

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5089**

Chapter 409, Laws of 2019

66th Legislature  
2019 Regular Session

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM--ENROLLMENT OF THREE  
YEAR OLDS

EFFECTIVE DATE: Contingent.

Passed by the Senate April 22, 2019  
Yeas 47 Nays 1

CYRUS HABIB

**President of the Senate**

Passed by the House April 12, 2019  
Yeas 92 Nays 4

FRANK CHOPP

**Speaker of the House of Representatives**

Approved May 21, 2019 9:49 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5089** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

May 21, 2019

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5089**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Wellman, Darneille, Palumbo, Wilson, C., Kuderer, and Saldaña)

READ FIRST TIME 02/27/19.

1 AN ACT Relating to increasing early learning access for children  
2 ages three and older; amending RCW 43.216.512 and 43.216.512; and  
3 providing contingent effective dates.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.216.512 and 2018 c 155 s 2 are each amended to  
6 read as follows:

7 (1) The department shall adopt rules that allow the inclusion of  
8 children in the early childhood education and assistance program  
9 whose family income is above one hundred ten percent of the federal  
10 poverty level if the number of such children equals not more than  
11 twenty-five percent of total statewide enrollment.

12 ~~(2) ((Children included in the early childhood education and~~  
13 ~~assistance program under this section must be homeless or impacted by~~  
14 ~~specific developmental or environmental risk factors that are linked~~  
15 ~~by research to school performance. "Homeless" means without a fixed,~~  
16 ~~regular, and adequate nighttime residence as set forth in the federal~~  
17 ~~McKinney-Vento homeless assistance act, P.L. 100-77, July 22, 1987,~~  
18 ~~101 Stat. 482, and runaway and homeless youth act, P.L. 93-415, Title~~  
19 ~~III, September 7, 1974, 88 Stat. 1129.)) The department shall adopt~~  
20 ~~rules that allow a child to enroll in the early childhood education~~  
21 ~~and assistance program, as space is available, when the child is not~~

1 eligible under RCW 43.216.505 and the child turns three years old at  
2 any time during the school year when the child:

3 (a) Has a family income at or below two hundred percent of the  
4 federal poverty level or meets at least one risk factor criterion  
5 adopted by the department in rule; and

6 (b) Has received services from or participated in:

7 (i) The early support for infants and toddlers program;

8 (ii) The early head start or a successor federal program  
9 providing comprehensive services for children from birth through two  
10 years of age; or

11 (iii) The birth to three early childhood education and assistance  
12 program, if such a program is established.

13 (3) Children included in the early childhood education and  
14 assistance program under this section are not to be considered  
15 eligible children as defined in RCW 43.216.505 and are not considered  
16 to be part of the state-funded entitlement required in RCW  
17 43.216.556.

18 **Sec. 2.** RCW 43.216.512 and 2018 c 155 s 2 are each amended to  
19 read as follows:

20 (1) The department shall adopt rules that allow the ~~((inclusion))~~  
21 enrollment of children in the early childhood education and  
22 assistance program, as space is available if the number of such  
23 children equals not more than twenty-five percent of total statewide  
24 enrollment, whose family income is:

25 (a) Above one hundred ten percent but less than or equal to one  
26 hundred thirty percent of the federal poverty level ~~((if the number~~  
27 of such children equals not more than twenty-five)); or

28 (b) Above one hundred thirty percent but less than or equal to  
29 two hundred percent of ~~((total statewide enrollment))~~ the federal  
30 poverty level if the child meets at least one of the risk factor  
31 criterion described in subsection (2) of this section.

32 (2) Children ~~((included))~~ enrolled in the early childhood  
33 education and assistance program ~~((under))~~ pursuant to subsection  
34 (1)(b) of this section must be ~~((homeless or impacted by specific~~  
35 developmental or environmental)) prioritized for available funded  
36 slots according to a prioritization system adopted in rule by the  
37 department that considers risk factors that ~~((are linked by research~~  
38 to school performance. "Homeless" means without a fixed, regular, and  
39 adequate nighttime residence as set forth in the federal McKinney-

1 ~~Vento homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat.~~  
2 ~~482, and runaway and homeless youth act, P.L. 93-415, Title III,~~  
3 ~~September 7, 1974, 88 Stat. 1129))~~ have a disproportionate effect on  
4 kindergarten readiness and school performance, including:

- 5 (a) Family income as a percent of the federal poverty level;
- 6 (b) Homelessness;
- 7 (c) Child welfare system involvement;
- 8 (d) Developmental delay or disability that does not meet the  
9 eligibility criteria for special education described in RCW  
10 28A.155.020;
- 11 (e) Domestic violence;
- 12 (f) English as a second language;
- 13 (g) Expulsion from an early learning setting;
- 14 (h) A parent who is incarcerated;
- 15 (i) A parent with a substance use disorder or mental health  
16 treatment need; and
- 17 (j) Other risk factors determined by the department to be linked  
18 by research to school performance.

19 (3) The department shall adopt rules that allow a child to enroll  
20 in the early childhood education and assistance program, as space is  
21 available, when the child is not eligible under RCW 43.216.505 and  
22 the child turns three years old at any time during the school year  
23 when the child:

- 24 (a) Has a family income at or below two hundred percent of the  
25 federal poverty level or meets at least one risk factor criterion  
26 adopted by the department in rule; and
- 27 (b) Has received services from or participated in:
  - 28 (i) The early support for infants and toddlers program;
  - 29 (ii) The early head start or a successor federal program  
30 providing comprehensive services for children from birth through two  
31 years of age; or
  - 32 (iii) The birth to three early childhood education and assistance  
33 program, if such a program is established.

34 (4) Children ((included)) enrolled in the early childhood  
35 education and assistance program under this section are not ((to be))  
36 considered eligible children as defined in RCW 43.216.505 and are not  
37 considered to be part of the state-funded entitlement required in RCW  
38 43.216.556.

1        NEW SECTION.    **Sec. 3.**    (1) Section 2 of this act takes effect  
2 only if chapter . . . (Second Substitute Senate Bill No. 5437), Laws  
3 of 2019 is enacted by the effective date of this section.

4        (2) Section 1 of this act takes effect only if section 2 of this  
5 act does not take effect by the effective date of this section.

Passed by the Senate April 22, 2019.

Passed by the House April 12, 2019.

Approved by the Governor May 21, 2019.

Filed in Office of Secretary of State May 21, 2019.

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