

2SHB 2731 - S AMD 297
By Senator McAuliffe

ADOPTED 03/05/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that children who
4 participate in high quality preschool programs have improved
5 educational and life outcomes and are more likely to graduate from high
6 school and pursue higher education, experience successful employment
7 opportunities, and have increased earnings. Therefore, the legislature
8 intends to create an entitlement to a program of early learning to
9 protect the current levels of funding for comprehensive preschool
10 programs for three and four-year old children.

11 The legislature also finds that the state early childhood education
12 and assistance program was established to help children from low-income
13 families be prepared for kindergarten, and that the program has been a
14 successful model for achieving that goal. Therefore, the legislature
15 intends that implementing a program of early learning shall be
16 accomplished by using the program standards and eligibility criteria in
17 the early childhood education and assistance program.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215 RCW
19 to read as follows:

20 (1) An early learning program is established, beginning September
21 1, 2011, to provide preschool opportunities for children three and four
22 years of age. The program shall be implemented by using the program
23 standards and eligibility criteria in the early childhood education and
24 assistance program under RCW 43.215.405. Participation in the program
25 is voluntary.

26 (2)(a) For an initial phase of an early learning program in school
27 years 2011-12 and 2012-13, the number of slots for the early learning
28 program shall not be less than the number of slots for three and four-

1 year old children served in the early childhood education and
2 assistance program during the 2009-2011 biennium.

3 (b) Funding shall continue to be phased in incrementally each year
4 until full statewide implementation of the early learning program is
5 achieved.

6 (3) Beginning December 1, 2010, the department shall report
7 annually to the governor and the appropriate committees of the
8 legislature. The first report shall include, but not be limited to:

9 (a) Recommendations for implementing an early learning program;

10 (b) A review of relevant early learning programs in Washington and
11 other states; and

12 (c) Recommendations for renaming the early childhood education and
13 assistance program to reflect the new early learning program.

14 (4) Beginning December 1, 2012, the department of early learning
15 and the office of financial management shall annually review the
16 caseload forecasts for the early learning program and report to the
17 governor and the appropriate committees of the legislature with
18 recommendations for phasing in additional funding to achieve the goal
19 of full statewide implementation.

20 **Sec. 3.** RCW 43.215.405 and 2006 c 265 s 210 are each amended to
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout RCW 43.215.400 through 43.215.450 and
24 43.215.900 through 43.215.903.

25 (1) "Advisory committee" means the advisory committee under RCW
26 43.215.420.

27 (2) "Department" means the department of early learning.

28 (3) "Eligible child" means a child at least three years of age and
29 not eligible for kindergarten whose family income is at or below one
30 hundred ten percent of the federal poverty level, as published annually
31 by the federal department of health and human services, and includes a
32 child whose family is eligible for public assistance, and who is not a
33 participant in a federal or state program providing comprehensive
34 services, ~~and ((may include children who are eligible under rules~~
35 ~~adopted by the department if the number of such children equals not~~
36 ~~more than ten percent of the total enrollment in the early childhood~~
37 ~~program))~~ a child with disabilities who qualifies for funds in

1 accordance with part B of the federal individuals with disabilities
2 education act and any other federal or state laws relating to the
3 provision of special education services. Priority for enrollment shall
4 be given to children from families with the lowest income, children in
5 foster care, or to eligible children from families with multiple needs.

6 (4) "Approved programs" means those state-supported education and
7 special assistance programs which are recognized by the department as
8 meeting the minimum program rules adopted by the department to qualify
9 under RCW 43.215.400 through 43.215.450 and 43.215.900 through
10 43.215.903 and are designated as eligible for funding by the department
11 under RCW 43.215.430 and 43.215.440.

12 (5) "Comprehensive" means an assistance program that focuses on the
13 needs of the child and includes education, health, and family support
14 services.

15 (6) "Family support services" means providing opportunities for
16 parents to:

- 17 (a) Actively participate in their child's early childhood program;
18 (b) Increase their knowledge of child development and parenting
19 skills;
20 (c) Further their education and training;
21 (d) Increase their ability to use needed services in the community;
22 (e) Increase their self-reliance.

23 **Sec. 4.** RCW 43.215.425 and 1994 c 166 s 6 are each amended to read
24 as follows:

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

33 The department in developing rules for the early childhood program
34 shall consult with the advisory committee, and shall consider such
35 factors as coordination with existing head start and other early
36 childhood programs, the preparation necessary for instructors,
37 qualifications of instructors, adequate space and equipment, ((and))

1 special transportation needs, and technical assistance to providers.
2 The rules shall specifically require the early childhood programs to
3 provide for parental involvement in participation with their child's
4 program, in local program policy decisions, in development and revision
5 of service delivery systems, and in parent education and training.

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

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

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

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

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

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

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

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

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

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

1 (h) To collaborate with the K-12 school system at the state and
2 local levels to ensure appropriate connections and smooth transitions
3 between early learning, including an early learning program established
4 in section 2 of this act, and K-12 programs; (~~and~~)

5 (i) To develop and implement an early learning program established
6 in section 2 of 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. 6.** A new section is added to chapter 28A.320
16 RCW to read as follows:

17 For an early learning program established in section 2 of this act,
18 school districts:

19 (1) Shall work cooperatively with program providers to coordinate
20 the transition from preschool to kindergarten so that children and
21 their families are well-prepared and supported; and

22 (2) May contract with the department of early learning to deliver
23 services under the program."

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24 On page 1, line 1 of the title, after "for" strike the remainder of
25 the title and insert "children; amending RCW 43.215.405, 43.215.425,
26 and 43.215.020; adding a new section to chapter 43.215 RCW; adding a
27 new section to chapter 28A.320 RCW; and creating a new section."

EFFECT: The Legislature intends to create an entitlement to a

program of early learning to protect the current levels of funding for comprehensive preschool programs for three and four-year old children. An early learning program is established to provide preschool opportunities for three and four-year old children by using the program standards and eligibility criteria in the Early Childhood Education and Assistance Program (ECEAP).

For school years 2011-13, the number of slots for an early learning program must not be less than the number of slots for children served in ECEAP during the 2009-2011 biennium. Funding must continue to be phased in incrementally each year until full implementation is achieved.

Beginning December 1, 2010, DEL must annually report to the Governor and the Legislature. The initial report must include recommendations for implementing the program and renaming ECEAP and a review of relevant early learning programs. Beginning December 1, 2012, DEL and OFM must annually review the caseload forecasts for an early learning program and report to the Governor and Legislature with recommendations for phasing in additional funding.

ECEAP eligibility standards are revised to (1) include a child with disabilities who qualifies for funds in accordance with Part B of IDEA and any other special education laws and (2) remove the flexibility for up to 10 percent of enrollment.

DEL must develop and implement an early learning program and work with the K-12 school system to ensure smooth transitions between an early learning program and K-12 programs. School districts must work with providers in the early learning program to coordinate transitions and may contract with DEL to deliver services under the program.

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