

# HOUSE BILL REPORT

## 2SSB 5437

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### As Passed House - Amended:

April 11, 2019

**Title:** An act relating to expanding eligibility to the early childhood education and assistance program.

**Brief Description:** Expanding eligibility to the early childhood education and assistance program.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Palumbo, Wellman, Hunt, Saldaña, Nguyen, Randall, Das, Billig, Mullet, Darneille, Dhingra, Hasegawa, Kuderer and Takko; by request of Office of the Governor).

### Brief History:

#### Committee Activity:

Human Services & Early Learning: 3/15/19, 3/22/19 [DPA];  
Appropriations: 4/5/19, 4/6/19 [DPA(HSEL)].

#### Floor Activity:

Passed House - Amended: 4/11/19, 89-8.

### Brief Summary of Second Substitute Bill (As Amended by House)

- Allows the enrollment of a child in the Early Childhood Education and Assistance Program (ECEAP) who has a family income above 110 percent of the federal poverty level (FPL) but less than or equal to 200 percent of the FPL, with certain conditions.
- Directs the Department of Children, Youth, and Families (DCYF) to consult with tribes and report recommendations related to closing the ECEAP opportunity gap for tribal children.
- Requires the DCYF to plan for the implementation of a Birth to Three ECEAP pilot project.

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## HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

*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.*

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Corry, Goodman, Griffey, Kilduff, Lovick and Ortiz-Self.

**Minority Report:** Do not pass. Signed by 2 members: Representatives McCaslin, Assistant Ranking Minority Member; Klippert.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Dent, Ranking Minority Member.

**Staff:** Dawn Eychaner (786-7135).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Human Services & Early Learning. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Macri, Mosbrucker, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Tarleton, Tharinger, Volz and Ybarra.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Dye, Kraft and Sutherland.

**Staff:** Kelci Karl-Robinson (786-7116).

### **Background:**

The Early Childhood Education and Assistance Program (ECEAP) is the state's voluntary preschool program for 3 and 4 year olds. The Department of Children, Youth, and Families (DCYF) administers the ECEAP.

### Eligibility.

Children are eligible for the state-supported ECEAP who are eligible for special education due to a disability or are from a family with an income at or below 110 percent of the federal poverty level (FPL). Up to 10 percent of the total enrollment in the state-supported program may consist of children who are eligible based on other criteria adopted in rule. Priority for enrollment must be given to children from families with the lowest incomes, children in foster care, or eligible families with multiple needs.

### Entitlement.

State funding for the ECEAP is phased in yearly, and eligible children may be admitted to the extent the state provides funds for the program. Full statewide implementation is required by the 2022-23 school year, when any eligible child will be entitled to enroll in the state-supported ECEAP.

### Additional Enrollments.

As space is available, the DCYF may allow up to 25 percent of the total statewide ECEAP enrollment to consist of children who have family incomes above 110 percent of the FPL. These children must be either homeless, or impacted by specific developmental or environmental risk factors that are linked by research to school performance. Within this group, priority must be given to children experiencing homelessness, child welfare system involvement, or a developmental delay or disability that does not meet the eligibility criteria for special education. Children included in the ECEAP under these eligibility criteria are not considered part of the state-funded entitlement.

#### HeadStart and Early Head Start.

HeadStart (HS) and Early Head Start (EHS) programs are federally funded early learning programs. The HS program serves 3 and 4 year olds, and the EHS program serves pregnant women and infants and toddlers under the age of 3. The EHS program provides comprehensive support, including child development and family support services, designed to nurture healthy attachments between a child and his or her caregiver.

#### Early Achievers.

Early Achievers (EA) is Washington's quality rating and improvement system for child care and early learning. Participation in the EA program is mandatory for all providers serving non-school-age children and accepting state subsidy payments.

#### Preschool Development Grant.

In December 2018 the DCYF received a federal Preschool Development Grant Birth through Five (PDG B-5) award of \$5.3 million for planning and training activities related to integrating Washington's early learning system. Activities related to training providers for an early ECEAP pilot are allowed under the grant. The grant period ends December 30, 2019, at which time the state will have the opportunity to apply for a grant renewal.

### **Summary of Amended Bill:**

#### Early Childhood Education and Assistance Program Enrollment.

As space is available, the DCYF may allow a child to be enrolled in the ECEAP when the child has a family income:

- above 110 percent of the FPL but less than or equal to 130 percent of the FPL; or
- above 130 percent of the FPL but less than or equal to 200 percent of the FPL, and the child meets at least one risk factor criterion as adopted in rule by the DCYF.

The number of such non-entitled children may not equal more than 25 percent of total statewide enrollment. Within this group, priority must be given first to children with family incomes up to 130 percent of the FPL.

Children included in the ECEAP under these provisions must be enrolled, as space is available, according to a system of risk factors and priority points adopted by the DCYF in rule. The priority system must consider risk factors that have disproportionate effects on kindergarten readiness, including:

- family income as a percent of the FPL;
- homelessness;
- child welfare system involvement;

- a developmental delay or disability that does not meet the criteria for special education;
- domestic violence;
- English as a second language;
- expulsion from an early learning setting;
- a parent who is incarcerated;
- a parent with a substance use disorder or mental health treatment need; and
- other risk factors determined by the DCYF to be linked by research to school performance.

The DCYF must continue to prioritize entitled children for enrollment.

Consultation with Tribes.

The DCYF must consult with the state's federally recognized tribes to explore creating a pathway or funding stream within the ECEAP to substantially close the opportunity gap for tribal children. By December 1, 2020, the DCYF must report related recommendations to the Legislature. Recommendations may include the modification of ECEAP eligibility criteria and performance standards.

Birth to Three Early Childhood Education and Assistance Program Pilot Project.

Within resources available under the federal PDG B-5 award, the DCYF must develop a plan for phased implementation of a Birth to Three ECEAP pilot project (pilot). Children eligible for the pilot must be under 3 years old and have a family income at or below 130 percent of the FPL. The DCYF must consider EHS rules and regulations when developing the pilot requirements and report to the Governor and the Legislature on any deviation from the EHS model.

Phased service delivery may begin after the DCYF has secured adequate funds to implement the pilot. Funds may include a combination of federal, state, or private sources. The DCYF may adopt rules to implement the pilot.

Upon securing adequate funds, the DCYF must begin delivering the pilot through child care centers and family home providers who meet minimum licensing standards and are enrolled in the EA program. The DCYF must attempt to select a combination of rural, urban, and suburban locations and must prioritize locations already operating an EHS, HS, or ECEAP program. The DCYF must determine minimum EA ratings scores for participating programs.

Beginning November 1, 2020, the DCYF must report annually to the Governor and the Legislature during pilot activity. The report must include a status update that describes planning work completed, funds secured, and any implementation activities conducted. The report must also include a description of the participating programs and the number of children and families served.

Other.

Clarifying changes are made to the description of how ECEAP funds are distributed to contractors. The definition of "eligible child" for the ECEAP is modified, and eligibility for public assistance is removed as a qualifying criterion.

Obsolete statutory references are corrected and conforming amendments are made.

**Appropriation:** None.

**Fiscal Note:** Requested on March 28, 2019.

**Effective Date of Amended Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to conforming amendments, which takes effect only if Substitute Senate Bill 5089, relating to increasing early learning access for children ages 3 and older, is enacted; and except for section 4, which takes effect only if section 5 does not take effect by the effective date of the section, which is 90 days.

**Staff Summary of Public Testimony (Human Services & Early Learning):**

(In support) This bill provides important flexibility for kids and families. Washington has some of the most restrictive income eligibility for preschool among all states. The income adjustments in this bill reflect the changes in minimum wage and will be helpful for rural and urban classrooms which have trouble filling open slots. This is meaningful policy that recognizes the fiscal realities the state faces this year. The ECEAP pilot is an important aspect of this bill. There is interest in increasing access for tribal children but adding them as categorically eligible presents potential legal challenges. Please consider some changes, including the language limiting the DCYF to implementing the pilot only upon securing funding for 10 locations.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) None.

(Opposed) None.

**Persons Testifying (Human Services & Early Learning):** Emily Murphy, Children's Alliance; Melissa Johnson, Washington State Association of Head Start and Early Childhood Education and Assistance Program; Frank Ordway, Department of Children, Youth, and Families; and RaShelle Davis, Office of the Governor.

**Persons Testifying (Appropriations):** None.

**Persons Signed In To Testify But Not Testifying (Human Services & Early Learning):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.