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**SENATE BILL 5437**

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

**By** Senators Wilson, C., Palumbo, Wellman, Hunt, Saldaña, Nguyen, Randall, Das, Billig, Mullet, Darneille, Dhingra, Hasegawa, Kuderer, and Takko; by request of Office of the Governor

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

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

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

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

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

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

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

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

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

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

(5) The department shall select up to ten pilot project locations during the first year of the pilot project. Each pilot project location may have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.

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

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

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

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

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

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

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

(9) This section expires December 31, 2023.

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

(1) The department shall adopt rules that allow the inclusion of children in the early childhood education and assistance program whose family income ((~~is above~~)) ranges from one hundred ((~~ten~~)) eleven to two hundred percent of the federal poverty level ((~~if the number of such children equals not more than twenty-five percent of 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.**  RCW 43.216.525 and 2015 3rd sp.s. c 7 s 8 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

(2) The department shall include in its annual report under subsection (1) of this section 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 RCW 43.216.512. The department may not use data that is identifiable to any child or family as part of this description.

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

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

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

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

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

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