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HOUSE BILL 2731

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State of Washington

61st Legislature

2010 Regular Session

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

Read first time 01/12/10. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to implementing a program of early learning for  
2 educationally at-risk children; amending RCW 28A.150.200 and  
3 43.215.020; adding a new section to chapter 28A.320 RCW; adding a new  
4 section to chapter 43.215 RCW; adding a new chapter to Title 28A RCW;  
5 creating new sections; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that a critical factor  
8 in the eventual successful outcome of a K-12 education is for students  
9 to begin school ready, both intellectually and socially, to learn. The  
10 legislature also finds that, due to a variety of factors, some young  
11 children need supplemental instruction in preschool to assure that they  
12 have the opportunity to meaningfully participate and reach the  
13 necessary levels of achievement in the regular program of basic  
14 education. The legislature finds further that educationally at-risk  
15 children who participate in high quality preschool programs have  
16 improved school and life outcomes and are more likely to graduate from  
17 high school and pursue higher education, experience successful  
18 employment opportunities, and have increased earnings. Therefore the  
19 legislature intends to establish a program of early learning for

1 educationally at-risk children and, beginning September 1, 2011, to  
2 include this program within the overall program of basic education  
3 under Article IX of the state Constitution.

4 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
5 section apply throughout this chapter unless the context clearly  
6 requires otherwise.

- 7 (1) "Department" means the department of early learning.
- 8 (2) "Director" means the director of the department.
- 9 (3) "Program" means the program of early learning for educationally  
10 at-risk children established in section 3 of this act.
- 11 (4) "Superintendent" means the superintendent of public  
12 instruction.

13 NEW SECTION. **Sec. 3.** PROGRAM STANDARDS. (1) An early learning  
14 program is established, beginning September 1, 2011, within the state's  
15 definition of basic education to provide voluntary preschool  
16 opportunities for educationally at-risk children who are three and four  
17 years of age. The program must be a comprehensive program providing  
18 early childhood education, family support, options for parental  
19 involvement, and health information, screening, and referral services.  
20 Participation in the program is voluntary.

21 (2) Instruction must be offered in class sizes not to exceed  
22 seventeen children and must be delivered by lead and assistant teachers  
23 who meet qualifications established for early childhood educators by  
24 the superintendent and the director under section 8 of this act.

25 (3) Early childhood education services under the program must  
26 include:

27 (a) A minimum of five hundred sixty hours per school year of direct  
28 early childhood education delivered over the course of a minimum of  
29 thirty-two weeks of scheduled classes; and

30 (b) Developmentally appropriate instruction through a planned  
31 curriculum addressing:

- 32 (i) Physical well-being, health, and motor development;
- 33 (ii) Social and emotional development;
- 34 (iii) Cognition and general knowledge;
- 35 (iv) Language, literacy, and communication.

36 (4) Family support and health-related services must include:

1 (a) Working with parents to access appropriate medical, dental, and  
2 other health screenings for children;

3 (b) Providing opportunities for parental involvement, education,  
4 and leadership development; and

5 (c) A minimum of three hours of family support contact per year  
6 with each child's parent or guardian. Contact must be designed to  
7 assist the child's family in:

8 (i) Assessing family strengths and needs;

9 (ii) Setting family goals and reviewing progress;

10 (iii) Accessing community resources; and

11 (iv) Coordinating transitions between the program, child care,  
12 home, and kindergarten.

13 (5) The superintendent and the director jointly shall adopt rules  
14 for the following program components:

15 (a) Individualized evaluations to determine a child's eligibility  
16 for the program;

17 (b) Minimum program standards, including instructor and staff  
18 qualifications;

19 (c) Approval of program providers; and

20 (d) Accountability and adherence to performance standards.

21 (6) The department has administrative responsibility for:

22 (a) Approving and contracting with providers according to rules  
23 developed jointly by the superintendent and the director under this  
24 section;

25 (b) Monitoring program quality and assuring the program is  
26 responsive to the needs of eligible educationally at-risk children; and

27 (c) Providing technical assistance to contracted providers.

28 NEW SECTION. **Sec. 4.** ELIGIBILITY. (1) Beginning in the 2011-12  
29 school year, eligibility for enrollment in the program must be based on  
30 one or more of the following factors:

31 (a) The child's family income is at or below one hundred ten  
32 percent of the federal poverty level; or

33 (b) The results of an individualized evaluation of the child,  
34 according to indicators of preschool readiness, indicate the child is  
35 educationally at risk for poor school outcomes.

36 (2) School districts, in collaboration with approved early learning

1 providers, shall conduct the evaluations to determine a child's  
2 eligibility for participation in the program.

3 (3) The superintendent and the director jointly shall develop  
4 recommendations for legislative approval regarding:

5 (a) The indicators, benchmarks, and an evaluation process for use  
6 in eligibility screenings for the program. The indicators, benchmarks,  
7 and evaluation process must be aligned with the state's early learning  
8 benchmarks and the kindergarten assessment described in section 616,  
9 chapter 564, Laws of 2009; and

10 (b) A schedule for implementing the individualized evaluation  
11 process throughout the state, including training for school district  
12 personnel and approved early learning providers.

13 (4) Beginning in the 2016-17 school year, eligibility for  
14 enrollment must be based on a determination the child is at risk based  
15 on the results of an individualized evaluation of the child according  
16 to indicators of preschool readiness adopted by the legislature.

17 (5) The superintendent and the director shall report the  
18 recommendations required under subsection (3) of this section to the  
19 appropriate committees of the legislature not later than November 15,  
20 2010.

21 NEW SECTION. **Sec. 5.** STATEWIDE IMPLEMENTATION. (1) School  
22 districts and approved community-based early learning providers may  
23 contract with the department to provide services under the program.  
24 The department shall collaborate with school districts, community-based  
25 providers, and educational service districts to promote an adequate  
26 supply of approved providers. A school district may not be required to  
27 contract for the provision of services under the program unless no  
28 approved community-based provider is available within the district to  
29 provide services.

30 (2) Beginning in the 2011-12 school year, funding for the program  
31 must be phased-in beginning in school districts having the highest  
32 poverty levels, defined as those school districts with the highest  
33 percentages of enrolled students qualifying for free and reduced-price  
34 lunch support in the prior school year.

35 NEW SECTION. **Sec. 6.** FUNDING. Funding for the program of early

1 learning established under this chapter must be appropriated to the  
2 superintendent. Allocations must be made based on the basis of  
3 children enrolled with eligible providers.

4 NEW SECTION. **Sec. 7.** RECOMMENDATIONS. The superintendent, the  
5 director, and the director of the office of financial management, or  
6 their respective designees, shall report to the appropriate committees  
7 of the legislature by November 15, 2010, with recommendations for a  
8 budgeting and funding allocation method for the program based on  
9 enrolled eligible students. Recommendations must include a schedule of  
10 implementation consistent with section 5(2) of this act.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.320  
12 RCW to read as follows:

13 (1) For the program of early learning established in section 3 of  
14 this act, school districts:

15 (a) Shall, in collaboration with providers approved by the  
16 department of early learning, conduct individualized evaluations to  
17 determine eligibility for the program; and

18 (b) May contract with the department of early learning to deliver  
19 services under the program.

20 (2) If, however, no approved provider is available within the  
21 school district to contract for delivery of services under the program,  
22 the school district is required to contract with the department of  
23 early learning to deliver the program to eligible children.

24 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.215 RCW  
25 to read as follows:

26 (1) The superintendent of public instruction and the director of  
27 the department jointly shall adopt rules for the following program  
28 components:

29 (a) Individualized evaluations to determine a child's eligibility  
30 for the program;

31 (b) Minimum program standards, including instructor and staff  
32 qualifications;

33 (c) Approval of program providers; and

34 (d) Accountability and adherence to performance standards.

35 (2) The department shall have administrative responsibility for:

1 (a) Approving and contracting with providers according to rules  
2 developed jointly by the superintendent of public instruction and the  
3 director under this section;

4 (b) Monitoring program quality and assuring the program is  
5 responsive to the needs of eligible educationally at-risk children; and

6 (c) Providing technical assistance to contracted providers.

7 **Sec. 10.** RCW 28A.150.200 and 2009 c 548 s 101 are each amended to  
8 read as follows:

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

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

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

30 (b) The program of education provided by chapter 28A.190 RCW for  
31 students in residential schools as defined by RCW 28A.190.020 and for  
32 juveniles in detention facilities as identified by RCW 28A.190.010;

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

36 (d) Transportation and transportation services to and from school

1 for eligible students as provided under RCW 28A.160.150 through  
2 28A.160.180; and

3 (e) The program of early learning for educationally at-risk  
4 children established in section 3 of this act.

5 **Sec. 11.** RCW 43.215.020 and 2007 c 394 s 5 are each amended to  
6 read as follows:

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

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

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

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

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

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

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

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

34 (g) To work cooperatively and in coordination with the early  
35 learning council;

36 (h) To collaborate with the K-12 school system at the state and

1 local levels to ensure appropriate connections and smooth transitions  
2 between early learning and K-12 programs; (~~and~~)

3 (i) To develop and adopt rules, jointly with the superintendent of  
4 public instruction, for administration of the program of early learning  
5 for children who are educationally at risk established in section 3 of  
6 this act; and

7 (j) Upon the development of an early learning information system,  
8 to make available to parents timely inspection and licensing action  
9 information through the internet and other means.

10 (3) The department's programs shall be designed in a way that  
11 respects and preserves the ability of parents and legal guardians to  
12 direct the education, development, and upbringing of their children.  
13 The department shall include parents and legal guardians in the  
14 development of policies and program decisions affecting their children.

15 NEW SECTION. Sec. 12. Sections 2 through 6 and 14 of this act  
16 constitute a new chapter in Title 28A RCW.

17 NEW SECTION. Sec. 13. Section 10 of this act takes effect  
18 September 1, 2011.

19 NEW SECTION. Sec. 14. This act may be known as the ready for  
20 school act of 2010.

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