Fair Start for Kids Act

DISTINGUISHING POLICIES IN STATUTE / POLICIES SUBJECT TO THE APPROPRIATION OF FUNDS

The budget process determines the funding of all policies – whether outlined in statute or defined as subject to the availability of funds. Further, all funds must be appropriated, whether they are referenced in statute or not. The Legislature regularly adjusts statutes to reflect the amounts included in the final budget.

The Fair Start for Kids Act (FSFKA) distinguishes those components of the law with budgetary implications that are in statute, and those that are subject to the Legislature making specific appropriations (otherwise known as "subject to the availability of amounts appropriated for this specific purpose").

Funding of Policies in Statute. While having a policy in statute signals an intent to fund, it is important to remember the Legislature can opt to change that statute, resulting in a policy either being unfunded or funded at a different level. If the Legislature opts not to fund (or fund at a different amount) a policy that is in statute, they must take specific action to change their previous decision.

Funding of Policies Subject to Appropriation. Conversely, policies that are subject to the appropriation of funds require the Legislature to take proactive action to fund that policy. If they do nothing, the policy is unfunded.

FSFKA Policies in Statute*

Working Connections Child Care Eligibility:

- 10/1/21: annual household income at or below 60% of State Median Income (SMI)
- 7/1/25: annual household income at or below 75% SMI

RCW 43.216.1368

Working Connections Child Care Co-Payments:

Monthly co-payment schedule 10/1/21 – 6/30/23:

- At or below 20% SMI: Waived to the extent allowable under federal law
- Above 20% and at or below 36% SMI: $65
- Above 36% and at or below 50% SMI: $90
- Above 50% and at or below 60% SMI: $115

Monthly co-payment schedule beginning 7/1/23:

- At or below 20% SMI: Waived to the extent allowable under federal law
- Above 20% and at or below 36% SMI: $65
- Above 36% and at or below 50% SMI: $90
- Above 50% and at or below 60% SMI: $165

Beginning 7/1/25, $215 monthly co-payment for households above 60% and at or below 75% of SMI

RCW 43.216.1368

Working Connections Child Care – Student Parent Eligibility:

- 12-month eligibility starts on the date child care is expected to begin and if an eligible household does not begin care within 12 months of being determined eligible, the household must reapply to qualify for the subsidy

RCW 43.216.136

ECEAP Eligibility Adjustments Starting 7/1/26:

- Intent to raise the maximum family income to at or below 36% of SMI beginning 7/1/26
- Intent that starting in the 2030-31 school year, the income threshold rises to at or below 50% of SMI
- Adds experiencing homelessness as eligibility criteria
- Adds participation in Early Head Start, ESIT or Early ECEAP, eligibility for special education due to a disability and is Indian as defined by rule and is at 100% of SMI as part of eligibility criteria

RCW 43.216.505

Working Connections Child Care Subsidy Rates

Beginning 7/1/21, child care subsidy base rates must achieve the 85th percentile of market.

DCYF directed to build upon the work of the Child Care Collaborative Task Force to develop and implement a child care cost estimate model to recommend subsidy rates at levels that are sufficient to compensate licensed or certified child care providers for the full cost of providing high quality care.

RCW 43.216.749

ECEAP Rates

For the 2021-22 school year, ECEAP rates must be set at a level at least 10% higher than the 2019-21 biennium.

RCW 43.216.585

Trauma-Informed Care Supports
DCYF to provide supports to aid providers and early achievers coaches in providing trauma-informed care supports.

RCW 43.216.590

Dual Language Rate Enhancement
DCYF to develop dual language designation and provide rate enhancements for Early ECEAP/ECEAP contractors or child care providers accepting Working Connections Child Care.

RCW 43.216.592

Infant and Early Childhood Mental Health Consultation
DCYF must have or contract for one infant and early childhood mental health consultation coordinator and must contract for the hiring of at least 12 infant and early childhood mental health consultants.

RCW 43.216.090

Infant Care Incentive
DCYF to provide an infant rate enhancement for Early ECEAP and Working Connections Child Care providers for a child between birth and 11 months.

RCW 43.216.579

FSFKA Policies Subject to the Appropriation of Funds

Inflationary increases every two years beginning 7/1/23 for infant child care incentives, ECEAP, dual language designation rate enhancement and Early ECEAP.

RCW 43.216.775

Working Connections Child Care Eligibility:

- 7/1/27: annual household income at or below 85% of SMI

RCW 43.216.1368

Working Connections Child Care Co-Payments:
DCYF to adopt a co-payment model for households with annual incomes above 75% of SMI and at or below 85% SMI. This co-payment cannot exceed 7% of the household's countable income.

RCW 43.216.1368

Working Connections Child Care – Student Parent Eligibility:

- Student parents are not required to meet work requirement when the parent is a full-time student of a community, technical or tribal college and is enrolled in a: 1) vocational education program that leads to a degree or certificate in a specific occupation; 2) an associate degree program; or 3) a registered apprenticeship program.

- Exemption from work requirements may be extended to full-time students enrolled in a bachelor's degree program or applied baccalaureate degree program.

RCW 43.216.136

ECEAP Early Entry

DCYF is directed to adopt rules that allow a child to enroll in ECEAP as space is available when the child is not otherwise eligible and the child turns three years old at any time during the school year when the child:

- Has a family income at or below 50% of SMI or meets at least one risk factor criterion adopted by DCYF in rule and has received services from or participated in Early Head Start, ESIT, Early ECEAP and ECLIPSE.

RCW 43.216.513

Complex Needs Funds

Establishes two funds – one for ECEAP/Early ECEAP and one for child care – to promote inclusive, least restrictive environment for children who have developmental delays, disabilities, behavioral needs or other unique needs.

RCW 43.216.587

Early Childhood Equity Grants

DCYF to distribute early childhood equity grants too eligible providers to take steps toward a more inclusive and equitable early learning system.

RCW 43.216.595

Employer-Supported Child Care

Dept. of Commerce and DCYF provide or contract to provide technical assistance to employers interested in supporting employees' access to high quality child care.

RCW 43.330.550

Play and Learn Groups

DCYF directed to provide and/or contract to provide resources and supports for inclusive and culturally and linguistically relevant play and learn groups.

RCW 43.216.597

Professional Development
DCYF to provide professional development supports to aid eligible providers in reaching the agency's professional education and training standards.

RCW 43.216.600

Child Care Deserts
DCYF to establish a grant program to expand child care in child care deserts. Grants to be used for one-time costs associated with opening a child care site.

RCW 43.216.602

Prenatal to Three Family Engagement Strategy
DCYF to administer a prenatal to three family engagement strategy that includes home visiting, facilitated play and learn groups, parent peer-support groups and other prenatal to three programs and services.

RCW 43.216.577

Early ECEAP
DCYF to administer Early ECEAP program for children under 36 months old.

RCW 43.216.578

Early Therapeutic and Preventive Services
DCYF to administer early therapeutic and preventive services for children between the ages of birth and five years-old and referred due to specific risks.

RCW 43.216.567

* Please note that other statutes also guide early learning policies and investments.

11/7/22

For more information, please contact:
Erica Hallock, Director of Policy & Advocacy | ehallock@startearly.org | (509) 991-2390