

SENATE BILL REPORT

SB 5437

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 12, 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: 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: Early Learning & K-12 Education: 2/04/19, 2/12/19 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Establishes two groups of children eligible for the Early Childhood Education and Assistance Program (ECEAP): children entitled to enroll and children allowed to enroll in ECEAP.
- Expands the group entitled to enroll in ECEAP to include families with an income at or below 130 percent of the federal poverty level instead of 110 percent.
- Directs the Department of Children, Youth, and Families to develop recommendations related to differential slot rates for ECEAP and submit a report by September 1, 2020.
- Establishes a birth-to-three ECEAP pilot project subject to appropriations.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt, McCoy, Mullet, Pedersen, Salomon and Wagoner.

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.

Minority Report: That it be referred without recommendation.

Signed by Senators Holy and Padden.

Staff: Ailey Kato (786-7434)

Background: Early Childhood Education and Assistance Program. This voluntary preschool program serves eligible three and four year olds. The Department of Children, Youth, and Families (DCYF) administers ECEAP to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system.

Current law provides for this program to become an entitlement in the 2022-23 school year for eligible children. "Eligible children" means a child not eligible for kindergarten and:

- whose family income is at or below 110 percent of the federal poverty level;
- a child eligible for special education preschool due to disability; and
- may include children who are eligible under rules adopted by DCYF if the number of such children equals not more than 10 percent of the total enrollment.

State law requires DCYF to adopt rules allowing inclusion of children in ECEAP whose family income is above 110 percent of the federal poverty level if the number of such children equals not more than 25 percent of total statewide enrollment. ECEAP may allow enrollment for these children on a space available basis. Children who are over income must be homeless or impacted by specific developmental or environmental risk factors that are linked by research to school performance. Children who are over income are not to be considered eligible children for ECEAP and are not considered to be part of the state-funded entitlement.

Early Head Start Programs. These federally funded programs serve low-income pregnant women and infants and toddlers under the age of three. Early Head Start programs are designed to promote the development of the children and enable their parents to fulfill their roles as parents and to move toward self-sufficiency. Program options include home-based, center-based, and family child care services.

Early Achievers. This program is the state's quality rating and improvement system for early child care and education. The quality of care is assigned a rating on a scale of 1-5, with Level 1 being the minimum requirements for licensing and Level 5 being the highest possible level of quality.

Summary of Bill (First Substitute): ECEAP Eligibility. Eligible child means a three to five-year-old child who is not age-eligible for kindergarten, is not a participant in a federal or state program providing comprehensive services, and who is:

(1) Entitled to enroll in ECEAP by meeting one of the criteria:

- have a family income at or below 130 percent of federal poverty level instead of 110 percent;
- be eligible for special education due to disability;
- meet criteria under rules adopted by DCYF if the number of such children equals not more than 10 percent of the total enrollment.

(2) Allowed to enroll in ECEAP because the family income is greater than 130 percent of federal poverty level but less than 200 percent.

An allowed child is eligible to enroll in ECEAP, as space is available, according to a system of risk factors and priority points adopted in rule. The priority system must consider risk factors that have disproportionate effects on kindergarten readiness, including:

- child welfare system involvement;
- developmental delay or disability that does not meet the eligibility criteria for special education;
- domestic violence;
- English as a second language;
- expulsion from an early learning setting;
- a parent who is or has been incarcerated;
- a parent with a substance use disorder or mental health treatment need; and
- homelessness.

The limit of 25 percent of total statewide enrollment for children allowed to enroll in ECEAP is removed.

DCYF must prioritize children who are entitled to enroll in ECEAP.

Differential ECEAP Slot Rates. DCYF must develop recommendations related to differential slot rates for ECEAP based on variable factors that may contribute to costs for providers when working to achieve positive child outcomes. DCYF must:

- consider, at a minimum, variations by geographic region, contractor type, child risk factors, and teacher credentials;
- evaluate advantages and disadvantages of linking ECEAP rates and other child care subsidy rates; and
- review DCYF-designated subsidy regions and adjust regional boundaries as necessary to reflect regional economic conditions.

DCYF must submit recommendations and report on the results of the regional subsidy boundary review by September 1, 2020.

Birth-to-Three Early Childhood Education and Assistance Program Pilot. Subject to appropriations, DCYF must establish a pilot project to provide birth-to-three ECEAP to eligible children. An eligible child means a child's family income is at or below 130 percent of the federal poverty level and under thirty-six months old.

DCYF must consider Early Head Start rules and regulations when developing requirements. Any deviations must be identified and explained in an annual report. DCYF may adopt rules to implement the pilot project.

The pilot project must start January 1, 2020, and conclude June 30, 2023. During the first year, DCYF must select up to 10 pilot project locations. DCYF must attempt to select a combination of rural, urban, and suburban locations and prioritize locations currently operating Early Head Start, Head Start, or ECEAP programs.

The pilot project programs must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in Early Achievers. DCYF must determine minimum Early Achievers ratings scores for programs participating in the pilot project.

During the pilot project, DCFY must analyze quality, performance measures, and child and parent outcomes. Beginning November 1, 2020, DCYF must submit an annual report. A final report is due November 1, 2024, with findings and recommendations.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Makes changes to the birth-to-three ECEAP pilot.
- Changes the definition of "eligible child" for the purposes of ECEAP by bifurcating into children entitled to enroll in ECEAP and children allowed to enroll in ECEAP.
- Expands the group entitled to enroll in ECEAP to include a family income at or below 130 percent of the federal poverty level instead of 110 percent.
- Limits children who are allowed to enroll in ECEAP to families with income greater than 130 percent of the federal poverty level but less than 200 percent and allows enrollment, as space is available, according to a system of risk factors and priority points.
- Directs DCYF to develop recommendations related to differential slot rates for ECEAP based on variable factors and to submit a report by September 1, 2020.
- Corrects statutory references.
- Removes the emergency clause.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Requested on January 19, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: ECEAP helps children of color and low-income children access a critical early learning program to keep up with the more advantaged peers and help close the opportunity gap. Many parts of the state have limited access to high quality center-based care for infants and toddlers. Native children and children who are homeless are among the least ready for kindergarten. ECEAP helps children prepare for kindergarten. ECEAP eligibility should line up with federal Head Start and the free lunch program, which is 130 percent of the federal poverty level. Adequacy of compensation of ECEAP teachers is a concern.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Dana Anderson, Association of Educational Service Districts; Melissa Johnson, Washington State Association

of Head Start and ECEAP; Kevin Rutherford, citizen; Teela Lanchester, citizen; Deborah Sioux Lee, Nisqually Tribal Head Start; Katy Warren, Washington State Association of Head Start and ECEAP.

Persons Signed In To Testify But Not Testifying: No one.