
SENATE BILL 5538

State of Washington

59th Legislature

2005 Regular Session

By Senators Prentice, Rockefeller, Doumit, Fairley, McAuliffe, Haugen, Berkey, Rasmussen, Keiser, Regala, Kline, Eide, Kohl-Welles, Brown, Thibaudeau, Franklin, Weinstein, Schmidt and Shin

Read first time 01/27/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to the early childhood education and assistance
2 program; amending RCW 28A.215.110, 28A.215.120, and 28A.215.150; adding
3 new sections to chapter 28A.215 RCW; and repealing RCW 28A.215.140 and
4 28A.215.190.

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

6 **Sec. 1.** RCW 28A.215.110 and 1999 c 350 s 1 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout RCW 28A.215.100 through 28A.215.200 and
10 28A.215.900 through 28A.215.908.

11 (1) (~~"Advisory committee" means the advisory committee under RCW~~
12 ~~28A.215.140.~~

13 ~~(2)) "Department" means the ((department of community, trade, and~~
14 ~~economic development)) office of the superintendent of public
15 instruction.~~

16 ~~((3))~~ (2) "Eligible child" means a child not eligible for
17 kindergarten whose family income is at or below one hundred ten percent
18 of the federal poverty level, as published annually by the federal
19 department of health and human services, and includes a child whose

1 family is eligible for public assistance, and who is not a participant
2 in a federal or state program providing comprehensive services and may
3 include children who are eligible under rules adopted by the department
4 if the number of such children equals not more than ten percent of the
5 total enrollment in the early childhood program. Priority for
6 enrollment shall be given to children from families with the lowest
7 income or to eligible children from families with multiple needs.

8 ~~((+4))~~ (3) "Approved programs" means those state-supported
9 education and special assistance programs which are recognized by the
10 department ~~((of community, trade, and economic development))~~ as meeting
11 the minimum program rules adopted by the department to qualify under
12 RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908
13 and are designated as eligible for funding by the department under RCW
14 28A.215.160 and 28A.215.180.

15 ~~((+5))~~ (4) "Comprehensive" means an assistance program that
16 focuses on the needs of the child and includes education, health, and
17 family support services.

18 ~~((+6))~~ (5) "Family support services" means providing opportunities
19 for parents to:

- 20 (a) Actively participate in their child's early childhood program;
- 21 (b) Increase their knowledge of child development and parenting
22 skills;
- 23 (c) Further their education and training;
- 24 (d) Increase their ability to use needed services in the community;
- 25 (e) Increase their self-reliance.

26 **Sec. 2.** RCW 28A.215.120 and 1994 c 166 s 4 are each amended to
27 read as follows:

28 The department ~~((of community, trade, and economic development))~~
29 shall administer a state-supported early childhood education and
30 assistance program to assist eligible children with educational,
31 social, health, nutritional, and cultural development to enhance their
32 opportunity for success in the common school system. Eligible children
33 shall be admitted to approved early childhood programs to the extent
34 that the legislature provides funds, and additional eligible children
35 may be admitted to the extent that grants and contributions from
36 community sources provide sufficient funds for a program equivalent to
37 that supported by state funds. Administration and funding of this

1 program shall be shifted to the department no later than December 1,
2 2005. All existing contracts with program providers entered into for
3 the 2005-06 school year with the department of community, trade, and
4 economic development shall remain in full force and effect and shall be
5 the responsibility of the department. All funds designated for this
6 program remaining at the department of community, trade, and economic
7 development after December 1, 2005, shall be transferred to the
8 department.

9 NEW SECTION. Sec. 3. A new section is added to chapter 28A.215
10 RCW to read as follows:

11 (1) A nine-member steering committee is created, which committee
12 shall advise the department on the ongoing promotion and operation of
13 the early childhood education and assistance program. This advice
14 shall include:

15 (a) Program standards, which shall be guided by appropriate
16 research;

17 (b) Development of partnerships among providers of early learning
18 programs;

19 (c) Development of opportunities for professional development; and

20 (d) Identifying opportunities to build upon existing programs and
21 resources by increasing program quality, connecting related services,
22 and simplifying program administration.

23 (2) The steering committee authorized in subsection (1) of this
24 section shall be composed of and appointed in accordance with this
25 subsection.

26 (a) The superintendent of public instruction shall appoint two
27 agency employees responsible for policies relating to early learning
28 and assistance to children, one representative of an early childhood
29 education and assistance program provider or contractor and one parent
30 with a child participating in the program. The superintendent of
31 public instruction shall also designate the chair of the steering
32 committee.

33 (b) The secretary of the department of social and health services
34 shall appoint two representatives of that office who are knowledgeable
35 about early learning and assistance to children and one representative
36 of an early childhood education and assistance program provider or
37 contractor.

1 (c) The director of the department of community, trade, and
2 economic development shall appoint one representative.

3 (d) The secretary of the department of health shall appoint one
4 member who is knowledgeable about early learning and pediatric public
5 health issues.

6 (3) Except for state official and state employee members, each
7 member of the board shall be reimbursed for travel expenses incurred in
8 carrying out the duties of the board in accordance with RCW 43.03.050
9 and 43.03.060.

10 **Sec. 4.** RCW 28A.215.150 and 1994 c 166 s 6 are each amended to
11 read as follows:

12 The department shall adopt rules under chapter 34.05 RCW for the
13 administration of the early childhood program. Approved early
14 childhood programs shall conduct needs assessments of their service
15 area, identify any targeted groups of children, to include but not be
16 limited to children of seasonal and migrant farmworkers and native
17 American populations living either on or off reservation, and provide
18 to the department a service delivery plan, to the extent practicable,
19 that addresses these targeted populations.

20 The department in developing rules for the early childhood program
21 shall consult with the ((~~advisory~~)) steering committee, and shall
22 consider such factors as coordination with existing head start and
23 other early childhood programs, the preparation necessary for
24 instructors, qualifications of instructors, adequate space and
25 equipment, and special transportation needs. The rules shall
26 specifically require the early childhood programs to provide for
27 parental involvement in participation with their child's program, in
28 local program policy decisions, in development and revision of service
29 delivery systems, and in parent education and training.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.215
31 RCW to read as follows:

32 (1) All powers, duties, and functions of the department of
33 community, trade, and economic development pertaining to the early
34 childhood education and assistance program are transferred to the
35 office of the superintendent of public instruction. All references to
36 the director or the department of community, trade, and economic

1 development in the Revised Code of Washington shall be construed to
2 mean the superintendent of public instruction or the office of the
3 superintendent of public instruction when referring to the functions
4 transferred in this section.

5 (2)(a) All reports, documents, surveys, books, records, files,
6 papers, or written material in the possession of the department of
7 community, trade, and economic development pertaining to the powers,
8 functions, and duties transferred shall be delivered to the custody of
9 the office of the superintendent of public instruction. All cabinets,
10 furniture, office equipment, motor vehicles, and other tangible
11 property employed by the department of community, trade, and economic
12 development in carrying out the powers, functions, and duties
13 transferred shall be made available to the office of the superintendent
14 of public instruction. All funds, credits, or other assets held in
15 connection with the powers, functions, and duties transferred shall be
16 assigned to the office of the superintendent of public instruction.

17 (b) Any appropriations made to the department of community, trade,
18 and economic development for carrying out the powers, functions, and
19 duties transferred shall, on the effective date of this section, be
20 transferred and credited to the office of the superintendent of public
21 instruction.

22 (c) Whenever any question arises as to the transfer of any
23 personnel, funds, books, documents, records, papers, files, equipment,
24 or other tangible property used or held in the exercise of the powers
25 and the performance of the duties and functions transferred, the
26 director of financial management shall make a determination as to the
27 proper allocation and certify the same to the state agencies concerned.

28 (3) All employees of the department of community, trade, and
29 economic development engaged in performing the powers, functions, and
30 duties transferred are transferred to the jurisdiction of the office of
31 the superintendent of public instruction. All employees classified
32 under chapter 41.06 RCW, the state civil service law, are assigned to
33 the office of the superintendent of public instruction to perform their
34 usual duties upon the same terms as formerly, without any loss of
35 rights, subject to any action that may be appropriate thereafter in
36 accordance with the laws and rules governing state civil service.

37 (4) All rules and all pending business before the department of
38 community, trade, and economic development pertaining to the powers,

1 functions, and duties transferred shall be continued and acted upon by
2 the office of the superintendent of public instruction. All existing
3 contracts and obligations shall remain in full force and shall be
4 performed by the office of the superintendent of public instruction.

5 (5) The transfer of the powers, duties, functions, and personnel of
6 the department of community, trade, and economic development shall not
7 affect the validity of any act performed before the effective date of
8 this section.

9 (6) If apportionments of budgeted funds are required because of the
10 transfers directed by this section, the director of financial
11 management shall certify the apportionments to the agencies affected,
12 the state auditor, and the state treasurer. Each of these shall make
13 the appropriate transfer and adjustments in funds and appropriation
14 accounts and equipment records in accordance with the certification.

15 (7) Nothing contained in this section may be construed to alter any
16 existing collective bargaining unit or the provisions of any existing
17 collective bargaining agreement until the agreement has expired or
18 until the bargaining unit has been modified by action of the personnel
19 resources board as provided by law.

20 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
21 repealed:

22 (1) RCW 28A.215.140 (Advisory committee--Composition) and 1988 c
23 174 s 5 & 1985 c 418 s 5; and

24 (2) RCW 28A.215.190 (Expenses of advisory committee--Reimbursement)
25 and 1985 c 418 s 10.

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