

SENATE BILL REPORT

2SHB 2731

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 24, 2010

Title: An act relating to implementing a program of early learning for educationally at-risk children.

Brief Description: Creating an early learning program for educationally at-risk children.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Goodman, Haler, Maxwell, Priest, Kagi, Sullivan, Seaquist, Quall, O'Brien, Jacks, Haigh, Pedersen, Darneille, Kenney, Rolfes, Hunter, Williams, Orwall, Lias, Carlyle, Roberts, Simpson, Walsh, Nelson, Kelley, Dickerson, Appleton, Eddy, Sells and Morrell).

Brief History: Passed House: 2/13/10, 67-28.

Committee Activity: Early Learning & K-12 Education: 2/22/10, 2/24/10 [DPA-WM, DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Gordon, Hobbs and McDermott.

Minority Report: Do not pass.

Signed by Senator Holmquist.

Minority Report: That it be referred without recommendation.

Signed by Senators King, Ranking Minority Member; Brandland and Roach.

Staff: Kimberly Cushing (786-7421)

Background: The Department of Early Learning (DEL) was established in 2006 as an executive branch agency. The primary duties of DEL are to implement early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funds efficiently.

The Early Childhood Education and Assistance Program (ECEAP) is Washington's comprehensive preschool program designed to help low-income and at-risk children and their families. Under current law, children are eligible for ECEAP if they are not eligible for

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kindergarten and are from families with income at or below 110 percent of the federal poverty level. Priority is given to children from families with the lowest income, children in foster care, or children from families with multiple needs. Up to 10 percent of participants do not have to qualify by income, but are eligible under DEL's rules, due to developmental or environmental risk factors. DEL administers ECEAP, develops program standards, and directly contracts with service providers.

Under article IX, section 1 of the Washington State Constitution, "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders ..." The courts have interpreted this to mean that the state must define a program of basic education and amply fund it from a regular and dependable source. Under current Washington law, each school district's kindergarten through 12th grade basic educational program must be accessible to all students who are five-years-old and less than 21.

Summary of Bill (Recommended Amendments): The Legislature intends to create an entitlement to a program of early learning for educationally at-risk children.

Beginning September 1, 2011, an early learning program (Program) is established to provide voluntary preschool for children who are educationally at risk. The Program must provide comprehensive services to eligible three- and four-year-olds and their families. The Superintendent of Public Instruction (SPI) and DEL must jointly adopt rules for specific program components. DEL must have administrative responsibility for contracting with providers, monitoring program quality, and providing technical assistance to contracted providers.

During the initial implementation phase, the Program will utilize the same eligibility criteria and program standards used by ECEAP. For subsequent phases of implementation, the Legislature must define program standards and eligibility criteria after receiving recommendations from the SPI and DEL. However, eligibility must include criteria relating to poverty and risk factors shown by research to correlate with poor school outcomes. Children who do not qualify for the Program based on poverty or risk factors will be eligible if an individual evaluation conducted by the school district demonstrates the child is at risk of being unprepared for kindergarten. On a space-available basis, the Program may allow enrollment of children who are not educationally at risk by assessing a fee.

Funding for the Program will be appropriated to the SPI, and allocated on a per-eligible-child basis. For the initial phase of implementation, the Legislature will appropriate to the SPI an amount that is not less than what would otherwise have been appropriated for ECEAP to the DEL. School districts and community-based early learning providers may contract with DEL to deliver services. A school district is required to contract with DEL to deliver the Program if no community-based provider is available.

Beginning in the 2013-14 school year, additional funding will be phased-in incrementally until full implementation of the Program is achieved in the 2017-18 school year. The phase-in of additional funding will begin with school districts having the highest poverty levels, as defined by free and reduced price lunch support in the prior school year.

The following reports are due to the Legislature by November 15, 2010:

- recommendations from the SPI and the Director of DEL regarding risk factors demonstrated by research to correlate with increased likelihood of poor educational outcomes, and a process for conducting and implementing individual evaluations to be used in determining eligibility;
- recommendations from the SPI, and the Directors of DEL and Office of Financial Management regarding a budgeting and funding allocation method.

By January 1, 2011, the SPI and the Director of DEL will report to the Legislature regarding:

- recommendations for program standards, service standards, and technical assistance needed for potential Program providers;
- a strategy to optimize phased implementation of the Program based on locations of potential providers;
- transportation needs for the Program based on current arrangements used for the ECEAP and future needs; and
- options for developing socioeconomically diverse classrooms.

Effective September 1, 2011, two ECEAP funding statutes are repealed.

This act may be known as the Ready for School Act of 2010.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments): Removes the early learning program from basic education. Adds that the Legislature intends to create an entitlement for a program of early learning for educationally at-risk children.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for sections 8 and 13 which are effective September 1, 2011.

Staff Summary of Public Testimony on Second Substitute House Bill: PRO: Bringing early learning into basic education is a controversial topic. We were concerned about bringing a program based on income into basic education and solved this by using risk factors. We were concerned about segregated classrooms, thus the bill allows for parents to buy into the program. The funding can go through OSPI and be directed to DEL to contract with school districts and community-based providers so there will be no constitutional problems. We don't want to "schoolify" early learning, we want to build on strengths. School districts to a minimal degree will have to develop an early learning program. It is important to mesh early learning and K-12. Why should we be putting early learning in basic education right now? This is difficult conversation because we have to fully fund basic education. If we don't include preschool in with basic education, we will never fully fund it. If we invest early, we won't need as much money in the later years. There is no greater return on the tax dollar. We worked hard to phase the bill in over several biennium. It is a negligible cost

during difficult economic times. Everyone agrees that early learning is important; if the program is important as we go through difficult budget cycles we need to ensure its protection. If we don't act now, we are leaving a lot of federal money on the table. This bill will put us in a strong position to generously fund early learning with state and federal dollars. By including early learning in basic education, the state would establish stable funding and ensure gains in early learning will maintain a close connection with K-12 system. Early learning is not just about getting kids ready in school but where significant cognitive development occurs. The bill makes it clear the starting place is ECEAP but nothing in ECEAP changes. Some argue that putting early learning in basic education would create competition in the K-12 pot. The reverse would be true. Picture being in a for-profit corporation: early learning has to be part of basic education because kids aren't equivalent to a database; you cannot put 60 percent of the data in and not be prepared and expect good results. The bill represents a powerful vision and good next step forward. It allows Washington State to pay high dividends for budget and families. As early learning programs are being eliminated, the parents become disengaged. Early learning is an important time in children's lives and quality programs have a lasting impact in the community. Starting early builds confidence and competence and causes kids to arrive at kindergarten ready for success. Seventy-two percent of students do not graduate on time. Sixty-eight percent of state inmates are high school dropouts. We need to ensure that at-risk kids have access to high quality early learning. This bill will allow learning disabilities to be found and addressed sooner and will cut remedial education costs. Emphasis needs to be on birth and integration of preschool into K-12. The best way to ensure integration and data is continuation of this work. Elevate early learning to its proper role. The bill will improve quality child care for all licensed providers across the state and provide standards and components for quality care. The bill will increase communication between early learning workforce and K-3 teachers, which is essential for a seamless system. Data shows there is a big preparation gap even before children enter preschool. The components and quality of preschool make a huge difference. Preschool is indeed basic education regardless of where it is placed in services. We need quality early learning for all families. Supt. Dorn who was a kindergarten teacher and principal is a strong supporter of voluntary preschool for at-risk kids as part of basic education. However, with regard to the budget – also fund class-size reduction for K-4 and ECEAP.

CON: The Governor agrees there are many different ways of providing and funding early learning, and she is opposed to making it part of basic education. She gives great weight to the Attorney General Opinion. Many preschool and day care folks are private and faith-based. The Catholic community has been part of preschool for many years. We truly believe early learning is extremely important in helping students become successful K-12 students. We are concerned these providers would be excluded. We support the bill without it being part of basic education.

OTHER: Under the federal constitution, to the extent private providers can participate include religious providers. Parents have the right to choose the best school for children.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Representative Priest, Representative Sullivan; Laura Wells, Sheriff Casey Salisbury, Undersheriff Jim Barrett, Fight Crime Invest in Kids; Rick Allen, United Ways of Washington, United Way of Pierce County; Joel Ryan, Washington State Association of Head Start/ECEAP; Meagan Macvie,

parent; Erin Okuno, Foundation for Early Learning; Teresa Mosqiuda, Children's Alliance; Bonnie Beukema, League of Education Voters; Ryan Pricco, Washington Resource & Referral Network; Bea Kelleigh, City of Seattle; Carol Wood, United Way of King County; Bob Butts, OSPI.

CON: Judy Jennings, Washington Federation of Independent Schools; Leslie Goldstein, Governor's Policy Office.

OTHER: Michael Bindas, Institute for Justice.