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**SENATE BILL 5630**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senator Hasegawa

AN ACT Relating to expanding the statutory program of basic education to include the basic education program of early learning; amending RCW 28A.150.200, 43.216.020, 28A.410.210, and 28A.413.030; adding a new chapter to Title 28A RCW; and providing an expiration date.

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

NEW SECTION. **Sec.**  INTENT. (1) The legislature finds that research shows that children who participate in high quality early learning programs have improved school and life outcomes. The legislature further finds that access to high quality early learning programs and affordable child care is not equal statewide and leads to disparate outcomes. Lack of access to these programs has a disproportionate impact on working families, low-income families, and families of color, which have been further exacerbated by the COVID-19 pandemic and has impacted parents' ability to return to work.

(2) The legislature acknowledges that the legislature passed chapter 548, Laws of 2009 that stated the legislature's intent to establish a program of early learning for at-risk children and include it within the overall program of basic education, but this program was vetoed by the governor. The legislature intends to renew its goal of expanding access to high quality early learning programs and address unequal access by phasing in an expanded statutory program of basic education to include early learning. The basic education program of early learning would be phased in for three and four year olds starting in the 2026-27 school year and making it an entitlement for all three and four year olds by the 2029-30 school year.

(3) The legislature further intends to convene a work group to discuss and plan the incorporation of certain early learning programs into the program of basic education by the 2029-30 school year and establish a robust, comprehensive system of early learning from birth through age eight. The legislature intends for this state investment in high quality early learning programs to improve opportunities for student success in school and throughout life.

NEW SECTION. **Sec.**  RECOMMENDATIONS. (1) By December 1, 2024, the office of the superintendent of public instruction, in consultation with the department of children, youth, and families, the Washington professional educator standards board, and the Washington paraeducator board, shall examine the statutory authority, rules, and jurisdiction between the K-12 and early learning education systems and make recommendations to the education committees of the legislature regarding changes or clarifications to the applicable statutes, rules, and jurisdiction of the office of the superintendent of public instruction and the department of children, youth, and families that are necessary to implement this act.

(2) The superintendent of public instruction, the secretary of the department of children, youth, and families, and the director of the office of financial management, or their respective designees, shall report to the appropriate committees of the legislature by December 1, 2024, with recommendations for a budgeting and funding allocation method for the basic education program of early learning established under section 3 of this act based on an estimate of eligible students. Recommendations must include a schedule of implementation consistent with section 3 of this act to provide for the incorporation of certain early learning programs into the program of basic education by the 2029-30 school year.

(3) This section expires July 1, 2025.

NEW SECTION. **Sec.**  BASIC EDUCATION PROGRAM OF EARLY LEARNING. (1) The basic education program of early learning is established. Each school district shall provide or contract to provide a basic education early learning program for all children who are three or four years of age. The program must be a comprehensive program providing early childhood education, family support, and options for parental involvement. Participation in the program is voluntary for children and family participants but must be fully implemented by each school district by the 2029-30 school year.

(2) Beginning in the 2026-27 school year, funding for the basic education program of early learning must be phased in beginning in school districts with the highest poverty levels. For the purposes of this section, school districts with the highest poverty levels are those school districts with the highest percentages of enrolled students qualifying for the free and reduced-price lunch program in the prior school year. Once a school district has received funding based on its poverty level, the school district shall remain eligible for funding in subsequent phase-in years regardless of changes in the district's percentage of poverty.

(3) Funding shall be phased in incrementally based on the school districts with the highest poverty levels as set forth under subsection (2) of this section and under the following timeline:

(a) Beginning in the 2026-27 school year, at least 25 percent of school districts shall provide or contract to provide a basic education early learning program for all children who are three or four years of age;

(b) Beginning in the 2027-28 school year, at least 50 percent of school districts shall provide or contract to provide a basic education early learning program for all children who are three or four years of age;

(c) Beginning in the 2028-29 school year, at least 75 percent of school districts shall provide or contract to provide a basic education early learning program for all children who are three or four years of age; and

(d) Beginning in the 2029-30 school year, each school district shall provide or contract to provide a basic education early learning program for all children who are three or four years of age.

(4)(a) Each class within the basic education program of early learning must meet the following staff-to-student ratios:

(i) One lead teacher for the first 10 students; and

(ii) One assistant teacher for 11 to 20 students.

(b) The same staff-to-student ratios in (a) of this subsection must be met for more than 20 students.

(5) Instruction must be delivered by lead and assistant teachers. Lead teachers must be certificated instructional staff who have met the qualifications established by the Washington professional educator standards board created under RCW 28A.410.270. Assistant teachers must be early childhood paraeducators who have met the qualifications established by the Washington paraeducator board created under RCW 28A.413.020.

(6) Early childhood education services under the program must include:

(a) At least a school district-wide annual average of 1,000 instructional hours per school year of direct early childhood education delivered over the course of a minimum of 180 days of scheduled classes; and

(b) Developmentally appropriate instruction through a planned curriculum.

(7) The office of the superintendent of public instruction and the department of children, youth, and families shall jointly adopt rules to implement the basic education program of early learning.

**Sec.**  RCW 28A.150.200 and 2021 c 164 s 2 are each amended to read as follows:

(1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.005 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities;

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180; ((~~and~~))

(e) Statewide salary allocations necessary to hire and retain qualified staff for the state's statutory program of basic education; and

(f) The basic education program of early learning established under section 3 of this act.

**Sec.**  RCW 43.216.020 and 2021 c 304 s 5 are each amended to read as follows:

(1) The department shall implement state early learning policy and coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

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

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

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

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

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

(f) To apply data already collected comparing the following factors and make recommendations to the legislature in a time frame which corresponds to the child care and development fund federal reporting requirements, regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes, centers, and outdoor nature-based child care;

(ii) Compensation of early learning educators in licensed centers, homes, and outdoor nature-based child care, and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(g) To administer the early support for infants and toddlers program in RCW 43.216.580, serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA), and develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

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

(i) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(j) To work cooperatively and in coordination with the early learning council;

(k) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(l) To develop and adopt rules for administration of the program of early learning established in RCW 43.216.555;

(m) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; ((~~and~~))

(n) To develop and adopt rules, jointly with the office of the superintendent of public instruction, for administration of the basic education program of early learning established under section 3 of this act; and

(o) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(2) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(3) Home visiting services must include programs that serve families involved in the child welfare system.

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

**Sec.**  RCW 28A.410.210 and 2017 3rd sp.s. c 26 s 2 are each amended to read as follows:

The purpose of the Washington professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of programs and courses, requirements, and other activities leading to early childhood educator certification including lead teachers as described in section 3 of this act;

(3) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

((~~(3)~~)) (4) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

((~~(4)~~)) (5) Establish policies for approval of nontraditional educator preparation programs;

((~~(5)~~)) (6) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

((~~(6)~~)) (7) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section, RCW 28A.410.251, and 28A.410.010;

((~~(7)~~)) (8) Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;

((~~(8)~~)) (9) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;

((~~(9)~~)) (10) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;

((~~(10)~~)) (11) Serve as an advisory body to the superintendent of public instruction on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention, educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;

((~~(11)~~)) (12) Submit, by October 15th of each even-numbered year and in accordance with RCW 43.01.036, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210;

((~~(12)~~)) (13) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240; and

((~~(13)~~)) (14) Conduct meetings under the provisions of chapter 42.30 RCW.

**Sec.**  RCW 28A.413.030 and 2017 c 237 s 4 are each amended to read as follows:

(1) The paraeducator board has the following powers and duties:

(a) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, adopt: (i) Minimum employment requirements for paraeducators, as described in RCW 28A.413.040; and (ii) paraeducator standards of practice, as described in RCW 28A.413.050;

(b) Establish requirements and policies for a general paraeducator certificate, as described in RCW 28A.413.070;

(c) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for subject matter certificates in English language learner and special education, as described in RCW 28A.413.080;

(d) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for an advanced paraeducator certificate, as described in RCW 28A.413.090;

(e) Establish qualifications for early childhood paraeducators including assistant teachers as described in section 3 of this act. When establishing these qualifications, the board must also establish a pathway for licensed child care providers to meet these qualifications by recognizing their child care or related experience such as a noncredit-bearing, community-based training pathway or an apprenticeship pathway;

(f) By September 1, 2018, approve, and develop if necessary, courses required to meet the provisions of this chapter, where the courses are offered in a variety of means that will limit cost and improve access;

((~~(f)~~)) (g) Make policy recommendations, as necessary, for a paraeducator career ladder that will increase opportunities for paraeducator advancement through advanced education, professional learning, and increased instructional responsibility;

((~~(g)~~)) (h) Collaborate with the office of the superintendent of public instruction to adapt the electronic educator certification process to include paraeducator certificates; and

((~~(h)~~)) (i) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

(2) The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any paraeducator certificates and revoke the same in accordance with board rules.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act constitute a new chapter in Title 28A RCW.

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