

April 9, 2020

## MEMORANDUM

**To:** Seattle City Councilmembers  
**From:** Brian Goodnight, Analyst  
**Subject:** Council Bill 119771: Adding Emergency Childcare Services as a Temporary FEPP Levy Program

---

On April 13, 2020, the Council will discuss and possibly vote on [Council Bill \(CB\) 119771](#), proposed legislation that would add emergency childcare services as a temporary program to the Families, Education, Preschool, and Promise (FEPP) Levy's Implementation and Evaluation Plan. The bill is related to an emergency order issued by the Mayor on March 27, authorizing the Department of Education and Early Learning (DEEL) to enter into contracts with qualified providers to provide childcare services. CB 119771 is emergency legislation. If passed by a 3/4 vote of the Council, the ordinance would become effective immediately upon its approval by the Mayor.

This memo provides a background summary of the FEPP Levy and its programs, describes the Mayor's emergency order related to the provision of childcare services, and addresses the impacts of the legislation.

### **FEPP Levy Background**

In June 2018, the Council approved [Ordinance 125604](#) submitting a proposition to voters to fund education services with a property tax levy generating approximately \$619.6 million over a seven-year period. The proposition combined the activities of two expiring education levies – the 2011 Families and Education Levy and the 2014 Seattle Preschool Program Levy – into one levy, and it also expanded the City's education investments to cover the first two years of college. Voters approved the proposition in November 2018 with 69 percent of voters in support. Ordinance 125604 lays out a number of priorities for levy funding and provides that education services should achieve equity in educational outcomes and the levy's goals by providing services across a continuum beginning with early learning and concluding with post-secondary opportunities. The ordinance lays out four investment areas for levy funding: Preschool and Early Learning, K-12 School and Community-Based, K-12 Health, and Seattle Promise.

Section 7 of Ordinance 125604 also provides that levy proceeds may only be spent in accordance with an Implementation and Evaluation Plan (I&E Plan) approved by ordinance. Council approved the I&E Plan via [Ordinance 125807](#) in April 2019. The I&E Plan provides a substantial amount of detail with respect to the levy's four investment areas and describes the strategies that will be funded within each area. In addition, the I&E Plan also includes information on:

- investment timelines and solicitation processes;
- alignment with other City resources;
- a description of who will be served by the strategies and how services will be delivered; and
- an approach for how the investments will be evaluated.

### **Mayor’s Emergency Order for Childcare Services**

In response to the COVID-19 global pandemic, Washington State Governor Inslee has issued a number of orders closing all non-essential businesses and closing Kindergarten through 12<sup>th</sup> Grade (K-12) public and private schools for the remainder of the school year. On March 5, the Council took action, via [Resolution 31937](#), to modify Mayor Durkan’s proclamation that a civil emergency exists in the City due to COVID-19. On March 23, the Governor issued a proclamation directing all residents to heed current public health directives to stay home, except for a [list of essential workers](#). Although workers in childcare establishments are included on the list of essential workers, childcare resources have been limited for families due to facility closures and the increased need for care as a result of school closures.

On March 27, the Mayor issued an emergency order for the provision of emergency childcare services, filed as [Clerk File 321657](#). The order authorizes DEEL to enter into contracts with Seattle Public Schools and other qualified providers to provide childcare services. The order stipulates that if demand for these contracted services exceeds available capacity, children of front-line essential workers will be prioritized. Consistent with the Washington Office of Superintendent of Public Instruction’s March 23, 2020 [Bulletin No. 025-20](#), essential workers include healthcare workers, first responders, pharmacy workers, and grocery store workers.

Additionally, the order states that the childcare services shall be paid for using FEPP Levy funds, and that contracts be limited to an initial term of 30 days, along with up to two additional 30-day extensions. The order utilizes the authority granted to the Mayor in [SMC 10.02.030](#) to “enter into contracts and incur obligations... without regard to time-consuming procedures and formalities prescribed by ordinance.” Although this authority allows the Mayor to direct FEPP Levy funds to a program not envisioned by the Levy’s I&E Plan, the code also states that appropriate legislation should be considered by the Council as soon as practical.

### **Impacts of CB 119771**

As described above, FEPP Levy expenditures must be both (a) consistent with the education services described in Ordinance 125604 and (b) spent in accordance with the I&E Plan that has been approved by Council. The proposed bill, CB 119771, would declare a finding of the Council that childcare services with developmentally appropriate activities provided on an emergency basis during school closures are consistent with the suite of education services defined in Ordinance 125604. The bill would also declare that there is an immediate need for essential workers to have access to childcare services, and it would ratify and confirm the Mayor’s emergency order.

In addition, the bill would amend the FEPP Levy's I&E Plan by attaching an Emergency Addendum addressing childcare services during the civil emergency. The Emergency Addendum, which is attached to the bill as Attachment 2, would add a temporary program to the I&E Plan to "provide developmentally appropriate childcare programs operated consistent with guidance from public health officials until the termination of the civil emergency and the re-opening of schools."

The Emergency Addendum specifies that the childcare services will be paid for using funds allocated to four specific strategies within the Preschool and Early Learning investment area: Preschool Services and Tuition, Quality Teaching, Comprehensive Support, and Organizational and Facility Development. These four strategies are the strategies that support the delivery and operation of the Seattle Preschool Program (SPP) and the SPP Pathway program. However, many of the SPP and SPP Pathway programs have ceased operations since the closure of schools and the Governor's order to stay at home, and FEPP Levy funds are therefore available to be redirected to support emergency childcare services. The Emergency Addendum further specifies that the amount of FEPP Levy funds expended on the emergency childcare services shall not exceed an amount equivalent to the funds that would have been spent on these strategies during the emergency time period. This provision ensures that future years of SPP and SPP Pathway programs will be fully funded as originally intended in the I&E Plan.

#### Levy Oversight Committee Consultation

Prior to transmitting the legislation, DEEL staff contacted members of the FEPP Levy's Oversight Committee to solicit their feedback and recommendation on redirecting Levy funds to support childcare services during the civil emergency. Ordinance 125604 requires that the Executive seek the recommendation of the Levy Oversight Committee prior to proposing any changes in Levy funding requiring Council approval by ordinance. According to a summary of the conversations with Levy Oversight Committee members provided by DEEL, attached to this memo as Attachment 1, there is consensus that the implementation of emergency childcare services is an appropriate use of FEPP Levy funds during the civil emergency.

#### **Attachments:**

1. Levy Oversight Committee Consultation Summary

cc: Kirstan Arestad, Executive Director  
Dan Eder, Deputy Director

# Attachment 1 - Levy Oversight Committee Consultation Summary



## Seattle Department of Education & Early Learning

Jenny A. Durkan, Mayor  
Dwane Chappelle, Director

Families, Education, Preschool, and Promise Levy Oversight Committee  
Summary of Phone Calls with Levy Oversight Committee Members  
March 2020

### I. Call Participants

Members Present: Stephan Blanford, Diane DeBacker (on behalf of Seattle Public Schools Superintendent Denise Juneau), Trish Dziko, Donald Felder, Nicole Grant, Chandra Hampson, Susan Lee, Erin Okuno, Shouan Pan, Constance Rice, Rachael Steward, Kimberly Walker

### II. Summary of Calls

There was consensus among the Levy Oversight Committee (LOC) members that the implementation of Emergency Child Care was an appropriate action by the City as it is needed to help support the community during the COVID-19 crisis. During this time, we need to come together to ensure that everyone's kids are safe, we are continuing to support children, families, and community-based organizations (CBO's), and that our focus is on essential personnel, including licensed personnel (technicians, etc.), at this time. As such, it is believed that it makes sense to use Families, Education, Preschool, and Promise Levy (FEPP) funds to support Emergency Child Care.

#### Impact on Community-Based Organizations

One area of concern that was consistent among the LOC members related to whether the City was working with CBO's to ensure they are able to continue with their operations as some CBO's (such as the smaller CBO's) have begun to lay off staff. While larger CBO's have the funds to continue operating during this time and have some type of additional support they can access both now and post-COVID-19, this is the time to use racial equity for the smaller CBO's who need prioritization. It is important to remember that we all need CBO's once this crisis is over, and if we are going to learn anything from COVID-19, let it be the need for us to improve our current infrastructures. This will allow us to be better prepared in the future to ensure that everyone has the necessary technology in place, are able to communicate with families who are not technologically savvy and ensure the continuation of learning for students.

### Impact on Jobs for Childcare Workers

Another area of concern that was expressed by members of the LOC related to how Emergency Child Care was going to eliminate jobs for childcare workers when Seattle Public School (SPS) teachers return to provide childcare services. There is concern that SPS teachers will be taking over childcare jobs that were previously provided by CBO's. This approach gives the impression of saving money rather than pushing out every dollar to assist existing CBO's who need these funds to survive. Transparency with our providers is key during this time and DEEL will need to consider additional ways of providing support to CBO's.

### Additional Concerns/Questions from the LOC

- How do we identify the families who do not know about the Right Now Needs Fund offered through the Alliance for Education?
- How do we give money to families for food using the Right Now Needs Fund?
- How are curriculum packets being distributed to children?
- Is childcare limited to just essential personnel?
- Is there going to be a provision to use home providers in the Emergency Order because the small amount of students' home providers could also support essential personnel? There is potentially more space with in-home providers because they only allow eight (8) children.
- How do families reach out to their principals?
- What impact will the use of FEPP funds for Emergency Child Care have on K-12 investments?
- Can DEEL submit a request to get the FEPP funds replaced by FEMA based on FEMA's announcement of childcare funds?