
SENATE BILL 5437

State of Washington**66th Legislature****2019 Regular Session**

By Senators Wilson, C., Palumbo, Wellman, Hunt, Saldaña, Nguyen, Randall, Das, Billig, and Mullet; by request of Office of the Governor

1 AN ACT Relating to expanding eligibility to the early childhood
2 education and assistance program; amending RCW 43.216.512,
3 43.216.525, 43.216.535, 43.216.540, and 43.216.550; adding a new
4 section to chapter 43.216 RCW; creating a new section; providing an
5 expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that the first
8 three years of a child's life is foundational for school readiness
9 and success. Research supports that birth to three years of age is a
10 distinct developmental period that is the foundation for later
11 development. Supporting school readiness during the first three years
12 of a child's development must include school readiness domains that
13 develop during the child's first three years including: (a)
14 Perceptual, motor, and physical development; (b) social and emotional
15 development; (c) approaches to learning; and (d) language,
16 communication, and cognition.

17 (2) Development is individual and embedded in family, culture,
18 and other societal influences. The legislature is aware that there
19 are vast differences in rates of individual development among
20 children, including differences that are affected by a child's
21 family's social and economic situation.

1 (3) Research also supports the conclusion that the early head
2 start programs have been successful for encouraging, promoting, and
3 increasing positive child development. Therefore, the purpose of this
4 act is to establish a pilot program to provide low-income families
5 high quality early learning opportunities for their children from
6 birth to three years of age that is modeled after the early head
7 start programs.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216
9 RCW to read as follows:

10 (1) Subject to amounts appropriated for this specific purpose,
11 the department shall establish a pilot project to implement a state-
12 funded birth to three early childhood education and assistance
13 program to eligible children under thirty-six months old. The pilot
14 project shall start July 1, 2019, and conclude June 30, 2022.

15 (2) The department may adopt rules to implement the pilot project
16 and may waive or adapt pilot project requirements when necessary to
17 allow for the operation of the birth to three early childhood
18 education and assistance program. The department shall consider early
19 head start rules and regulations when developing the provider and
20 family eligibility requirements and program requirements. Any
21 deviations from early head start standards, rules, or regulations
22 shall be identified and explained by the department in the annual
23 report that it must submit to the governor and legislature under
24 subsection (8) of this section.

25 (3) During the pilot project, the department shall offer home
26 visiting services that the child or family are eligible for under the
27 particular home visiting service's statutory eligibility
28 requirements. If eligible, these home visiting services must include
29 at least three home visits per year.

30 (4) The pilot project programs must meet minimum licensing
31 standards, be enrolled in early achievers, have an early achievers
32 rating level of at least four, and provide a minimum of one thousand
33 three hundred eighty annual hours of classroom operations per year. A
34 pilot project class that serves children under thirty-six months old
35 must have at least three teachers that serve no more than nine
36 children at a time, or at least two teachers that serve no more than
37 eight children at a time.

38 (5) The department shall select up to ten pilot project locations
39 during the first year of the pilot project. Each pilot project

1 location may have up to three classrooms per location. When selecting
2 and approving pilot project locations, the department shall attempt
3 to select a combination of rural, urban, and suburban locations. The
4 department shall prioritize locations with programs currently
5 operating early head start, head start, or the early childhood
6 education and assistance program.

7 (6) To be eligible for the birth to three early childhood
8 education and assistance program, a child's family income shall be at
9 or below one hundred ten percent of the federal poverty level and the
10 child must be under thirty-six months old.

11 (7) During the pilot project, the department shall begin an
12 evaluation to analyze quality and performance measures. In the third
13 year of the pilot project the department shall analyze child and
14 parent outcomes.

15 (8)(a) Beginning November 1, 2019, and each November 1st
16 thereafter, the department shall submit an annual report to the
17 governor and legislature that includes a status update that describes
18 implementation of the pilot project, including a description of the
19 participating programs and number of children and families that have
20 been served.

21 (b) By November 1, 2023, the department shall submit a complete,
22 final report that describes:

23 (i) The department's findings from the evaluation under
24 subsection (7) of this section;

25 (ii) Recommendations for modifying or expanding the birth to
26 three early childhood education and assistance program over the next
27 five years; and

28 (iii) Recommendations for eligibility requirements for families
29 and providers.

30 (9) This section expires December 31, 2023.

31 **Sec. 3.** RCW 43.216.512 and 2018 c 155 s 2 are each amended to
32 read as follows:

33 (1) The department shall adopt rules that allow the inclusion of
34 children in the early childhood education and assistance program
35 whose family income ~~((is above))~~ ranges from one hundred ~~((ten))~~
36 eleven to two hundred percent of the federal poverty level ~~((if the~~
37 ~~number of such children equals not more than twenty-five percent of~~
38 ~~total statewide enrollment))~~).

(2) Children included in the early childhood education and assistance program under this section must:

(a) Be homeless ((~~or~~));

(b) Be impacted by specific developmental or environmental risk factors that are linked by research to school performance; or

(c) Have a family income at or less than two hundred percent of the federal poverty level. "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482, and runaway and homeless youth act, P.L. 93-415, Title III, September 7, 1974, 88 Stat. 1129.

(3) Children included in the early childhood education and assistance program under this section are not to be considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

(4) For children included in the early childhood education and assistance program under this section who are only eligible because their family's income is between one hundred eleven and two hundred percent of the federal poverty level:

(a) The family may be required to make a tuition payment directly to the provider; and

(b) The provider shall conduct a family assessment to determine which, if any, early childhood education and assistance program wraparound services are needed for the child and family. The provider is not required to offer all early childhood education and assistance program services if it is determined that the child and family would not benefit from those services. Minimum classroom instructional hours must be met as outlined in the provider's early childhood education and assistance program contract with the department.

(5) The department shall include in the annual report required under RCW 43.216.535 a description of family outcomes for children and families that participated in the early childhood education and assistance program under the expanded eligibility program authorized under this section. The data used for the description required under this subsection may not be identifiable to any child or family.

Sec. 4. RCW 43.216.525 and 2015 3rd sp.s. c 7 s 8 are each amended to read as follows:

1 (1) The department shall adopt rules under chapter 34.05 RCW for
2 the administration of the early childhood education and assistance
3 program. Approved early childhood education and assistance programs
4 shall conduct needs assessments of their service area and identify
5 any targeted groups of children, to include but not be limited to
6 children of seasonal and migrant farmworkers and native American
7 populations living either on or off reservation. Approved early
8 childhood education and assistance programs shall provide to the
9 department a service delivery plan, to the extent practicable, that
10 addresses these targeted populations.

11 (2) The department, in developing rules for the early childhood
12 education and assistance program, shall consult with the early
13 learning advisory council, and shall consider such factors as
14 coordination with existing head start and other early childhood
15 programs, the preparation necessary for instructors, qualifications
16 of instructors, adequate space and equipment, and special
17 transportation needs. The rules shall specifically require the early
18 childhood programs to provide for parental involvement in
19 participation with their child's program, in local program policy
20 decisions, in development and revision of service delivery systems,
21 and in parent education and training.

22 (3) By January 1, 2016, the department shall adopt rules
23 requiring early childhood education and assistance program employees
24 who have access to children to submit to a fingerprint background
25 check. Fingerprint background check procedures for the early
26 childhood education and assistance program shall be the same as the
27 background check procedures in RCW (~~(43.215.215)~~) 43.216.270.

28 (4) The department shall adopt rules for children enrolled in the
29 early childhood education and assistance program under the expanded
30 income eligibility described in RCW 43.216.512. The rules must
31 include, but not be limited to:

32 (a) Calculations to determine the family's tuition payment to the
33 provider;

34 (b) A description of the provider's duties associated with the
35 collection of tuition payments from the family; and

36 (c) A description of the process used to determine the wraparound
37 service needs of the child and family.

38 **Sec. 5.** RCW 43.216.535 and 1995 c 335 s 501 are each amended to
39 read as follows:

1 (1) The department shall annually report to the governor and the
2 legislature on the findings of the longitudinal study undertaken to
3 examine and monitor the effectiveness of early childhood educational
4 and assistance services for eligible children to measure, among other
5 elements, if possible, how the average level of performance of
6 children completing this program compare to the average level of
7 performance of all state students in their grade level, and to the
8 average level of performance of those eligible students who did not
9 have access to this program. The evaluation system shall examine how
10 the percentage of these children needing access to special education
11 or remedial programs compares to the overall percentage of children
12 needing such services and compares to the percentage of eligible
13 students who did not have access to this program needing such
14 services.

15 (2) The department shall include in its annual report under
16 subsection (1) of this section a description of family outcomes for
17 children and families that participated in the early childhood
18 education and assistance program under the expanded eligibility
19 program authorized under RCW 43.216.512. The department may not use
20 data that is identifiable to any child or family as part of this
21 description.

22 **Sec. 6.** RCW 43.216.540 and 1994 c 166 s 10 are each amended to
23 read as follows:

24 For the purposes of RCW ~~((28A.215.100))~~ 43.216.500 through
25 ~~((28A.215.200 and 28A.215.900 through 28A.215.908))~~ 43.216.550,
26 43.216.900, and 43.216.901, the department may award state support
27 under RCW ~~((28A.215.100))~~ 43.216.500 through ~~((28A.215.160))~~
28 43.216.530 to increase the numbers of eligible children assisted by
29 the federal or state-supported early childhood programs in this
30 state. Priority shall be given to those geographical areas which
31 include a high percentage of families qualifying under the "eligible
32 child" criteria. The overall program funding level shall be based on
33 an average grant per child consistent with state appropriations made
34 for program costs: PROVIDED, That programs addressing special needs
35 of selected groups or communities shall be recognized in the
36 department's rules.

37 **Sec. 7.** RCW 43.216.550 and 1994 c 166 s 11 are each amended to
38 read as follows:

1 The department may solicit gifts, grants, conveyances, bequests
2 and devises for the use or benefit of the early childhood state
3 education and assistance program established by RCW ((28A.215.100))
4 43.216.500 through ((28A.215.200 and 28A.215.900 through
5 ~~28A.215.908~~)) 43.216.550, 43.216.900, and 43.216.901. The department
6 shall actively solicit support from business and industry and from
7 the federal government for the state early childhood education and
8 assistance program and shall assist local programs in developing
9 partnerships with the community for eligible children.

10 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of
12 the state government and its existing public institutions, and takes
13 effect immediately.

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