

# SENATE BILL REPORT

## SB 5089

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 4, 2019  
Ways & Means, February 25, 2019

**Title:** An act relating to increasing early learning access for children ages thirty months and older with developmental delays or disabilities.

**Brief Description:** Increasing early learning access for children ages thirty months and older with developmental delays or disabilities. [**Revised for 1st Substitute:** Increasing early learning access for children ages three and older.]

**Sponsors:** Senators Wellman, Darneille, Palumbo, Wilson, C., Kuderer and Saldaña.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/28/19, 2/04/19 [DP-WM, w/oRec].  
Ways & Means: 2/13/19, 2/25/19 [DPS].

**Brief Summary of First Substitute Bill**

- Allows enrollment, as space is available, in the Early Childhood Education and Assistance Program (ECEAP) for children who turn three at any time during the school year if the children's family income is at or below 110 percent of the federal poverty level and the children have received early intervention services or have participated in Early Head Start.
- Clarifies that children enrolled under these circumstances are not considered part of the future ECEAP entitlement.

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**SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION**

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

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt, Mullet, Pedersen and Salomon.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Holy, Padden and Wagoner.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Ailey Kato (786-7434)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

**Staff:** Maria Hovde (786-7474)

**Background:** Early Childhood Education and Assistance Program. The Department of Children, Youth, and Families (DCYF) develops performance standards for this voluntary preschool program. It provides ECEAP through contracts with public and private organizations including school districts, educational service districts, community and technical colleges, local governments, and nonprofit organizations.

Current law provides that this state-funded preschool program will become an entitlement in the 2022-23 school year for eligible children. "Eligible children" means a child not eligible for kindergarten and:

- whose family income is at or below 110 percent of the federal poverty level;
- a child eligible for special education preschool due to disability; and
- may include children who are eligible under rules adopted by DCYF if the number of such children equals not more than 10 percent of the total enrollment.

DCYF rules provide that children must be at least three years old, but not yet five years old, by August 31st of the school year to enroll in ECEAP.

Early Support for Infants and Toddlers. Part C of the federal Individuals with Disabilities Education Act provides early intervention services for infants and toddlers, birth to age three, who have disabilities or developmental delays. Early intervention services include family resources coordination, developmental services, occupational or physical therapy, and speech/language therapy. Washington's program is called Early Support for Infants and Toddlers (ESIT).

Early Head Start Programs. These federally funded programs serve low-income pregnant women and infants and toddlers under the age of three. Early Head Start programs are designed to promote the development of the children and enable their parents to fulfill their roles as parents and to move toward self-sufficiency.

**Summary of Bill (First Substitute):** Children who turn three years old at any time during a school year and have received early intervention services or had been a participant in Early Head Start are allowed to enroll in ECEAP on a space available basis provided the child's family income is at or below 110 percent of the federal poverty level. Children enrolled under these circumstances are not considered part of the future ECEAP entitlement.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):**

- Adds a section allowing enrollment, as space is available, in ECEAP for children who turn three at any time during the school year if the children's family income is at or below 110 percent of the federal poverty level and the children have received early intervention services or have participated in Early Head Start.
- Clarifies that children enrolled under these circumstances are not considered part of the entitlement.
- Removes a section adding children who received early intervention services and were at least 30 months by August 31st as a new category of children eligible for the future ECEAP entitlement.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education):** PRO: When children have developmental delays or disabilities, their outcomes are much improved if they can be addressed as early as possible. Currently, there is a gap in services for children who complete the ESIT program and before they can enter ECEAP or kindergarten. This bill fills that gap and provides continuity of care, which helps children's development and improves life outcomes. The bill should be expanded to include children who are in Early Head Start.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Senator Lisa Wellman, Prime Sponsor; Katy Warren, Washington State Association of Head Start and ECEAP; Renee Hernandez Greenfield, Tacoma College Child Care Center; Ashley Lin, Legislative Youth Advisory Council; Nadine Gibson, Legislative Youth Advisory Council; Emily Murphy, Children's Alliance.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** No one.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill fixes the gap in time between when a child ages out of early intervention services and their third birthday. If these children have to wait a year to enroll in ECEAP, the value of the early intervention services are lost. We would like to see this bill amended to include children who are enrolled in Early Head Start programs.

**Persons Testifying (Ways & Means):** PRO: Emily Murphy, Children's Alliance; Melissa Johnson, Washington State Association of Head Start and ECEAP.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.