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HOUSE BILL 2867

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State of Washington

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2010 Regular Session

By Representatives Kagi, Sells, White, Hunt, Chase, Kessler, Morrell, Van De Wege, Kenney, and Hasegawa; by request of Governor Gregoire

Read first time 01/15/10. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to early learning; amending RCW 43.215.005,  
2 43.215.020, 43.215.090, 28A.215.010, and 43.215.410; adding new  
3 sections to chapter 43.215 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to make available  
6 early learning preschool opportunities to every three and four-year old  
7 child in the state. The legislature further finds that early learning  
8 experiences are improved when all children have the opportunities to  
9 learn together. Early learning opportunities can be expanded by  
10 combining state support with private payments by families who can  
11 afford to pay. Requiring programs to earn certification will improve  
12 the quality of preschool programs, provide better information about  
13 quality to parents, and improve outcomes for children.

14 **Sec. 2.** RCW 43.215.005 and 2007 c 415 s 1 are each amended to read  
15 as follows:

16 (1) The legislature recognizes that:

17 (a) Parents are their children's first and most important teachers  
18 and decision makers;

1 (b) Research across disciplines now demonstrates that what happens  
2 in the earliest years makes a critical difference in children's  
3 readiness to succeed in school and life;

4 (c) Washington's competitiveness in the global economy requires a  
5 world-class education system that starts early and supports life-long  
6 learning;

7 (d) Washington state currently makes substantial investments in  
8 voluntary child care and early learning services and supports, but  
9 because services are fragmented across multiple state agencies, and  
10 early learning providers lack the supports and incentives needed to  
11 improve the quality of services they provide, many parents have  
12 difficulty accessing high quality early learning services;

13 (e) A more cohesive and integrated voluntary early learning system  
14 would result in greater efficiencies for the state, increased  
15 partnership between the state and the private sector, improved access  
16 to high quality early learning services, and better employment and  
17 early learning outcomes for families and all children; and

18 (f) Voluntary high quality preschool opportunities for all three  
19 and four-year olds will help children succeed in school and life.

20 (2) The legislature finds that the early years of a child's life  
21 are critical to the child's healthy brain development and that the  
22 quality of caregiving during the early years can significantly impact  
23 the child's intellectual, social, and emotional development.

24 (3) The purpose of this chapter is:

25 (a) To establish the department of early learning;

26 (b) To coordinate and consolidate state activities relating to  
27 child care and early learning programs;

28 (c) To safeguard and promote the health, safety, and well-being of  
29 children receiving child care and early learning assistance, which is  
30 paramount over the right of any person to provide care;

31 (d) To provide tools to promote the hiring of suitable providers of  
32 child care by:

33 (i) Providing parents with access to information regarding child  
34 care providers;

35 (ii) Providing parents with child care licensing action histories  
36 regarding child care providers; and

37 (iii) Requiring background checks of applicants for employment in  
38 any child care facility licensed or regulated under current law;

1 (e) To promote linkages and alignment between early learning  
2 programs and elementary schools and support the transition of children  
3 and families from prekindergarten environments to kindergarten;

4 (f) To promote the development of a sufficient number and variety  
5 of adequate child care and early learning facilities, both public and  
6 private; and

7 (g) To license agencies and to assure the users of such agencies,  
8 their parents, the community at large and the agencies themselves that  
9 adequate minimum standards are maintained by all child care and early  
10 learning facilities.

11 (4) This chapter does not expand the state's authority to license  
12 or regulate activities or programs beyond those licensed or regulated  
13 under existing law.

14 **Sec. 3.** RCW 43.215.020 and 2007 c 394 s 5 are each amended to read  
15 as follows:

16 (1) The department of early learning is created as an executive  
17 branch agency. The department is vested with all powers and duties  
18 transferred to it under this chapter and such other powers and duties  
19 as may be authorized by law.

20 (2) The primary duties of the department are to implement state  
21 early learning policy and to coordinate, consolidate, and integrate  
22 child care and early learning programs in order to administer programs  
23 and funding as efficiently as possible. The department's duties  
24 include, but are not limited to, the following:

25 (a) To support both public and private sectors toward a  
26 comprehensive and collaborative system of early learning that serves  
27 parents, children, and providers and to encourage best practices in  
28 child care and early learning programs;

29 (b) To make early learning resources available to parents and  
30 caregivers;

31 (c) To carry out activities, including providing clear and easily  
32 accessible information about quality and improving the quality of early  
33 learning opportunities for young children, in cooperation with the  
34 nongovernmental private-public partnership;

35 (d) To administer child care and early learning programs;

36 (e) To establish certification for preschool programs serving three

1 and four-year old children, including a timeline for requiring all  
2 preschools to become certified;

3 (f) To standardize internal financial audits, oversight visits,  
4 performance benchmarks, and licensing criteria, so that programs can  
5 function in an integrated fashion;

6 ~~((+f))~~ (g) To support the implementation of the nongovernmental  
7 private-public partnership and cooperate with that partnership in  
8 pursuing its goals including providing data and support necessary for  
9 the successful work of the partnership;

10 ~~((+g))~~ (h) To work cooperatively and in coordination with the  
11 early learning council;

12 ~~((+h))~~ (i) To collaborate with the K-12 school system at the state  
13 and local levels to ensure appropriate connections and smooth  
14 transitions between early learning and K-12 programs; (~~and~~

15 ~~+i))~~ (j) To develop preschool programs for voluntary attendance by  
16 three and four-year old children under section 5 of this act;

17 (k) To review the early childhood education and assistance program  
18 and head start program standards to make recommendations for improving  
19 program quality;

20 (l) To work with the federal agency administering the head start  
21 program to integrate the state and federal programs to better serve  
22 children and families;

23 (m) To develop, coordinate, and implement services and programs for  
24 children from birth to age three that support families and caregivers  
25 through a continuum of options including but not limited to programs or  
26 services provided in community settings such as health care offices,  
27 libraries, children's museums, and park and recreation programs; and

28 (n) Upon the development of an early learning information system,  
29 to make available to parents timely inspection and licensing action  
30 information through the internet and other means.

31 (3) The department's programs shall be designed in a way that  
32 respects and preserves the ability of parents and legal guardians to  
33 direct the education, development, and upbringing of their children,  
34 and that recognizes and honors cultural and linguistic diversity. The  
35 department shall include parents and legal guardians in the development  
36 of policies and program decisions affecting their children.

1       **Sec. 4.** RCW 43.215.090 and 2007 c 394 s 3 are each amended to read  
2 as follows:

3       (1) The early learning advisory council is established to advise  
4 the department on statewide early learning community needs and  
5 progress.

6       (2) The council shall work in conjunction with the department to  
7 develop a statewide early learning plan that crosses systems and  
8 sectors to promote alignment of private and public sector actions,  
9 objectives, and resources, and to ensure school readiness. The council  
10 shall update the plan at least every five years after the initial plan  
11 is completed in 2010.

12       (3) The council shall include diverse, statewide representation  
13 from public, nonprofit, and for-profit entities. Its membership shall  
14 reflect regional, racial, and cultural diversity to adequately  
15 represent the needs of all children and families in the state.

16       (4) Council members shall serve two-year terms. However, to  
17 stagger the terms of the council, the initial appointments for twelve  
18 of the members shall be for one year. Once the initial one-year to  
19 two-year terms expire, all subsequent terms shall be for two years,  
20 with the terms expiring on June 30th of the applicable year. The terms  
21 shall be staggered in such a way that, where possible, the terms of  
22 members representing a specific group do not expire simultaneously.

23       (5) The council shall consist of not more than twenty-five members,  
24 as follows:

25       (a) The governor shall appoint at least one representative from  
26 each of the following: The department, the office of financial  
27 management, the department of social and health services, the  
28 department of health, the higher education coordinating board, and the  
29 state board for community and technical colleges;

30       (b) One representative from the office of the superintendent of  
31 public instruction, to be appointed by the superintendent of public  
32 instruction;

33       (c) The governor shall appoint at least seven leaders in early  
34 childhood education, with at least one representative with experience  
35 or expertise in each of the following areas: Children with  
36 disabilities, the K-12 system, family day care providers, and child  
37 care centers;

1 (d) Two members of the house of representatives, one from each  
2 caucus, and two members of the senate, one from each caucus, to be  
3 appointed by the speaker of the house of representatives and the  
4 president of the senate, respectively;

5 (e) Two parents, one of whom serves on the department's parent  
6 advisory council, to be appointed by the governor;

7 (f) Two representatives of the private-public partnership created  
8 in RCW 43.215.070, to be appointed by the partnership board;

9 (g) One representative designated by sovereign tribal governments;  
10 and

11 (h) One representative from the Washington federation of  
12 independent schools.

13 (6) The council shall be cochaired by one representative of a state  
14 agency and one nongovernmental member, to be elected by the council for  
15 two-year terms.

16 (7) Each member of the board shall be compensated in accordance  
17 with RCW 43.03.240 and reimbursed for travel expenses incurred in  
18 carrying out the duties of the board in accordance with RCW 43.03.050  
19 and 43.03.060.

20 (8) The department shall provide staff support to the council.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.215 RCW  
22 to read as follows:

23 (1) The all start voluntary preschool program for three and four-  
24 year old children is created. The department shall phase-in all start  
25 as funds are available. It is the intent that all start begin in  
26 September 2013 and that opportunities for all start be available to all  
27 three and four-year old children by September 2020. The program shall  
28 be implemented first in areas that have state-funded all-day  
29 kindergarten programs. In implementing the program, the department  
30 shall:

31 (a) Establish a schedule of state support and copayments based upon  
32 the ability to pay for families at or below two hundred percent of the  
33 federal poverty guidelines;

34 (b) Establish criteria for eligible providers that provide for a  
35 service delivery system that includes both public and private entities,  
36 including criteria that requires programs to obtain preschool  
37 certification under RCW 43.215.020;

1 (c) Establish program criteria including, but not limited to,  
2 program hours, length of program year, class size, and ratios of  
3 children to early childhood educators;

4 (d) Establish criteria for early childhood educators including, but  
5 not limited to, requirements for credentialing, background screening,  
6 and professional development;

7 (e) Establish performance measures and collect data to evaluate the  
8 achievement of children over time as required under RCW 43.215.080;

9 (f) Require curricula options that are developmentally appropriate  
10 and promote creativity and include but are not limited to helping  
11 children acquire language and literacy skills, large and small motor  
12 skills, learn through hands-on experiences, and acquire social and  
13 emotional skills including successful participation in learning  
14 activities as an individual and as part of a group;

15 (g) Require programs to provide for family participation; and

16 (h) Require programs to have plans to help the children and  
17 families transition to kindergarten and to have strong connections with  
18 other early learning providers in the community and the public schools  
19 in the community.

20 (2) The department may adopt rules as needed to implement this  
21 section.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.215 RCW  
23 to read as follows:

24 The department shall charge fees for the certification and for the  
25 renewal of certification. The fees shall be set at a sufficient level  
26 to defray the costs of the certification. All such fees shall be fixed  
27 by rule adopted under the administrative procedure act, chapter 34.05  
28 RCW.

29 **Sec. 7.** RCW 28A.215.010 and 2006 c 263 s 410 are each amended to  
30 read as follows:

31 The board of directors of any school district shall have the power  
32 to establish and maintain preschools and to provide before-and-after-  
33 school and vacation care in connection with the common schools of said  
34 district located at such points as the board shall deem most suitable  
35 for the convenience of the public, for the care and instruction of  
36 infants and children residing in said district. The board shall

1 establish such courses, activities, rules, and regulations governing  
2 preschools and before-and-after-school care as it may deem best:  
3 PROVIDED, That these courses and activities shall meet the minimum  
4 standard for such preschools as established by the United States  
5 department of health, education and welfare, or its successor agency,  
6 the department of early learning, and the superintendent of public  
7 instruction. Except as otherwise provided by state or federal law, the  
8 board of directors may fix a reasonable charge for the care and  
9 instruction of children attending such schools. The board may, if  
10 necessary, supplement such funds as are received for the superintendent  
11 of public instruction or any agency of the federal government, by an  
12 appropriation from the general school fund of the district.

13 **Sec. 8.** RCW 43.215.410 and 2006 c 265 s 211 are each amended to  
14 read as follows:

15 (1) The department shall administer a state-supported early  
16 childhood education and assistance program to assist eligible children  
17 with educational, social, health, nutritional, and cultural development  
18 to enhance their opportunity for success in the common school system.  
19 Eligible children shall be admitted to approved early childhood  
20 programs to the extent that the legislature provides funds, and  
21 additional eligible children may be admitted to the extent that grants  
22 and contributions from community sources provide sufficient funds for  
23 a program equivalent to that supported by state funds.

24 (2) Without reducing services to eligible children, programs may  
25 admit additional children with incomes above the eligibility criteria  
26 set under RCW 43.215.405 and may charge a fee for the portion of the  
27 program services that the child receives. If state funds are available  
28 the department may establish a schedule of state support and copayments  
29 for families with incomes above the eligibility criteria set under RCW  
30 43.215.405 and at or under two hundred percent of the federal poverty  
31 guidelines. The department may charge fees for families above two  
32 hundred percent of the federal poverty guidelines.

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