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**SENATE BILL 5757**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Hasegawa, Wilson, C., and Nguyen

Read first time 01/30/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to a basic education program of early learning;  
2 amending RCW 28A.150.200 and 43.216.020; adding a new chapter to  
3 Title 28A RCW; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that research shows  
6 that children who participate in high quality early learning programs  
7 have improved school and life outcomes. The legislature further finds  
8 that access to high quality early learning programs is not equal  
9 statewide and that children in low-income families face disparate  
10 outcomes due to the lack of access to programs. The legislature  
11 intends to address unequal access to high quality early learning  
12 programs by phasing in an expanded definition of basic education to  
13 include certain early learning programs for children who are three  
14 and four years of age. The legislature intends to renew its goal of  
15 expanding access to high quality early learning programs  
16 incrementally toward eligibility entitlement for three and four year  
17 olds by the 2022-23 school year. The legislature further intends to  
18 convene a work group to discuss and plan the incorporation of certain  
19 early learning programs into the program of basic education by the  
20 2025-26 school year and establish a robust, comprehensive system of  
21 early learning from birth through age eight. The legislature intends

1 for this state investment in high quality early learning programs to  
2 improve opportunities for student success in the K-12 basic education  
3 program and throughout life.

4 NEW SECTION. **Sec. 2.** RECOMMENDATIONS. (1) By December 1, 2022,  
5 the office of the superintendent of public instruction, in  
6 consultation with the department of children, youth, and families,  
7 shall examine the statutory authority, rules, and jurisdiction  
8 between the K-12 and early learning education systems and make  
9 recommendations to the education committees of the legislature  
10 regarding changes or clarifications to the applicable statutes,  
11 rules, and jurisdiction of the office of the superintendent of public  
12 instruction and the department of children, youth, and families that  
13 are necessary to implement this act.

14 (2) The superintendent of public instruction, the secretary of  
15 the department of children, youth, and families, and the director of  
16 the office of financial management, or their respective designees,  
17 shall report to the appropriate committees of the legislature by  
18 December 1, 2022, with recommendations for a budgeting and funding  
19 allocation method for the basic education program of early learning  
20 established under section 3 of this act based on an estimate of  
21 eligible students. Recommendations must include a schedule of  
22 implementation consistent with section 3 of this act to provide for  
23 the incorporation of certain early learning programs into the program  
24 of basic education by the 2025-26 school year.

25 (3) This section expires July 1, 2023.

26 NEW SECTION. **Sec. 3.** BASIC EDUCATION PROGRAM OF EARLY LEARNING.

27 (1) The basic education program of early learning is established.  
28 Each public school district shall provide or contract to provide a  
29 basic education early learning program for all children who are three  
30 or four years of age. The program must be a comprehensive program  
31 providing early childhood education, family support, and options for  
32 parental involvement. Participation in the program is voluntary for  
33 children and family participants but must be fully implemented by  
34 each public school district by the 2026-27 school year.

35 (2) Beginning in the 2023-24 school year, funding for the basic  
36 education program of early learning must be phased in beginning in  
37 school districts with the highest poverty levels. For the purposes of  
38 this section, school districts with the highest poverty levels are

1 those school districts with the highest percentages of enrolled  
2 students qualifying for free and reduced-price lunch support in the  
3 prior school year. Once a school district has received funding based  
4 on its poverty level, the school district shall remain eligible for  
5 funding in subsequent phase-in years regardless of changes in the  
6 district's percentage of poverty.

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

10 (a) Beginning in the 2023-24 school year, at least twenty-five  
11 percent of public school districts shall provide or contract to  
12 provide a basic education early learning program for all children who  
13 are three or four years of age;

14 (b) Beginning in the 2024-25 school year, at least fifty percent  
15 of public school districts shall provide or contract to provide a  
16 basic education early learning program for all children who are three  
17 or four years of age;

18 (c) Beginning in the 2025-26 school year, at least seventy-five  
19 percent of public school districts shall provide or contract to  
20 provide a basic education early learning program for all children who  
21 are three or four years of age; and

22 (d) Beginning in the 2026-27 school year, each public school  
23 district shall provide or contract to provide a basic education early  
24 learning program for all children who are three or four years of age.

25 (4) Instruction must be offered in class sizes not to exceed  
26 twenty children and must be delivered by lead and assistant teachers  
27 who meet qualifications established for early childhood educators by  
28 the professional educator standards board. Each class must maintain a  
29 ratio of at least one basic education certificated instructional  
30 staff or classified staff to ten full-time equivalent students.

31 (5) Early childhood education services under the program must  
32 include:

33 (a) At least a school district-wide annual average of one  
34 thousand instructional hours per school year of direct early  
35 childhood education delivered over the course of a minimum of one  
36 hundred eighty days of scheduled classes; and

37 (b) Developmentally appropriate instruction through a planned  
38 curriculum.

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

4 **Sec. 4.** RCW 28A.150.200 and 2017 3rd sp.s. c 13 s 401 are each  
5 amended to read as follows:

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

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

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

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

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

33 (d) Transportation and transportation services to and from school  
34 for eligible students as provided under RCW 28A.160.150 through  
35 28A.160.180; (~~and~~)

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

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

3       **Sec. 5.** RCW 43.216.020 and 2017 3rd sp.s. c 6 s 202 are each  
4 amended to read as follows:

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

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

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

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

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

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

24       (f) To apply data already collected comparing the following  
25 factors and make biennial recommendations to the legislature  
26 regarding working connections subsidy and state-funded preschool  
27 rates and compensation models that would attract and retain high  
28 quality early learning professionals:

29       (i) State-funded early learning subsidy rates and market rates of  
30 licensed early learning homes and centers;

31       (ii) Compensation of early learning educators in licensed centers  
32 and homes and early learning teachers at state higher education  
33 institutions;

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

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

38       (g) To serve as the state lead agency for Part C of the federal  
39 individuals with disabilities education act (IDEA) and to develop and

1 adopt rules that establish minimum requirements for the services  
2 offered through Part C programs, including allowable allocations and  
3 expenditures for transition into Part B of the federal individuals  
4 with disabilities education act (IDEA);

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

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

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

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

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

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

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

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

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

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

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

10 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act  
11 constitute a new chapter in Title 28A RCW.

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