

# SENATE BILL REPORT

## SB 6127

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 5, 2014

**Title:** An act relating to improving quality in the early care and education system.

**Brief Description:** Improving quality in the early care and education system.

**Sponsors:** Senators Litzow, Billig, Fain, Rolfes, Tom, Angel, Rivers, McAuliffe, Hobbs, Dammeier, Frockt, Cleveland, Kohl-Welles, Mullet and O'Ban.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/17/14, 2/05/14 [DPS-WM].

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

**Majority Report:** That Substitute Senate Bill No. 6127 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

**Staff:** Katherine Taylor (786-7434)

**Background:** The Department of Early Learning (DEL) was created in 2006. DEL oversees many programs and services, including but not limited to licensing and monitoring of family home child care facilities and child care centers, the Early Childhood Education and Assistance Program (ECEAP), Early Support for Infants and Toddlers Program, home visiting services, Washington Kindergarten Inventory of Developing Skills, Medicaid Treatment Child Care, Early Learning Advisory Council, and Early Achievers, Washington's quality rating and improvement system (Early Achievers).

Early Achievers is a free, voluntary program that provides training, technical assistance, consultation, coaching, and financial incentives to licensed child care facilities, tribal and military certified programs, and state and federally funded preschool programs such as ECEAP and Head Start. Early Achievers participants are evaluated and assigned a rating from one to five. Early Achievers is funded through the federal Child Care and Development Fund grant and a federal Race to the Top-Early Learning Challenge grant.

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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.*

Working Connections Child Care (WCCC) is a subsidy program that assists families with low incomes in paying for child care while they work or meet WorkFirst participation requirements. The state pays part of the cost of child care. The family is responsible for making a copayment to the child care provider. DEL sets child care subsidy policy and provides WCCC oversight for child care licensing and early learning services. The Department of Social Health Services helps families apply for WCCC, determines eligibility and consumer copayments, authorizes child care, and pays providers.

ECEAP is Washington's pre-kindergarten program for three to four-year old children. Children are eligible for ECEAP in their two years before kindergarten if they are from families with annual income at or below 110 percent of the federal poverty level, \$25,905 for a family of four, qualify for school district special education services, or have developmental or environmental risk factors that could affect school success. Since 1985 ECEAP has focused on providing nutrition, health, education, and family support services.

**Summary of Bill (Recommended Substitute):** Early Achievers establishes the framework for the early care and education system in Washington. The Early Achievers program must continue to integrate health in early learning and may achieve this integration by working with key health partners to develop training and is encouraged to plan for integration of health consultation in the coaching system. Additional objectives are added to Early Achievers including the following:

- to improve short-term and long-term outcomes for children as measured by assessments; and
- to provide professional development opportunities to early care and education providers.

There are five levels in Early Achievers and participants are expected to actively engage in advancing from level one to five. Effective July 1, 2015, DEL will publish on its website, or offer a link on its website, the Early Achievers program rating levels for all child care programs, early childhood education and assistance programs, and Washington Head Start programs. Such ratings must be published within 30 days from the time a program becomes licensed or certified, or receives a rating. The ratings must be easily accessible. DEL must charge a fee for additional rerating requests made by program participants, the fees charged must not exceed a certain cost, and must be established by the director by rule. DEL must create a professional development pathway, including scholarships and grants, for Early Achievers participants.

DEL must collect specific data on all children attending WCCC or ECEAP. The data must be disaggregated in the smallest units, by distinct ethnic categories within racial subgroups, and at a minimum capture the following characteristics:

- daily attendance;
- identification of classroom and teacher;
- Early Achievers rating level;
- program hours;
- program duration; and
- child cognitive and developmental gains.

The collected data must be provided to the Education Data Center and the Washington State Institute for Public Policy (WSIPP). WSIPP must conduct an analysis between Early Achievers quality ratings and outcomes for children participating in subsidized early care and education programs. WSIPP must submit several reports to committees of the Legislature and the final report must include a cost-benefit analysis.

A child is eligible for WCCC for a 12-month enrollment period and may not be deemed ineligible due to any change in circumstances including but not limited to the following:

- change in family composition;
- change in parent or caregiver's employment status;
- change in parent or caregiver's employment status due to health; and
- change in parent or caregiver's income.

DEL must adopt rules pertaining to WCCC that outline the following:

- allowable periods of child absences;
- required contact with caregivers to discuss child absences; and
- reenrollment.

Child care providers serving nonschool-age children and receiving state subsidy payments must enroll in Early Achievers and complete level two activities by July 1, 2017. Child care providers serving nonschool-age children and receiving state subsidy payments must be rated at a level three in Early Achievers by July 1, 2019. Effective July 1, 2015, new child care providers serving nonschool-age children and receiving state subsidy payments must:

- enroll in Early Achievers within 30 days;
- complete Early Achievers level two activities within 12 months from receiving a state subsidy; and
- rate an Early Achievers level three within 30 months from getting a state subsidy.

DEL must employ a combination of vouchers and contracted slots for WCCC. DEL's duties relating to child care contracted slots include but are not limited to the following:

- contracting at least 20 percent of the WCCC slots by January 1, 2016;
- awarding slots via a competitive process and prioritizing child care programs with certain specific characteristics;
- paying a provider for each contracted slot, unless a contracted slot is not used for 30 days;
- charging a child care copayment for each contracted slot; and
- establishing a copayment fee by rule.

Only a child care provider who participates in Early Achievers and rates at a level three, four, or five is eligible to be awarded a contracted slot.

DEL must adopt rules regarding ECEAP that outlines allowable child absences, required contact with caregivers to discuss child absences, and reenrollment. DEL must adopt rules requiring all employees and volunteers of ECEAP to submit to a fingerprint background check.

ECEAP providers must enroll in Early Achievers and be rated a level three by July 1, 2015. ECEAP providers must be rated a level four by July 1, 2019. By January 1, 2014, new

ECEAP slots are only available to Early Achievers participants rated at a level three, four, or five. By July 1, 2017, any ECEAP provider must institute a WCCC program and maintain an optional full workday program.

The program implementation of voluntary preschool must prioritize programs with the following characteristics:

- programs located in a high-need geographic area;
- programs offering services to children diagnosed with a special need or children involved in the child welfare system; or
- programs that receive a WCCC subsidy.

Only providers enrolled in Early Achievers and rated a level three, four, or five and providing full workday early care and education programming are eligible for the program implementation.

No later than July 1, 2015, DEL must submit a single set of licensing standards for child care programs and ECEAP. The new standards must:

- use Early Achievers as a framework and eliminate additional regulations;
- take into account the separate needs of family care providers and child care centers; and
- promote the continued safety of child care settings.

Local government is encouraged to collaborate with DEL when establishing early learning programs for residents. Local government may contribute funds to DEL for initial investments to establish capacity and quality in local early care and education programming and reductions in copayments charged to caregivers.

A section of uncodified session law from the second special session of 2013, pertaining to early learning, is repealed.

A null and void clause is added for the entire act.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute):** A null and void clause is added for the entire act. The Early Achievers program must continue to integrate health in early learning and may achieve this integration by working with key health partners to develop training and is encouraged to plan for integration of health consultation in the coaching system.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2014.  
[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Original Bill:** PRO: To get crime prevention benefits from early learning programs, the programs must be of high quality. This bill is about quality and improving quality. Law enforcement leaders across the state believe in early learning programs. People are 70 percent more likely to go to jail if they did not go to preschool. Kids that do not graduate from high school are much more likely to get into trouble with the law. We are persuaded by programs that reduce crime. We need to think about the workforce of tomorrow. Early learning programs have come a long way. We support this but we need to prepare kids for kindergarten and beyond. We want to include even more resources and be culturally sensitive. We support this but we need to help homeless families get WCCC services too and not let these families fall under disenrollment issues. We need to invest in our children and prepare them to learn. It is a moral imperative to change these kids' lives. We want Washington to be the best place to raise kids. This is a great opportunity. We need to have consistent standards.

OTHER: This bill could drive out providers and we may not get new providers to take their places without proper incentives. If you limit family, friend, and neighbor care, then you could harm family choice. Infant and toddler care is expensive. Infant and toddler care will struggle without three to four-year-old kids enrolled in their programs too. The licensing system is not working well right now. We need to iron out all the details.

**Persons Testifying:** PRO: Steve Leahy, Rick Panowicz, America's Edge; Chief Robert Berg, Centralia Police Dept.; Laura Wells, Fight Crime: Invest in Kids; Casey Osbon-Hinman, Children's Alliance; Kristin Wiggins, Thrive by Five WA; Melanie Smith, Wellspring Family Services; Parasa Chanramy, Stand for Children; Frank Ordway, League of Education Voters.

OTHER: Lani Todd, Service Employees International Union 925.