

2SHB 2731 - S COMM AMD

By Committee on Early Learning & K-12 Education

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW\_SECTION. **Sec. 1.** The legislature finds that a critical  
4 factor in the eventual successful outcome of a K-12 education is for  
5 students to begin school ready, both intellectually and socially, to  
6 learn. The legislature also finds that, due to a variety of factors,  
7 some young children need supplemental instruction in preschool to  
8 assure that they have the opportunity to participate meaningfully and  
9 reach the necessary levels of achievement in the regular program of  
10 basic education. The legislature further finds that children who  
11 participate in high quality preschool programs have improved  
12 educational and life outcomes and are more likely to graduate from high  
13 school and pursue higher education, experience successful employment  
14 opportunities, and have increased earnings. Therefore the legislature  
15 intends to create an entitlement to a program of early learning for  
16 educationally at-risk children beginning September 1, 2011.

17 The legislature also finds that the state early childhood education  
18 and assistance program was established to help children from low-income  
19 families be prepared for kindergarten, and that the program has been a  
20 successful model for achieving that goal. Therefore, the legislature  
21 intends that the first phase of implementing the program of early  
22 learning for children who are educationally at risk shall be  
23 accomplished by utilizing the program standards and eligibility  
24 criteria in the early childhood education and assistance program.

25 NEW\_SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
26 section apply throughout this chapter unless the context clearly  
27 requires otherwise.

28 (1) "Community-based early learning providers" includes for-profit  
29 and nonprofit licensed providers of child care and preschool programs.

1 (2) "Department" means the department of early learning.

2 (3) "Director" means the director of the department.

3 (4) "Program" means the entitlement program of early learning  
4 established in section 3 of this act for children who are determined to  
5 be educationally at risk pursuant to section 4 of this act.

6 (5) "Superintendent" means the superintendent of public  
7 instruction.

8 NEW SECTION. **Sec. 3.** PROGRAM STANDARDS. (1) An early learning  
9 program is established, beginning September 1, 2011, to provide  
10 voluntary preschool opportunities for children three and four years of  
11 age who are educationally at risk. The program must be a comprehensive  
12 program providing early childhood education and family support, options  
13 for parental involvement, and health information, screening, and  
14 referral services, as family need is determined. Participation in the  
15 program is voluntary. On a space available basis, the program may  
16 allow enrollment of children who are not otherwise eligible by  
17 assessing a fee.

18 (2) The first phase of the program shall be implemented by  
19 utilizing the program standards and eligibility criteria in the early  
20 childhood education and assistance program.

21 (3) Subsequent phases of the program including, but not limited to,  
22 program standards and eligibility processes, shall be defined by the  
23 legislature after receiving the recommendations from the superintendent  
24 and the director required in section 9 of this act.

25 (4) The superintendent and the director jointly shall adopt rules  
26 for the following program components, as appropriate and necessary  
27 during the phased implementation of the program:

28 (a) A process for conducting individual evaluations to determine  
29 program eligibility for children who do not qualify under section  
30 4(1)(c) (i) or (ii) of this act, but who may be at risk of being  
31 unprepared for kindergarten for other reasons;

32 (b) Minimum program standards, including lead teacher, assistant  
33 teacher, and staff qualifications;

34 (c) Approval of program providers;

35 (d) Accountability and adherence to performance standards; and

36 (e) A method for allowing, on a space available basis, enrollment  
37 of children who are not otherwise eligible by assessing fees.

1 (5) The department has administrative responsibility for:

2 (a) Approving and contracting with providers according to rules  
3 developed jointly by the superintendent and the director under this  
4 section;

5 (b) In partnership with school districts, monitoring program  
6 quality and assuring the program is responsive to the needs of eligible  
7 children;

8 (c) Assuring that program providers work cooperatively with school  
9 districts to coordinate the transition from preschool to kindergarten  
10 so that children and their families are well-prepared and supported;  
11 and

12 (d) Providing technical assistance to contracted providers.

13 NEW SECTION. **Sec. 4. ELIGIBILITY.** (1)(a) The legislature intends  
14 that eligibility for enrollment in the program be based on risk factors  
15 which, in the absence of effective intervention, have been identified  
16 by research to correlate with an increased probability of poor  
17 educational outcomes. The legislature also intends that children who  
18 do not qualify on the basis of risk factors, but who are determined to  
19 be at risk of being unprepared for kindergarten based on an individual  
20 evaluation, will be eligible for the program.

21 (b) During the initial phase of implementation, the standards in  
22 RCW 43.215.405(3) used for eligibility determinations in the early  
23 childhood education and assistance program shall be used to determine  
24 eligibility for the program.

25 (c) During subsequent phases of implementation, the following  
26 criteria shall be used for eligibility determinations:

27 (i) The child's household income is at or below one hundred ten  
28 percent of the federal poverty level, as published annually by the  
29 federal department of health and human services, and the child's  
30 circumstances include one or more risk factors to be determined by the  
31 legislature after receiving recommendations required in subsection  
32 (2)(a) of this section;

33 (ii) The child's circumstances include one or more risk factors to  
34 be determined by the legislature after receiving recommendations  
35 required in subsection (2)(a) of this section; or

36 (iii) The child has been determined to be at risk of being  
37 unprepared for kindergarten based on an individual evaluation conducted

1 by a school district according to a process approved by the legislature  
2 after receiving recommendations required in subsection (2)(b) of this  
3 section.

4 (d) After the individual evaluation process is approved by the  
5 legislature and implemented:

6 (i) School districts, in collaboration with approved early learning  
7 providers, shall conduct the evaluations to determine a child's  
8 eligibility for participation in the program; and

9 (ii) A three year old child who is determined eligible on the basis  
10 of an individual evaluation may remain in the program for a second year  
11 as a four year old.

12 (2) The superintendent and the director jointly shall develop  
13 recommendations for legislative approval regarding:

14 (a) Risk factors demonstrated by research to correlate with an  
15 increased probability of poor educational outcomes which could be used  
16 to determine program eligibility following the initial phase of program  
17 implementation including, but not limited to:

18 (i) The child has limited English proficiency; and

19 (ii) The child's family is receiving child welfare services under  
20 chapter 13.34 RCW;

21 (b) An evaluation process for use in eligibility determinations for  
22 children who are not eligible under subsection (1)(c)(i) or (ii) of  
23 this section, but who may be at risk of being unprepared for  
24 kindergarten for other reasons. The evaluation process must be aligned  
25 with the state's early learning benchmarks and the kindergarten  
26 assessment described in section 616, chapter 564, Laws of 2009; and

27 (c) A schedule for implementing the individual evaluation process  
28 throughout the state, including training for school district personnel  
29 and approved early learning providers.

30 (3) The superintendent and the director shall report the  
31 recommendations required under subsection (2) of this section to the  
32 appropriate committees of the legislature not later than November 15,  
33 2010.

34 NEW SECTION. **Sec. 5.** FUNDING AND STATEWIDE IMPLEMENTATION. (1)  
35 Funding for the program of early learning established under this  
36 chapter must be appropriated to the superintendent. Allocations must

1 be made on the basis of eligible children enrolled with eligible  
2 providers.

3 (2) The program shall be implemented in phases, with the intent  
4 that full implementation be achieved in the 2017-18 school year.

5 (3) For the initial phase of the early learning program in school  
6 years 2011-12 and 2012-13, funding shall consist of appropriation to  
7 the superintendent of amounts that would otherwise have been  
8 appropriated for the early childhood education and assistance program  
9 formerly implemented by the department. The legislature shall  
10 appropriate funding to the superintendent for implementation of the  
11 early learning program at a level not less than the 2009-2011 budget  
12 for the early childhood education and assistance program.

13 (4) Beginning in the 2013-14 school year, additional funding for  
14 the program must be phased in beginning in school districts having the  
15 highest poverty levels, defined as those school districts with the  
16 highest percentages of enrolled students qualifying for free and  
17 reduced price lunch support in the prior school year.

18 (5) Funding shall continue to be phased in incrementally each year  
19 until full statewide implementation of the early learning program is  
20 achieved in the 2017-18 school year.

21 (6) School districts and approved community-based early learning  
22 providers may contract with the department to provide services under  
23 the program. The department shall collaborate with school districts,  
24 community-based providers, and educational service districts to promote  
25 an adequate supply of approved providers. A school district may not be  
26 required to contract for the provision of services under the program  
27 unless no approved community-based provider is available within the  
28 district to provide services.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320  
30 RCW to read as follows:

31 (1) For the program of early learning established in section 3 of  
32 this act, school districts:

33 (a) Shall work cooperatively with program providers to coordinate  
34 the transition from preschool to kindergarten so that children and  
35 their families are well-prepared and supported;

36 (b) Shall, in collaboration with providers approved by the  
37 department of early learning, conduct individual evaluations to

1 determine program eligibility for children who do not qualify under  
2 section 4(1)(c) (i) or (ii) of this act but who may be at risk of being  
3 unprepared for kindergarten for other reasons; and

4 (c) May contract with the department of early learning to deliver  
5 services under the program.

6 (2) If, however, at the time the program of early learning  
7 established in section 3 of this act is phased into a school district,  
8 no approved provider is available within the school district to  
9 contract for delivery of services under the program, the school  
10 district is required to contract with the department of early learning  
11 to deliver the program to eligible children.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.215 RCW  
13 to read as follows:

14 (1) The superintendent of public instruction and the director of  
15 the department jointly shall adopt rules for the following program  
16 components, as appropriate and necessary during the phased  
17 implementation of the program:

18 (a) Individual evaluations to determine program eligibility for  
19 children not eligible under section 4(1)(c) (i) or (ii) of this act;

20 (b) Minimum program standards, including instructor and staff  
21 qualifications;

22 (c) Approval of program providers; and

23 (d) Accountability and adherence to performance standards.

24 (2) The department shall have administrative responsibility for:

25 (a) Approving and contracting with providers according to rules  
26 developed jointly by the superintendent of public instruction and the  
27 director under this section;

28 (b) In partnership with school districts, monitoring program  
29 quality and assuring the program is responsive to the needs of eligible  
30 children; and

31 (c) Providing technical assistance to contracted providers.

32 **Sec. 8.** RCW 43.215.020 and 2007 c 394 s 5 are each amended to read  
33 as follows:

34 (1) The department of early learning is created as an executive  
35 branch agency. The department is vested with all powers and duties

1 transferred to it under this chapter and such other powers and duties  
2 as may be authorized by law.

3 (2) The primary duties of the department are to implement state  
4 early learning policy and to coordinate, consolidate, and integrate  
5 child care and early learning programs in order to administer programs  
6 and funding as efficiently as possible. The department's duties  
7 include, but are not limited to, the following:

8 (a) To support both public and private sectors toward a  
9 comprehensive and collaborative system of early learning that serves  
10 parents, children, and providers and to encourage best practices in  
11 child care and early learning programs;

12 (b) To make early learning resources available to parents and  
13 caregivers;

14 (c) To carry out activities, including providing clear and easily  
15 accessible information about quality and improving the quality of early  
16 learning opportunities for young children, in cooperation with the  
17 nongovernmental private-public partnership;

18 (d) To administer child care and early learning programs;

19 (e) To standardize internal financial audits, oversight visits,  
20 performance benchmarks, and licensing criteria, so that programs can  
21 function in an integrated fashion;

22 (f) To support the implementation of the nongovernmental private-  
23 public partnership and cooperate with that partnership in pursuing its  
24 goals including providing data and support necessary for the successful  
25 work of the partnership;

26 (g) To work cooperatively and in coordination with the early  
27 learning council;

28 (h) To collaborate with the K-12 school system at the state and  
29 local levels to ensure appropriate connections and smooth transitions  
30 between early learning and K-12 programs; (~~and~~)

31 (i) To develop and adopt rules, jointly with the superintendent of  
32 public instruction, for administration of the program of early learning  
33 established in section 3 of this act; and

34 (j) Upon the development of an early learning information system,  
35 to make available to parents timely inspection and licensing action  
36 information through the internet and other means.

37 (3) The department's programs shall be designed in a way that  
38 respects and preserves the ability of parents and legal guardians to

1 direct the education, development, and upbringing of their children.  
2 The department shall include parents and legal guardians in the  
3 development of policies and program decisions affecting their children.

4 NEW SECTION. **Sec. 9.** REPORT AND RECOMMENDATIONS. (1) The  
5 superintendent of public instruction and the director of the department  
6 of early learning shall develop recommendations, including proposed  
7 legislation as appropriate and necessary, to achieve statewide  
8 implementation of the program of early learning for children three and  
9 four years of age who are educationally at risk. The superintendent  
10 and the director shall report to the appropriate committees of the  
11 legislature by January 1, 2011:

12 (a) Program standards for a developmentally appropriate curriculum  
13 to include:

- 14 (i) Physical well-being, health, and motor development;
- 15 (ii) Social and emotional development;
- 16 (iii) Cognition and general knowledge;
- 17 (iv) Language, literacy, numeracy, and communication.

18 (b) Service standards for family support and health-related  
19 services to include:

20 (i) Working with parents to access appropriate medical, dental, and  
21 other health screenings for children;

22 (ii) Providing opportunities for parental involvement, education,  
23 and leadership development; and

24 (iii) Family contact designed to assist the child's family in:

- 25 (A) Assessing family strengths and needs;
- 26 (B) Setting family goals and reviewing progress;
- 27 (C) Accessing community resources; and

28 (D) Coordinating transitions between the program, child care, home,  
29 and kindergarten.

30 (c) A plan for providing technical assistance necessary to support  
31 providers delivering services in early childhood education and  
32 assistance programs and head start programs in becoming approved  
33 providers of the program.

34 (d) A strategy to optimize phased implementation of the program on  
35 a schedule substantially similar to the implementation of full day  
36 kindergarten after a review of the locations where early childhood  
37 education and assistance programs are operating.



1 (e) The need for transportation services for the program based on  
2 an analysis of the transportation services and arrangements being  
3 utilized in early childhood education and assistance programs and the  
4 need to address future transportation services during subsequent phases  
5 of implementation.

6 (f) Options for developing socioeconomically diverse, mixed  
7 classrooms.

8 (2) The superintendent of public instruction, the director of the  
9 department of early learning, and the director of the office of  
10 financial management, or their respective designees, shall report to  
11 the appropriate committees of the legislature by November 15, 2010,  
12 with recommendations for a budgeting and funding allocation method for  
13 the program based on enrolled eligible students. Recommendations must  
14 include a proposed schedule of implementation consistent with section  
15 5 (2) and (3) of this act.

16 NEW SECTION. **Sec. 10.** Sections 2 through 5 and 12 of this act  
17 constitute a new chapter in Title 28A RCW.

18 NEW SECTION. **Sec. 11.** The following acts or parts of acts, as now  
19 existing or hereafter amended, are each repealed, effective September  
20 1, 2011:

21 (1) RCW 43.215.410 (Early childhood education and assistance  
22 program--Admission and funding) and 2006 c 265 s 211, 1994 c 166 s 4,  
23 1988 c 174 s 3, & 1985 c 418 s 3; and

24 (2) RCW 43.215.415 (Early childhood education and assistance  
25 program--Eligible providers--State-funded support--Requirements) and  
26 1994 c 166 s 5, 1988 c 174 s 4, & 1985 c 418 s 4.

27 NEW SECTION. **Sec. 12.** This act may be known as the ready for  
28 school act of 2010."

**2SHB 2731** - S COMM AMD

By Committee on Early Learning & K-12 Education

1        On page 1, line 2 of the title, after "children;" strike the  
2 remainder of the title and insert "amending RCW 43.215.020; adding a  
3 new section to chapter 28A.320 RCW; adding a new section to chapter  
4 43.215 RCW; adding a new chapter to Title 28A RCW; creating new  
5 sections; repealing RCW 43.215.410 and 43.215.415; and providing an  
6 effective date."

EFFECT: Removes the early learning program from basic education.  
Adds that the Legislature intends to create an entitlement for a  
program of early learning for educationally at-risk children.

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