

# HOUSE BILL REPORT

## SSB 6759

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**As Passed House:**  
March 10, 2010

**Title:** An act relating to a plan for a voluntary program of early learning.

**Brief Description:** Requiring a plan for a voluntary program of early learning.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kauffman, Oemig, Prentice and Kline).

**Brief History:**

**Committee Activity:**

Early Learning & Children's Services: 2/18/10, 2/23/10 [DPA];  
Education Appropriations: 2/25/10 [DPA(ELCS)].

**Floor Activity:**

Passed House: 3/5/10, 69-29.  
Senate Refuses to Concur.  
House Amended.  
Passed House: 3/10/10, 81-16.

**Brief Summary of Substitute Bill**

- Establishes a working group to develop a plan for implementing a voluntary program of early learning.
- Requires a report from the Quality Education Council to the Legislature by January 1, 2012.
- Revises the duties and membership of the Early Learning Advisory Council.

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### HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman and Seaquist.

**Minority Report:** Do not pass. Signed by 1 member: Representative Angel.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Sydney Forrester (786-7120).

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## HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Early Learning & Children's Services. Signed by 13 members: Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson, Carlyle, Haler, Hunter, Kagi, Maxwell, Quall, Rolfes and Wallace.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Nealey.

**Staff:** Wendy Polzin (786-7137).

### **Background:**

#### Department of Early Learning.

Created by the Legislature in 2006, the Department of Early Learning (DEL) is charged with implementing state early learning policy and coordinating, consolidating, and integrating child care and early learning programs. One of the purposes underlying the creation of the DEL is to promote linkages and alignment between early learning programs and elementary schools. The DEL has approached a number of its initiatives over the past three years with the ultimate goal of improving school readiness for Washington's children. The Director of the DEL serves on the Quality Education Council.

#### Thrive by Five Washington.

Thrive by Five Washington (Thrive) is a nongovernmental private-public partnership created in 2006 to mobilize public and private partners to advance development and learning of children from birth to age 5.

#### Early Learning Advisory Council.

In 2007 the Legislature created the Early Learning Advisory Council (ELAC) to advise the DEL on statewide early learning needs and progress. The ELAC was directed to work in conjunction with the DEL to develop a statewide early learning plan. The ELAC may include up to 25 members, as follows:

1. one representative from each of the following state agencies:
  - the DEL;
  - the Office of Financial Management;
  - the Department of Social and Health Services;
  - the Department of Health;
  - the Higher Education Coordinating Board;
  - the State Board for Community and Technical Colleges; and
  - the Office of the Superintendent of Public Instruction;
2. seven or more leaders in early childhood education, appointed by the Governor;
3. two members of the House of Representatives, one from each caucus;
4. two members of the Senate, one from each caucus;
5. two parents, one of whom must serve on the DEL's Parent Advisory Council;
6. one representative designated by sovereign tribal governments;
7. two representatives from Thrive; and

8. one representative from the Washington Federation of Independent Schools.

The ELAC members serve staggered two-year terms. Co-chairs are elected by vote, with one representing a state agency and the other representing a nongovernmental entity. The DEL provides staff support to the ELAC and members are reimbursed for travel expenses incurred in carrying out their duties.

#### Quality Education Council.

The Quality Education Council (QEC) was created by the Legislature in 2009 to serve as the education reform implementation and oversight body. The Superintendent of Public Instruction (SPI) serves as chair of the QEC. In its January 2010 report to the Governor and the Legislature, the QEC included 13 recommendations, including a recommendation for the inclusion of an early learning program for at-risk 3- and 4-year-olds within the definition of basic education.

#### Achievement Gap Oversight and Accountability Committee.

In 2009 the Legislature established the Achievement Gap Oversight and Accountability Committee (Committee) to synthesize the findings and recommendations from the 2008 achievement gap studies and to develop recommendations for policies and strategies to close the achievement gap.

#### Early Childhood Education and Assistance Program.

The Early Childhood Education and Assistance Program (ECEAP) is the current state-funded voluntary preschool program serving children ages 3 and 4 from low-income households. Children from families with income at or below 110 percent of the federal poverty level are eligible for enrollment in the ECEAP. In addition, under rules adopted by the DEL, up to 10 percent of total enrollment slots may be used to enroll children who do not qualify on the basis of family income, including children with developmental delays. Priority for enrollment is given to children from families with the lowest incomes, children in foster care, and children from families with multiple needs. Program standards for the ECEAP are developed by the DEL and include standards for curriculum, provider credentials, and family support services.

#### Program of Basic Education.

The 1977 Basic Education Act describes the program of basic education as:

- the goal of the school system, which includes providing students the opportunity to develop essential knowledge and skills in various subjects;
- the instructional program to be made available by school districts; and
- the determination and distribution of state funding to support the instructional program.

#### Previous Legislation.

In 2009 the Legislature enacted Engrossed Substitute House Bill 2261 (ESHB 2261), which, among other reforms, declared the intent to develop a program of early learning within basic education; directed the SPI and the DEL to convene a working group to develop the basic education program of early learning; and required status reports and a final report be delivered to the QEC. This section of ESHB 2261 was vetoed by the Governor. The Governor's veto message included her commitment to "providing quality early learning

programs for all" Washington's children, and requested the SPI and the Director of the DEL "to work together to bring a proposal forward that ensures all Washington children have the benefit of early childhood education." By letter, the Governor also requested Thrive be included in development of the proposal and that a final report be delivered by December 1, 2009.

The ELAC incorporated the proposal requested by the Governor in her veto message into the draft Early Learning Plan (ELP) presented to the Legislature on December 2, 2009. Among the recommendations in the current draft ELP is a recommendation to increase investments in enhanced early learning opportunities for children ages birth to grade 3, including implementation of a voluntary universal preschool program. The opportunities should be available to all who wish to access them, and they should work to close the preparation and achievement gap children are experiencing.

### **Summary of Bill:**

A technical working group is established to develop a comprehensive plan for a voluntary program of early learning. The plan must examine the opportunities and barriers of at least two options, including a program of early learning under the program of basic education, and a program of early learning as an entitlement, either statutorily or constitutionally protected. As part of its efforts, the working group must review early learning programs in and outside of Washington, including the ECEAP, and the federal Head Start program.

The plan must address recommendations for the following elements:

- eligibility criteria for enrollment;
- program standards, including scope and type of services, number of hours per school year, teacher qualifications, and transportation requirements;
- performance measures;
- provider standards, including whether approval, certification, or licensing by the DEL will be required, and whether public, private, nonsectarian, or sectarian organizations may provide services;
- governance responsibilities for the SPI and the DEL;
- funding necessary to implement the program;
- an implementation timeline; and
- the role of the ECEAP in the new program of early learning.

By April 1, 2010, the Office of the Superintendent of Public Instruction (OSPI) and the DEL will convene the working group, which will be overseen by the QEC. Membership of the working group will include:

- one representative from each of the following:
  - the DEL;
  - the Office of the Attorney General;
  - Thrive; and
  - the OSPI; and
- two members of the ELAC, and an unspecified number of early learning experts, all to be appointed by the ELAC.

The working group must provide a progress report by July 1, 2011, and a final report and plan by November 1, 2011, to the ELAC and the QEC. The QEC will consult with the ELAC, and then report to the Legislature by January 1, 2012, with recommendations for a comprehensive plan for a voluntary program of early learning.

The role of the ELAC is revised so that it advises the DEL on issues leading to the building of a comprehensive system of quality early learning programs and services by:

- assessing needs and the availability of services;
- aligning resources;
- developing plans for data collection and professional development; and
- setting key performance measures.

The membership of the ELAC is limited to a maximum of 23 members. Thrive representation is reduced from two members to one, and the total number appointed by the Governor is limited to seven.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony** (Early Learning & Children's Services):

(In support) Early learning is critical for student success. The Early Learning Plan developed by the OPSI, the DEL, and Thrive and the report from the QEC recommended that a program of early learning be included in basic education. This bill takes a direct look at all of the questions relating to performance measures, transportation, and teacher qualifications, and we should not rush through this effort. It was important to include the QEC. There is a good deal of focus on the K-12 system within the QEC and we need to make sure that early learning is included in those discussions by having the ELAC work with the QEC.

We would like to maintain the momentum behind creating a comprehensive system of voluntary early learning. We know where we want to go and we know the outcomes we want to achieve. We want to make sure that all children are intellectually and socially prepared by the time they reach kindergarten. This bill adds to that momentum and creates a roadmap. There is strong federal interest in funding states that have strong early learning systems for children ages birth to 5 years. Even though we do not know what the pending early learning federal legislation will ultimately be, the more we can do at the state level, the more competitive we will be for federal funds.

When early learning and child care programs include or are connected to the ECEAP, those programs have significantly higher quality overall. This benefits all children, including those whose parents can pay the full cost of care. We have the ability to merge funding streams by promoting programs in which ECEAP-eligible children and children whose parents are able to pay the full cost of care are in mixed classrooms.

The Governor strongly supports this bill because it continues the conversation about how best to deliver services to 3- and 4-year-old children. The new information we have from the 2009 Attorney General's opinion is an important consideration and this bill would allow us the opportunity to explore the various ways of getting to the goal we all agree on.

Law enforcement agencies in Washington strongly support high quality early learning opportunities for all children in Washington because investments in early learning will reduce the high school dropout rate and the resulting likelihood of criminal involvement and incarceration later in life. High quality early learning is the most powerful crime prevention strategy in which the state and its partners can invest.

The United Ways of Washington support this bill because early learning is a critical asset for children and families in this state. The research and science around early learning is compelling. It is the single best investment the state can make. Eighty-five percent of the human brain structure develops in the first five years of life, yet only 4 percent of state investments are targeted to this period of human development. We have the opportunity to correct that through this bill.

Reducing the size of the ELAC is intended to help with maintaining a quorum.

(Opposed) None.

**Staff Summary of Public Testimony (Education Appropriations):**

(In support) Research shows that enrolling children with special needs in education programs for two years before kindergarten end up saving tens of thousands of dollars in later years. As the process to include early learning with basic education is delayed, more children are passing through the birth-to-five window. The Legislature is encouraged to keep up the momentum that has been built. It is important to de-silo the conversation about early learning and the K-12 system, and this bill helps with that. A plan may be developed before the end of session that resolves existing concerns.

(In support with concerns) The Office of the Superintendent of Public Instruction prefers that the Legislature move forward with Second Substitute House Bill 2731, which provides a roadmap and moves the process along. If that bill does not move forward, there are concerns that the state will be in the same place next year. If Substitute Senate Bill 6759 is moved, then next fall legislative leaders, the Attorney General, the Governor's office, and stakeholders should meet together to solve their differences.

(Opposed) None.

**Persons Testifying (Early Learning & Children's Services):** Senator Kauffman, prime sponsor; Hannah Lidman, Economic Opportunity Institute and Early Learning Action Alliance; Frank Ordway, League of Education Voters; Leslie Goldstein, Office of the Governor; Paul Knox, United Way of Thurston County and United Ways of Washington; Laura Wells, Fight Crime: Invest in Kids; Bob Butts, Office of the Superintendent of Public Instruction; Bea Kelleigh, City of Seattle; and Carol Wood, United Way of King County and United Ways of Washington.

**Persons Testifying** (Education Appropriations): (In support) Erica Hallock, United Ways of Washington; Hannah Lidman, Economic Opportunity Institute/Early Learning Action Alliance; Adair Dammann, Service Employees International Union 925; and George Scarola, League of Education Voters.

(In support with concerns) Bob Butts, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying** (Early Learning & Children's Services): None.

**Persons Signed In To Testify But Not Testifying** (Education Appropriations): None.