

SENATE BILL REPORT

SB 6538

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 6, 2014
Ways & Means, February 11, 2014

Title: An act relating to connecting children involved in the child welfare system to quality early care and education programming.

Brief Description: Concerning early education for children involved in the child welfare system.

Sponsors: Senators Rivers, Cleveland, Brown, Litzow, Billig and McAuliffe.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/05/14, 2/06/14 [DPS-WM].
Ways & Means: 2/10/14, 2/11/14 [DP2S, DNP].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6538 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)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6538 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey, Becker, Billig, Braun, Conway, Dammeier, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Kohl-Welles, Parlette, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senator Padden.

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: Breann Boggs (786-7433)

Background: Family Assessment Response. In 2012 the Legislature passed Senate Bill 6555 (SB 6555), which requires the Children's Administration (CA) to implement a differential response system, called the Family Assessment Response (FAR). Among its many provisions, SB 6555 outlines specific implementation procedures for FAR and requirements for evaluation processes.

A differential response system differs from a Child Protective Services investigation. Investigations are often considered forensic in nature and involve conducting a series of interviews that have a specific objective, which is to identify child maltreatment or risk of child maltreatment. A differential response system, however, emphasizes family engagement, family assessment, and the wellbeing of the family unit. Additionally, parents receiving supportive services through a differential response system are not considered perpetrators of abuse or neglect and parents do not receive a disposition or legal finding.

In September 2012, the federal government approved the CA's Title IV-E waiver application. Although the Title IV-E waiver does not provide access to new funding sources, the waiver does offer child welfare systems the opportunity to utilize federal dollars for services that were traditionally prohibited by certain provisions of Title IV-E legislation. The Title IV-E waiver requires the CA to conduct and study a demonstration project. The demonstration project for Washington's Title IV-E waiver is FAR.

On January 1, 2014, the CA implemented FAR in three offices: Aberdeen, Lynwood, and Spokane. In July 2014, CA will implement FAR in five additional offices. Pending funding, the target for statewide implementation is July 2016. Under the family assessment response, families may receive an array of supportive services depending on the needs of the family. If required for child safety, some families may have access to child care services.

Early Achievers and Early Care and Education. In 2007 the Legislature enacted Engrossed Second Substitute Senate Bill 5828, which created the quality rating and improvement system for the early care and education system in Washington called Early Achievers. The Early Achievers program establishes a common set of expectations and standards that define, measure, and improve the quality of early learning and care settings. There are five levels in the Early Achievers program. All licensed or certified child care programs enter the program at level one. Participants advance to level two when they officially enroll in the Early Achievers program. At level two, participants must complete several activities such as a self-assessment and trainings. At levels three, four, and five, Early Achievers participants are evaluated and assigned a rating.

The Early Childhood Education and Assistance Program (ECEAP) is the Washington State Preschool Program. ECEAP serves families at or below 110 percent of the federal poverty level. Although ECEAP prioritizes children who are four years old by August 31, children who are three years old are also eligible for the program. In addition to preschool programming, ECEAP also provides family support and health services. The stated goal of ECEAP is to help ensure children enter kindergarten ready to succeed.

The Working Connections Child Care (WCCC) program offers subsidies to child care providers serving families at or below 200 percent of the federal poverty level. The state pays part of the cost of child care. The parents or caregivers are responsible for making a copayment to the child care provider. Both child care centers and family home providers are able to receive WCCC subsidy payments. Children of families receiving the WCCC benefits must be less than 13 years of age or less than 19 years of age and have a verified special need or be under court supervision. The Department of Early Learning (DEL) sets child care subsidy policy and provides WCCC oversight for child care licensing. The Department of Social Health Services helps families apply for WCCC, determines eligibility and parent or caregiver copayments, authorizes child care, and issues payment to providers.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Second Substitute): The family assessment response worker must assess for child safety and child wellbeing when collaborating with a family to determine the need for child care, preschool, or home visiting services.

Effective July 1, 2015, the family assessment response worker may only refer children to preschool programs that are enrolled in the Early Achievers program and rate at a level three, four, or five unless one of the following conditions applies:

- the family lives in an area with no local preschool programs that rate at a level three, four, or five in the Early Achievers program;
- the local preschool programs that rate at a level three, four, or five in the Early Achievers program are not able to meet the needs of the child; or
- the child is attending a preschool program prior to the family assessment response case and the parent or caregiver does not want the child to change preschool programs.

Effective July 1, 2019, the family assessment response worker must only make child care referrals for nonschool-aged children to licensed child care programs that rate at a level three, four, or five in the Early Achievers program unless one of the following conditions applies:

- the family lives in an area with no local programs that rate at level three, four, or five in the Early Achievers program;
- the local child care programs that rate at a level three, four, or five in the Early Achievers program are not able to meet the needs of the child; or
- the child is attending a child care program prior to the family assessment response case and the parent or caregiver does not want the child to change child care programs.

The family assessment response worker must make every effort to provide referrals to high-quality child care and early learning programs.

The family assessment response worker must make every effort to provide referrals to state and federally subsidized programs such as, but not limited to, licensed child care programs that receive a state subsidy through WCCC; ECEAP; head start programs; and early head start programs.

At least 15 days prior to closing the family assessment response case, the family assessment worker must meet with the child's parent or caregiver to discuss child care and early learning services. If the family plans to use child care or early learning services, the family assessment worker must work with the family to facilitate successful enrollment.

The Department of Early Learning (DEL) may include in the definition of eligible child for ECEAP, a child who is not otherwise receiving ECEAP services and who is either receiving child protective services (CPS) or family assessment response (FAR) services, subject to the availability of appropriations for this purpose. DEL may also give children receiving CPS or FAR services priority enrollment for the available ECEAP slots.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): Removes "children involved in the child welfare system" from the definition of eligible child as it relates to ECEAP. Restores the current law definition of "eligible child" and priority services.

Allows DEL to include in the definition of eligible child, a child who is not otherwise receiving services under ECEAP and who is either receiving CPS or FAR, subject to the availability of appropriations specifically for this purpose.

Gives children receiving CPS or FAR services priority services under ECEAP.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee (Early Learning & K-12 Education): PRO: We have a great partnership. This is something that everyone wants to do. We are pleased to have so much support. This is a troubling situation. We have good programs available. We think this is a good start. This is good public policy and a safety strategy. This bill touches me personally. This bill would make access to services better. Birth to age three early intervention programs can be very effective. If my daughter had not been assessed early on, she would not be as developed as she is today.

Persons Testifying (Early Learning & K-12 Education): PRO: Nancy Ashley, Children's Home Society; Jon Tunheim, Thurston County Prosecutor; Kylee L., Parent Ambassador, WA Assn. of Head Start, ECEAP; Alise Hegle, Catalyst for Kids Lake Forest Park.

Staff Summary of Public Testimony on Substitute as Passed by Early Learning & K-12 Education (Ways & Means): PRO: The bill is cost effective. It gets kids into early learning programs that work. It prevents the need for special education. It reaches children involved in the child welfare system with programs that work. Reliable child care helped me find work and helped develop stability. The bill provides access to quality child care for

families involved in the child welfare system with young children. It brings welfare and early learning systems together.

Persons Testifying (Ways & Means): PRO: Nancy Ashley, Children's Home Society of WA; Jeremiah Donier, WA State Parent Advocacy Committee; Laurie Lippold, Partners for Our Children; Melissa Johnson, WA State Assn. of Headstart/ECEAP Programs.