10-8-20.pdf>.

⁵⁷ CCA COVID-19 - What Can Child Care Providers Do?, <https://www.commerce.wa.gov/news-releases/community-grants/commerce-child-care-aware-team-up-to-supply-child-care-centers/>.

⁵⁸ DCYF, Washington State Resource Guide for Parents and Caregivers: Caring for Your Family during COVID-19 (May 2020), <https://www.dcyf.wa.gov/news/covid-19-resource-guide-washington-state-parents-and-caregivers-english-spanish>.

⁵⁹ DOH, Behavioral Health Toolbox for Families: Supporting Children and Teens During the COVID-19 Pandemic (July 2020), <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/BHG-COVID19-FamilyToolbox.pdf>.

The Office of the Education Ombuds published a checklist for families and schools titled "Back to School Planning for Remote Learning."⁶⁰

The state's COVID-19 response website includes a section for families that contains links to programs and services.⁶¹ Links include information about face masks, financial, food and housing, insurance, internet access, mental health and well-being, child care, and other information.

V. Access to Supports and Relief for Providers and Families

Emergency Rules regarding Subsidized Child Care Programs. The Governor's proclamation declaring a state of emergency due to COVID-19 directed state agencies to "do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak."⁶² DCYF adopted a number of emergency rules impacting the Working Connections (WCCC) and Seasonal Child Care (SCC) programs citing the "particular challenges to the availability of quality early learning and child care services for families with low incomes."⁶³

Appendix A includes a table of DCYF's emergency rules related to COVID-19. Below is a summary of the emergency rules related to WCCC and SCC by topic.

Enrollment-Based Payments. Generally, a child care provider receiving subsidies can only claim a payment if a child has attended at least one day in a month. DCYF adopted an emergency rule that provided an exception and allowed providers to submit a claim for payment based on enrollment, rather than attendance, from March 16 through August 31, 2020.⁶⁴

Electronic Recordkeeping. For a provider to be eligible for a WCCC or SCC payment, the provider must use DCYF's electronic attendance recordkeeping system, or another system preapproved by DCYF. DCYF explains, "Believing that electronic recordkeeping may be a barrier to participation in subsidy programs, especially without available training, the department is issuing automatic electronic recordkeeping extensions with each new approval."⁶⁵

Copayments. Generally, a child care provider must collect copayments directly from the consumer within the previous 60 days. DCYF adopted an emergency rule that waived the copayment requirement for families by providing an exception for the months of April, May, and June 2020,⁶⁶

⁶⁰ OEO, Back to School Planning for Remote Learning (September 2020), https://oeo.wa.gov/sites/default/files/public/Back_to_School_Planning_for_Remote_Learning_English_2020_08_17.pdf.

⁶¹ Washington State Coronavirus Response (COVID-19), For you and your family, <https://coronavirus.wa.gov/you-and-your-family>.

⁶² Governor Proclamation 20-05 (February 29, 2020), https://www.governor.wa.gov/sites/default/files/20-05%20Coronavirus%20%28final%29.pdf?utm_medium=email&utm_source=govdelivery.

⁶³ See DCYF, CR-103E forms, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/emergency-rules>.

⁶⁴ WSR 20-080-026 (March 23, 2020), <http://lawfilesexternal.wa.gov/law/wsr/2020/08/20-08-026.htm>; WSR 20-16-043 (July 27, 2020), <http://lawfilesexternal.wa.gov/law/wsr/2020/16/20-16-043.htm>.

⁶⁵ WSR 20-09-053 (April 8, 2020), <http://lawfilesexternal.wa.gov/law/wsr/2020/09/20-09-053.htm>.

⁶⁶ WSR 20-09-140 (April 21, 2020), <http://lawfilesexternal.wa.gov/law/wsr/2020/09/20-09-140.htm>.

and adopted another emergency rule that provided an exception for the months of October, November, and December 2020.⁶⁷

DCYF also adopted a rule instituting a cap of \$115 for payments paid by WCCC and SCC participants.⁶⁸ DCYF explained it intends for this cap to be in place from January to June 2021.

Approved Activities and Benefit Calculations. Generally, a consumer must participate in an approved activity to be eligible for WCCC and SCC. DCYF adopted an emergency rule that allowed consumers who applied for an eligibility redetermination in March, April, May, or June 2020 to be considered as having an approved activity if their previously approved activity is no longer available because of COVID-19.⁶⁹

DCYF also made changes to the units of authorized care for school-age children.⁷⁰

Rates. DCYF adopted several rules related to WCCC and SCC rates:

- established a partial monthly WCCC and SCC rate for school-age children to comply with an agreement between DCYF and family home child cares' representative;⁷¹
- increased the number of half-day units for school-aged child care during April and May for families experiencing homelessness;⁷²
- increased rates for licensed child care providers.⁷³

Early Achievers. As previously described, Governor proclamations have waived and suspended requirements related to Early Achievers. DCYF adopted emergency rules that align with the proclamation by suspending rating deadlines for the Early Achievers program.⁷⁴

Federal Funding. According to the Office of Financial Management, "[t]he federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020, appropriated approximately \$2.95 billion to state and local governments in Washington state to help fund the response to the COVID-19 outbreak."⁷⁵ These funds include:

- \$786 million directly to local governments with populations of 500,000 or more;
- \$297 million to the state to be passed on to smaller governments that did not receive direct distributions; and
- \$1.87 billion directly to the state to allocate for various COVID-19 expenses.

⁶⁷ WSR 20-20-058 (October 1, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/20/20-20-058.htm>.

⁶⁸ WSR 20-22-040 (October 27, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/22/20-22-040.htm>.

⁶⁹ WSR 20-13-032 (June 9, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/13/20-13-032.htm>.

⁷⁰ WSR 20-13-032 (June 9, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/13/20-13-032.htm>.

⁷¹ WSR 20-09-136 (April 21, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/09/20-09-136.htm>.

⁷² WSR 20-09-138 (April 21, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/09/20-09-138.htm>.

⁷³ WSR 20-14-075 (June 29, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/14/20-14-075.htm>.

⁷⁴ WSR 20-16-072 (July 29, 2020), <http://lawfilesext.leg.wa.gov/law/wsr/2020/16/20-16-072.htm>.

⁷⁵ OFM, Federal Funds Distributed for COVID-19 Outbreak Response, <https://ofm.wa.gov/budget/covid-19-budget-information-agencies/federal-funds-distributed-covid-19-outbreak-response>.

The table below shows how much of the \$1.87 billion has been spent on child care and early learning.

Date & UAR Number	Recipient	Amount	Fund Source	Purpose
6/29/2020, UAR #0078	DCYF	\$61.4 million ⁷⁶ Reduced to \$44.5 million on 12/21/2020 ⁷⁷	Coronavirus Relief Funds	<ul style="list-style-type: none"> Child care sustainability grants (\$29 million) - One time grants to licensed child care and family, friend, and neighbor caregivers ECEAP summer support services (\$8 million) - Maintain ECAP support services for July through October⁷⁸ WCCC policy changes (\$24 million) - Waiver of the parent copay, automatic reauthorization from part-day to full-day care for school-age children, and changes to reauthorization requirements Non-profit youth development grants (\$9.8 million)
6/30/2020, UAR #0024	DCYF	\$32 million	Child Care Development Fund (CARES Act)	<ul style="list-style-type: none"> Swaps CCDF for general fund-state funding, to pay for the WCCC rate increase funded in the 2020 Supplemental Budget (later amended by UAR #0112)
8/21/2020 UAR #0200	OSPI	\$8.1 million ⁷⁹	Elementary and Secondary School Emergency Relief (ESSER) funds	<ul style="list-style-type: none"> Competitive grants to community-based organizations (CBOs) to support student learning in partnership with school districts
9/8/2020, UAR #0108	DCYF	\$45.1 million ⁸⁰	Coronavirus Relief Funds	<ul style="list-style-type: none"> WCCC enrollment-based payments in lieu of attendance based billing to account for fluctuating attendance and provide predictable revenue (later amended by UAR #0148)

⁷⁶ OFM Memo to DCYF (June 29, 2020), https://ofm.wa.gov/sites/default/files/public/legacy/agencycommunications/FY2020/CARES_Act_Funding_for_DC_YF.pdf.

⁷⁷ OFM Memo to DCYF (December 21, 2020), <https://ofm.wa.gov/sites/default/files/public/legacy/agencycommunications/FY2020/Amend%20CARES%20Act%20Allocation%20-%20DCYF%20-%20Child%20Care%20and%20ECEAP.pdf>.

⁷⁸ The original June memo allowed this funding to be spent in July and August. An October memo extended the time frame through October 31, 2020. OFM Memo to DCYF (October 26, 2020), <https://ofm.wa.gov/sites/default/files/public/legacy/agencycommunications/FY2021/Amended%20CARES%20Act%20Allocation%20-%20DCYF%20-%20ECEAP%20Timeline%20Extension.pdf>.

⁷⁹ OFM Memo to OSPI (August 21, 2020), <https://ofm.wa.gov/sites/default/files/public/legacy/agencycommunications/FY2021/Allocation%20of%20ESSER%20Funds%20-%20OSPI%20-%20CBOs%20to%20Support%20Student%20Learning.pdf>.

⁸⁰ OFM Memo to DCYF (September 8, 2020), <https://ofm.wa.gov/sites/default/files/public/legacy/agencycommunications/FY2021/CARES%20Act%20Allocation%20-%20DCYF%20-%20FY%202020%20COVID%20Response%20Activities.pdf>.

9/21/2020, UAR #0112	DCYF	\$78 million ⁸¹	Coronavirus Relief Funds	<ul style="list-style-type: none"> • WCCC child care monthly family co-pay assistance and caseload and per cap increases (\$10 million) - Waives monthly co-pay and accounts for caseload growth due to copay waiver from October - December 2020 • WCCC and child welfare child care full-day care (\$7 million) - Allows school-age children in these programs to receive full-day care during the school year • Emergency school-age child care for essential workers (\$11 million) - One-time reimbursement for school-age programs for free child care provided during March - June • Educational supports for extended foster care and foster families with school-age children or youth (\$4 million) • Child care grants (\$30 million) - One-time grants to child care providers to help them reopen, remain open and expand subsidy slots • WCCC rate increase/fund swap (\$16 million) - Swaps CRF for CCDF allocated toward the WCCC rate increase for July-December (amends UAR #0024, above.)
10/28/2020, UAR #0148	DCYF	\$40.6 million	Coronavirus Relief Fund	<ul style="list-style-type: none"> • WCCC enrollment-based payments (\$33 million) - Swaps CRF for CCDF and GF-S allocated toward the enrollment-based payment policy in FY20 (amends #0108 above) • Retainer payments for visitation and in-home services (\$7 million) -Swaps CRF for GF-S in FY20 • Technology purchases (\$0.5 million) - For providers and clients in Children and Family Services

COVID-19 Grants for Child Care Providers. As mentioned in the table in the previous section, federal funding has been used to provide COVID-19 grants to providers. More details about these grants are provided below.

Spring Child Care Grants. These first-come, first-serve grants were available to licensed child care providers who were open as of May 15, 2020 and agreed to remain open through July 31, 2020.⁸² Funds were available in three amounts and were based on licensed capacity as follows:

⁸¹ OFM Memo to DCYF (September 21, 2020),

<https://ofm.wa.gov/sites/default/files/public/legacy/agencycommunications/FY2021/CARES%20Act%20Allocation%20-%20DCYF%20-%20Child%20Care%20Relief.pdf>.

⁸² DCYF, Child Care COVID-19 Grant Update (June 2, 2020).

- Small providers (0-49): \$6,500
- Medium providers (50-99): \$11,500
- Large providers (100+): \$14,000

Funds were to be used for costs such as facility or space rent costs, utilities, health and safety or cleaning supplies, staff compensation, or benefits and food.

Fall Child Care Grants. These grants, which were awarded based on priority scoring, were available to licensed child care providers who agreed to remain open and serve children through the end of the 2020-21 school year and who meet one of the following criteria:

- **Sustainability criteria:** Providers who have been open and providing care throughout the pandemic and did not previously receive a DCYF Child Care COVID-19 Grant. **Open providers that did previously receive a DCYF Child Care COVID-19 Grant may be eligible for a difference payment if the grant amount was less than the amount currently offered.*
- **Reopening criteria:** Providers who were temporarily closed and have now opened and did not receive a previous DCYF Child Care COVID-19 Grant because they were closed. Providers must be open at the time of their application.
- **Expansion criteria:** Providers who started serving school-age children or who are newly authorized to serve children accessing subsidy, or expanded how they offer care (such as expanded hours, serving school-age children full-day instead of before and after school) as a result of the pandemic.⁸³

The amount of grant depends on licensed capacity and additional funding is provided to providers in communities of concern.⁸⁴ DCYF identified communities of concern based on Community Outcome and Risk Evaluation (CORE) data and includes 22 counties.⁸⁵ DCYF created the following table to show the different grant amounts:⁸⁶

⁸³ DCYF, Fall Child Care COVID-19 Grant, <https://www.dcyf.wa.gov/coronavirus-covid-19/early-learning/covid19-grant>; DCYF Fall Child Care Grant Eligibility Flowchart, https://www.dcyf.wa.gov/sites/default/files/pubs/EPS_0036.pdf.

⁸⁴ DCYF, Fall Child Care COVID-19 Grant, <https://www.dcyf.wa.gov/coronavirus-covid-19/early-learning/covid19-grant>.

⁸⁵ DCYF identified the following counties as "communities of concern": Asotin, Clallam, Cowlitz, Ferry, Grays Harbor, Jefferson, Kitsap, Klickitat, Lewis, Mason, Okanogan, Pacific, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, and Yakima.

⁸⁶ DCYF, Work Session Presentation (December 4, 2020), <https://app.leg.wa.gov/committeeschedules/Home/Documents/28024?//EDU/////year>.

The amount of children a site can serve based on licensed capacity	Grant Amount	Additional funding amount for providers in communities of concern*
32 or less	\$6,500	\$650
33-199	\$200 x licensed capacity	10% of grant amount
200+	\$40,000	\$4,000
Difference Payment	Difference of current grant amount minus previous grant amount	10% of difference payment amount

Grants were awarded in December with 3129 providers receiving a grant totaling \$29.7 million.

Child Care Partnership Grants. Commerce distributed two rounds of grants to child care providers totaling \$3.16 million.⁸⁷ To be considered for grant funding, projects must:

- Focus on expanding capacity of and access to child care;
- Involve collaborative effort of community partners; and
- Respond to local community needs.⁸⁸

Family, Friend, and Neighbor Incentive. Family, Friend, and Neighbor (FFN) providers who received a subsidy during COVID-19 and claimed a subsidy payment for both March and April 2020 were eligible for a one-time payment of \$250.⁸⁹

Community-Based Organization (CBO) Grants. These competitive grants were available to CBOs to work in partnership with schools and school districts to support reopening efforts in the 2020-21 school year. CBOs include school-age child care providers.

According to OSPI, "The grants [were] provided both to large statewide CBOs with regional networks and to smaller, local CBOs who serve specific local needs and populations. The CBO grants [were] focused on expanded learning and integrated student supports to address student and family needs. The grants [could] also be used to strengthen language and disability access for families and students."⁹⁰

⁸⁷ Commerce, Press Release (December 30, 2020), <https://www.commerce.wa.gov/news-releases/commerce-awards-second-round-of-grants-to-24-collaborative-projects-addressing-child-care-crisis-in-communities-statewide/>.

⁸⁸ Commerce, Child Care Partnership Grants, <https://www.commerce.wa.gov/about-us/boards-and-commissions/child-care-collaborative-task-force/child-care-partnership-grants/>.

⁸⁹ DCYF, Family, Friend, and Neighbor (FFN) Child Care COVID-19 Incentive (June 22, 2020), <https://www.dcyf.wa.gov/news/family-friend-and-neighbor-ffn-child-care-covid-19-incentive>.

⁹⁰ OSPI, 2020-21 Community Based Organization Grants, <https://www.k12.wa.us/policy-funding/grants-grant-management/2020-21-community-based-organization-grants>.

Appendix A: DCYF Emergency Rules Related to COVID-19

WSR Filing #	Effective Date	Topic	Amended WACs	Rescinded/Withdrawn/Expired
WCCC and SCC - Enrollment-Based Payments				
WSR 20-08-026	3/23/2020	WCCC and SCC - Enrollment based payments	WAC 110-15-0034	Rescinded by WSR 20-09-046 on 4/8/2020
WSR 20-16-043	7/27/2020	WCCC and SCC - Enrollment based payments from March 16 through August 31	WAC 110-15-0034	Withdrawn by WSR 20-20-057 on 10/1/2020
WCCC and SCC - Electronic Attendance Records				
WSR 20-09-053	4/8/2020	WCCC and SCC - Electronic attendance records	WAC 110-15-0126	Expired 8/6/2020
WCCC and SCC - Copayments				
WSR 20-09-047	4/8/2020	WCCC and SCC - Eliminating copayment	WAC 110-15-0030 WAC 110-15-0034	Rescinded by WSR 20-09-139 on 4/21/2020
WSR 20-09-140	4/21/2020	WCCC and SCC - Eliminating copayment for April, May, and June	WAC 110-15-0034	Withdrawn by WSR 20-16-042 on 7/27/2020
WSR 20-20-058	10/1/2020	WCCC and SCC - Eliminating copayment for October, November, and December	WAC 110-15-0030 WAC 110-15-0034	Expires 1/29/2021
WSR 20-22-040	10/27/2020	WCC and SCC - Instituting a cap of \$115 for copayments	WAC 110-15-0075	Proposed permanent rule
WCCC and SCC - Approved Activities and Benefit Calculations				
WSR 20-09-052	4/8/2020	WCCC and SCC - Relaxing of approved activities	WAC 110-15-0020 WAC 110-15-0109 WAC 110-15-0190	Rescinded by WSR 20-09-0135 on 4/21/2020

				Withdrawn by WSR 20-13-031 on 6/9/2020
WSR 20-13-032	6/9/2020	WCCC and SCC - Relaxing of approved activities for March, April, May, or June	WAC 110-15-0020 WAC 110-15-0109 WAC 110-15-0190	Expired 10/7/2020
WCCC and SCC - Rates				
WSR 20-09-136	4/21/2020	WCCC and SCC - Partial monthly rate for school-age children	WAC 110-15-0003 WAC 110-15-0190 WAC 110-15-0205 WAC 110-15-3770	Withdrawn by WSR 20-13-030 on 6/9/2020
WSR 20-09-138	4/21/2020	WCCC and SCC - Increasing half-day units of school-aged child care for families experiencing homelessness	WAC 110-15-0023	Withdrawn by WSR 20-13-030 on 6/9/2020
WSR 20-14-075	7/1/2020	WCCC - Homeless grace period Daily child care rates for centers and seasonal day camps and family home providers	WAC 110-15-0023 WAC 110-15-0200 WAC 110-15-0205	Expired 10/29/2020
Emergency Child Care and Early Learning Licensing				
WSR 20-08-044	3/25/2020	Emergency child care and early learning licensing and background checks	New chapter WAC 110-310 WAC 110-06-0040 WAC 110-06-0046	Rescinded background check rules by WSR 20-08-060 on 3/25/2020
WSR 20-16-018	7/24/2020	Emergency child care and early learning licensing	New chapter 110-310	Expired 11/21/2020
WSR 20-24-032	11/20/2020	Emergency child care and early learning licensing	New chapter 110-310	Will expire 3/21/2020

Background Checks & Secretary's List of Disqualifying Crimes				
WSR 20-09-100	4/16/2020	Background checks Secretary's list of disqualifying crimes	WAC 110-04-0040 WAC 110-04-0080 WAC 110-06-0040 WAC 110-06-0046 WAC 110-06-0120	Expired 8/14/2020
WSR 20-17-072	8/15/2020	Background checks Secretary's list of disqualifying crimes	WAC 110-04-0040 WAC 110-04-0080 WAC 110-06-0040 WAC 110-06-0046 WAC 110-06-0120	Expired 12/13/2020
WSR 21-01-096	12/11/2020	Background checks Secretary's list of disqualifying crimes	WAC 110-04-0040 WAC 110-04-0080 WAC 110-06-0040 WAC 110-06-0046 WAC 110-06-0120	Will expire 4/10/2021
Early Achievers				
WSR 20-08-098	3/30/3030	Early Achievers	WAC 110-15-0125 WAC 110-15-3750	Expired 7/28/2020
WSR 20-16-072	7/29/2020	Early Achievers	WAC 110-15-0125 WAC 110-15-3750	Expired 11/26/2020
WSR 20-24-090	11/27/2020	Early Achievers	WAC 110-15-0125 WAC 110-15-3750	Will expire 3/27/2021
Public Records Request				

WSR 20-08-123	3/31/2020	Public records requests	WAC 110-01-0100 WAC 110-01-0200	Expired 7/29/2020
WSR 20-16-074	7/29/2020	Public records requests	WAC 110-01-0100 WAC 110-01-0200	Expired 11/26/2020
WSR 20-24-089	11/27/2020	Public records requests	WAC 110-01-0100 WAC 110-01-0200	Will expire 3/27/2021
Reporting Child Care Closures				
WSR 20-11-001	5/7/2020	Reporting child care closures	New sections WAC 110-300-0016A WAC 110-305-1525A	Expired 9/4/2020
Administrative Hearings				
WSR 20-16-013	7/23/2020	Administrative hearing	WAC 110-15-0280	Expired 11/20/2020
WSR 20-16-079	7/29/2020	Initial administrative hearings	WAC 110-03-0530 WAC 110-03-0590	Expired 11/26/2020

Appendix B: Waived and Suspended Statutes in Governor Proclamation 20-31, et seq.

Governor Proclamation 20-31, et seq. waived and suspended the **highlighted language** in the following statutes.

RCW [43.216.135](#)

Working connections child care program—Subsidy requirements—Tiered reimbursements—Copayments—Eligibility.

*** CHANGE IN 2020 *** (SEE [6540-S.SL](#)) ***

*** CHANGE IN 2020 *** (SEE [6483-S.SL](#)) ***

*** CHANGE IN 2020 *** (SEE [2456-S.SL](#)) ***

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

(2) As recommended by Public Law 113-186, authorizations for the working connections child care subsidy shall be effective for twelve months beginning July 1, 2016, unless an earlier date is provided in the omnibus appropriations act.

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

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

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

(c) Rate or request to be rated at a level 3 or higher in the early achievers program by December 31, 2019. If a child care provider does not rate at or request to be rated at a level 3 by December 31, 2019, the provider is no longer eligible to receive state subsidy. If the provider rates below a level 3 when the rating is released, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 3 or higher no later than December 30, 2020.

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

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

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

(c) **Rate or request to be rated at a level 3 or higher in the early achievers program within thirty months of enrollment. If a child care provider does not rate or request to be rated at a level 3 within thirty months from enrollment into the early achievers program, the provider is no longer eligible to receive**

state subsidy. If the provider rates below a level 3 when the rating is released, the provider must complete remedial activities with the department, and rate or request to be rated at a level 3 or higher within twelve months of beginning remedial activities.

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

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

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

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

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

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters [26.44](#) and [74.13](#) RCW;

(B) Received child welfare services as defined and used by chapter [74.13](#) RCW; or

(C) Received services through a family assessment response as defined and used by chapter [26.44](#) RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW [74.13.020](#); and

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

(b) Children who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization. The department of social and health services' involvement with the family referred for working connections child care ends when the family's child protective services, child welfare services, or family assessment response case is closed.

(10)(a) Beginning August 1, 2020, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is:

(i) A single parent;

(ii) A full-time student of a community, technical, or tribal college; and

(iii) Pursuing vocational education that leads to a degree or certificate in a specific occupation, not to result in a bachelor's or advanced degree.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. The student must maintain passing grades and be in good standing pursuant to college attendance requirements.

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

RCW [43.216.085](#)

Early achievers program—Quality rating and improvement system.

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers and homes and early learning programs such as working connections child care and early childhood education and assistance programs.

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

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

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

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

(d) Increase the readiness of children for school;

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

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

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

(3)(a) Licensed or certified child care centers and homes serving nonschool-age children and receiving state subsidy payments must participate in the early achievers program by the required deadlines established in RCW [43.216.135](#).

(b) Approved early childhood education and assistance program providers receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW [43.216.515](#).

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

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

(ii) Early learning programs not receiving state funds.

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

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

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

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

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

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

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

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

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

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

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

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

(7)(a) The department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The licensing history that the department must provide for parents and caregivers pursuant to this subsection shall only include license suspension, surrender, revocation, denial, stayed suspension, or reinstatement. No unfounded child abuse or neglect reports may be provided to parents and caregivers pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the

legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.

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

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

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

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

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

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

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

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

RCW [43.216.515](#)

Eligible providers—State-funded support—Requirements—Data collection—Pathways to early childhood education and assistance program.

*** CHANGE IN 2020 *** (SEE [6483-S.SL](#)) ***

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

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

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

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

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

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

(ii) Licensed or certified child care centers and homes that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within twenty-four months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months, the provider must complete remedial activities with the department, and rate at a level 4 or 5 within six months of beginning remedial activities.

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

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

(6)(a) When an early childhood education and assistance program in good standing changes classroom locations to a comparable or improved space within the same facility, a rerating is not required outside of the regular rerating and renewal cycle.

(b) When an early childhood education and assistance program in good standing moves to a new facility, the provider must notify the department of the move within six months of changing locations in order to retain their existing rating. The early achievers program must conduct an observational visit to ensure the new classroom space is of comparable or improved environmental quality. If a provider fails to notify the department within six months of a move, the early achievers rating must be changed from the posted rated level to "Participating, Not Yet Rated" and the provider will cease to receive tiered reimbursement incentives until a new rating is completed.

(7) The department shall collect data periodically to determine the demand for full-day programming for early childhood education and assistance program providers. The department shall

analyze this demand by geographic region and shall include the findings in the annual report required under RCW [43.216.089](#).

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

RCW [43.216.270](#)

Character, suitability, and competence to provide child care and early learning services— Fingerprint criminal history record checks—Background check clearance card or certificate— Shared background checks.

*** CHANGE IN 2020 *** (SEE [1645-S2.SL](#)) ***

(1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW [26.44.031](#) may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW [26.44.020](#) may be disclosed to a provider licensed under this chapter.

(2) **In order to determine the suitability of** individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b)(i) All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(ii) Persons required to be fingerprinted and obtain a criminal history record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in RCW [43.216.273](#). The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department. The department must require persons submitting a new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW [43.216.273](#). The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for three years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department. The fee requirements applicable to this section also apply to background clearance renewal applications.

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) The payment requirements applicable to (a) through (g) of this subsection do not apply to persons who:

(i) Provide regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours;

(ii) Receive child care subsidies; and

(iii) Are exempt from licensing under this chapter.

(i) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

(j) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

(k) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW [43.216.325](#) and [43.216.327](#) and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to

children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW [28A.400.303](#), and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district after completing a record check consistent with RCW [28A.400.303](#). The department may require that additional background checks be completed that do not require additional fingerprinting and may charge a fee for these additional background checks.

RCW [43.43.837](#)

Fingerprint-based background checks—Requirements for applicants and service providers—Shared background checks—Fees—Rules to establish financial responsibility.

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, **but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application**, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW [74.15.030](#);

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW [74.15.030](#);

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW [74.15.030](#); or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW [74.09.520](#);

(ii) Community options program entry system waiver services under RCW [74.39A.030](#);

(iii) Chore services under RCW [74.39A.110](#); or

(iv) Other home and community long-term care programs, established pursuant to chapters [74.39](#) and [74.39A](#) RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW [74.39A.009](#), who are hired after January 7, 2012, are subject to background checks under RCW [74.39A.056](#).

(3) To satisfy the shared background check requirements provided for in RCW [43.216.270](#) and [43.20A.710](#), the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a **fingerprint-based** background check through the Washington state patrol identification and criminal history section **and the federal bureau of investigation** when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW [74.15.030](#).

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter [71.09](#) RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW [74.15.030](#);

(b) In-home services funded by medicaid personal care under RCW [74.09.520](#);

(c) Community options program entry system waiver services under RCW [74.39A.030](#);

(d) Chore services under RCW [74.39A.110](#);

(e) Services under other home and community long-term care programs, established pursuant to chapters [74.39](#) and [74.39A](#) RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW [71.09.115](#).

(8) Service providers licensed under RCW [74.15.030](#) must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW [74.15.030](#) may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW [71.09.020](#).

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered. "Service provider" does not include those certified under *chapter [70.96A](#) RCW.

RCW [74.15.030](#)

Powers and duties of secretary.

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children or expectant mothers; however, a background check is not required if a caregiver approves an activity pursuant to the prudent parent standard contained in RCW [74.13.710](#);

(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW [26.44.020](#) may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter [10.97](#) RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicense;

- (ii) Foster care and adoption placements; and
 - (iii) Any adult living in a home where a child may be placed;
- (f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;
- (g) The cost of fingerprint background check fees will be paid as required in RCW [43.43.837](#);
- (h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;
- (i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;
- (j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children or expectant mothers;
- (k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;
- (l) The financial ability of an agency to comply with minimum requirements established pursuant to this chapter and RCW [74.13.031](#); and
- (m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;
- (3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children or expectant mothers prior to authorizing that person to care for children or expectant mothers. However, if a child is placed with a relative under RCW [13.34.065](#) or [13.34.130](#), and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;
- (4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter [26.44](#) RCW, including agencies or facilities operated by the department of social and health services that receive children for care outside their own homes, child day-care centers, and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;
- (5) To issue, revoke, or deny licenses to agencies pursuant to this chapter and RCW [74.13.031](#). Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;
- (6) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and RCW [74.13.031](#) and to require regular reports from each licensee;
- (7) To inspect agencies periodically to determine whether or not there is compliance with this chapter and RCW [74.13.031](#) and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children or expectant mothers.

RCW [13.34.065](#)

Shelter care—Hearing—Recommendation as to further need—Release. (Effective until October 1, 2019.)

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, the department shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW [13.34.090](#); and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of

their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW [13.34.062](#) was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW [13.34.062](#) was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW [13.34.090](#);

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW [13.34.130](#)(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW [13.38.040](#), whether the provisions of the federal Indian child welfare act or chapter [13.38](#) RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter [13.38](#) RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW [26.44.063](#), restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW [26.44.063](#); or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW [9A.40.060](#) or [9A.40.070](#).

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW [13.34.130](#)(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the department's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW [13.34.060](#)(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed

from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW [13.34.067](#). However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW [13.34.067](#) so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW [13.34.067](#), including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Appendix C: Child Care Aware Survey Data as of December 14, 2020



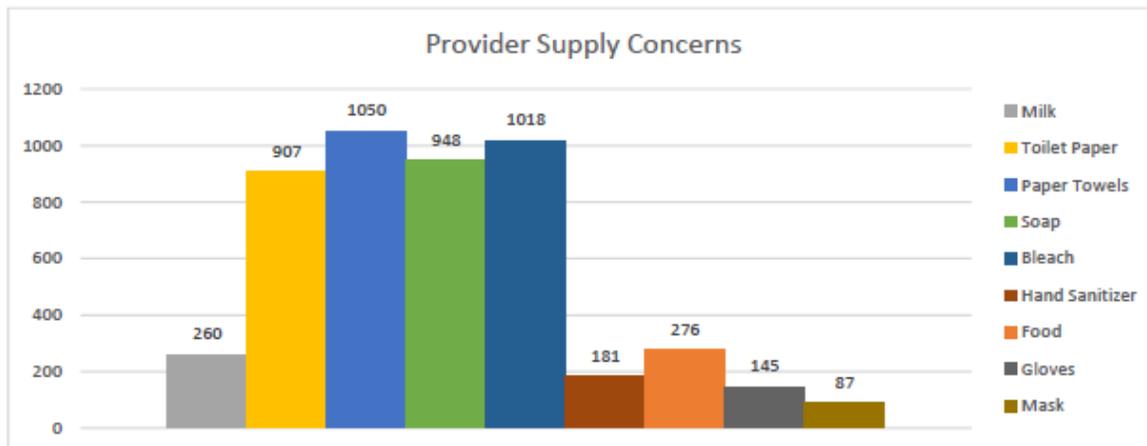
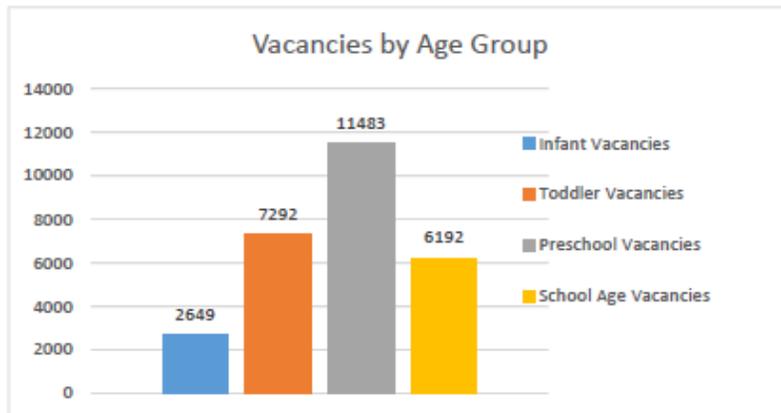
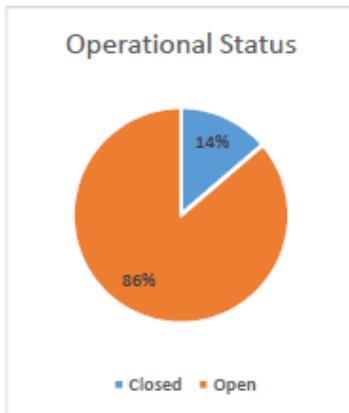
COVID-19 Child Care Update

Response Rate: 94%

Number of Sites Reporting Vacancies: 4654

Available Licensed Capacity: 83%

Number of Reported Vacancies: 27,616



Updated: 12/14/2020

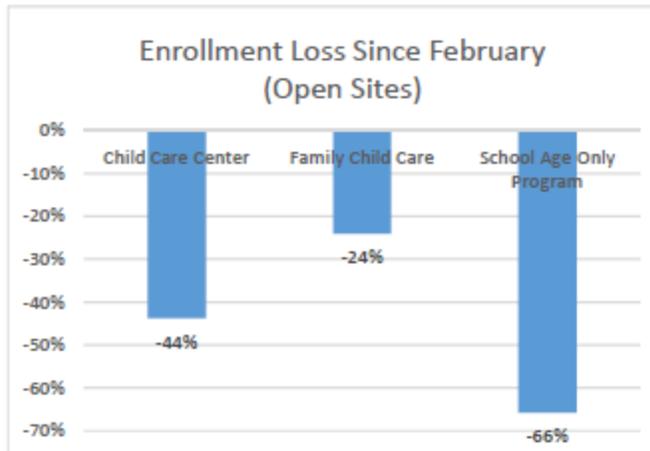
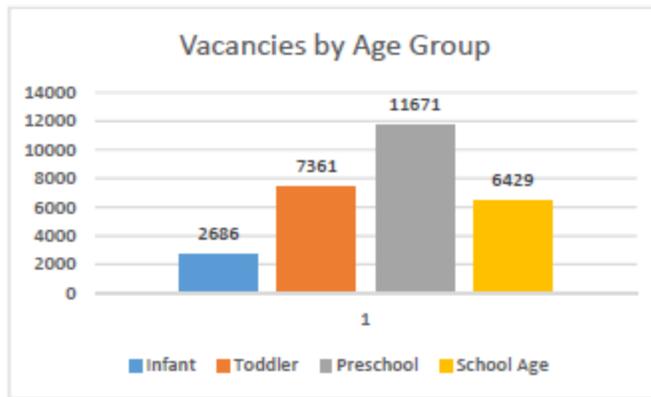
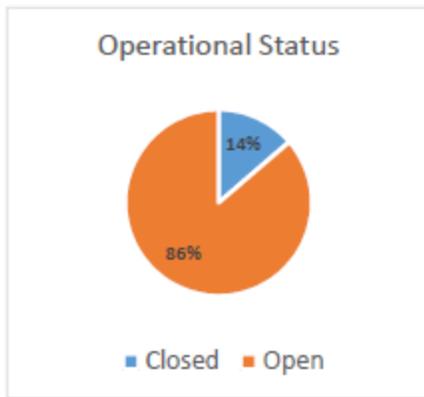
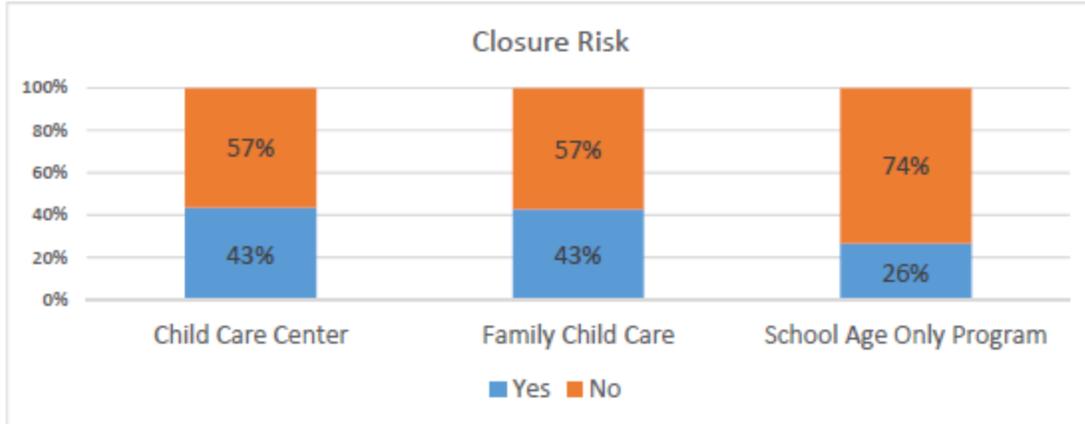


COVID-19 Child Care Update

Response Rate: 94% Available Licensed Capacity: 83%

Number of Sites Reporting on Closure Risk: 4342 (81%)

Percent of Providers at Risk of Closure: 42%



Number of Open Sites Reporting on Enrollment: 4342 (81%)

Percent Decrease in Enrollment (All Sites): -41%

