
SECOND SUBSTITUTE HOUSE BILL 1351

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Senn, Callan, Lovick, Frame, Ortiz-Self, Kilduff, Appleton, Dolan, Stanford, Valdez, Kloba, Doglio, Pollet, and Leavitt; by request of Office of the Governor)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to expanding eligibility to the early childhood
2 education and assistance program; amending RCW 43.216.505,
3 43.216.556, 43.216.512, 43.216.514, 43.216.080, 43.216.540, and
4 43.216.550; adding a new section to chapter 43.216 RCW; and creating
5 a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the family
8 income eligibility limit of one hundred ten percent of the federal
9 poverty level for the early childhood education and assistance
10 program hinders the state's ability to recruit and enroll qualified
11 families, particularly in rural areas of the state and in tribal
12 communities. This income barrier results in unused preschool slots
13 and growing waiting lists of children who are from low-income
14 families but who are over the established income limits. Therefore,
15 the legislature intends to keep the qualifying income for early
16 childhood education and assistance program entitlement at one hundred
17 ten percent of the federal poverty level and allow for the
18 flexibility to serve additional children.

19 **Sec. 2.** RCW 43.216.505 and 2017 3rd sp.s. c 6 s 210 are each
20 amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout RCW 43.216.500 through 43.216.559,
3 43.216.900, and 43.216.901.

4 (1) "Advisory committee" means the advisory committee under RCW
5 43.216.520.

6 (2) "Approved programs" means those state-supported education and
7 special assistance programs which are recognized by the department as
8 meeting the minimum program rules adopted by the department to
9 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
10 43.216.901 and are designated as eligible for funding by the
11 department under RCW 43.216.530 and 43.216.540.

12 (3) "Comprehensive" means an assistance program that focuses on
13 the needs of the child and includes education, health, and family
14 support services.

15 (4) "Eligible child" means a three to five-year old child who is
16 not age-eligible for kindergarten ((whose)), is not a participant in
17 a federal or state program providing comprehensive services, and who:

18 (a) Has a family income ((is)) at or below one hundred ten
19 percent of the federal poverty level, as published annually by the
20 federal department of health and human services((, and includes a
21 child whose family is eligible for public assistance, and who is not
22 a participant in a federal or state program providing comprehensive
23 services)); ((a child))

24 (b) Is eligible for special education due to disability under RCW
25 28A.155.020; ((and may include children who are eligible)) or

26 (c) Meets criteria under rules adopted by the department if the
27 number of such children equals not more than ten percent of the total
28 enrollment in the early childhood program. ((Priority)) Preference
29 for enrollment in this group shall be given to children from families
30 with the lowest income, children in foster care, or to eligible
31 children from families with multiple needs.

32 (5) "Family support services" means providing opportunities for
33 parents to:

34 (a) Actively participate in their child's early childhood
35 program;

36 (b) Increase their knowledge of child development and parenting
37 skills;

38 (c) Further their education and training;

39 (d) Increase their ability to use needed services in the
40 community;

1 (e) Increase their self-reliance.

2 **Sec. 3.** RCW 43.216.556 and 2017 3rd sp.s. c 22 s 1 are each
3 amended to read as follows:

4 (1) Funding for the program of early learning established under
5 this chapter must be appropriated to the department. (~~Allocations~~
6 ~~must be made~~) The department shall distribute funding to approved
7 early childhood education and assistance program contractors on the
8 basis of eligible children enrolled (~~with eligible providers~~).

9 (2) The program shall be implemented in phases, so that full
10 implementation is achieved in the 2022-23 school year.

11 (~~For the initial phase of the early learning program in~~
12 ~~school years 2011-12 and 2012-13, the legislature shall appropriate~~
13 ~~funding to the department for implementation of the program in an~~
14 ~~amount not less than the 2009-2011 enacted budget for the early~~
15 ~~childhood education and assistance program. The appropriation shall~~
16 ~~be sufficient to fund an equivalent number of slots as funded in the~~
17 ~~2009-2011 enacted budget.~~

18 (~~Beginning in the 2013-14 school year, additional funding for~~
19 ~~the program must be phased in beginning in school districts providing~~
20 ~~all-day kindergarten programs under RCW 28A.150.315.~~

21 (~~5~~) Funding shall continue to be phased in each year until full
22 statewide implementation of the early learning program is achieved in
23 the 2022-23 school year, at which time any eligible child (~~shall~~
24 ~~be~~) is entitled to be enrolled in the program.

25 (~~6~~) (4) School districts and approved community-based early
26 learning providers may contract with the department to provide
27 services under the program. The department shall collaborate with
28 school districts, community-based providers, and educational service
29 districts to promote an adequate supply of approved providers.

30 **Sec. 4.** RCW 43.216.512 and 2018 c 155 s 2 are each amended to
31 read as follows:

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

37 (2) Children included in the early childhood education and
38 assistance program under this section must be (~~homeless or impacted~~

1 ~~by specific developmental or environmental))~~ enrolled, as space is
2 available, by the department according to a system of risk factors
3 ((that are linked by research to school performance. "Homeless" means
4 without a fixed, regular, and adequate nighttime residence as set
5 forth in the federal McKinney-Vento homeless assistance act, P.L.
6 100-77, July 22, 1987, 101 Stat. 482, and runaway and homeless youth
7 act, P.L. 93-415, Title III, September 7, 1974, 88 Stat. 1129)) and
8 priority points adopted in rule. The priority system must consider
9 risk factors that have disproportionate effects on kindergarten
10 readiness, including:

11 (a) Homelessness;

12 (b) Child welfare system involvement;

13 (c) Developmental delay or disability that does not meet the
14 eligibility criteria for special education described in RCW
15 28A.155.020;

16 (d) Domestic violence;

17 (e) English as a second language;

18 (f) Expulsion from an early learning setting;

19 (g) A parent who is or has been incarcerated; and

20 (h) A parent with a substance use disorder or mental health
21 treatment need.

22 (3) Children included in the early childhood education and
23 assistance program under this section are not to be considered
24 eligible children as defined in RCW 43.216.505 and are not considered
25 to be part of the state-funded entitlement required in RCW
26 43.216.556.

27 **Sec. 5.** RCW 43.216.514 and 2018 c 155 s 3 are each amended to
28 read as follows:

29 (1) The department shall prioritize children for enrollment in
30 the early childhood education and assistance program who are eligible
31 pursuant to RCW 43.216.505.

32 (2) As space is available, children may be included in the early
33 childhood education and assistance program pursuant to RCW
34 43.216.512. Priority within this group must be given first to
35 children ~~((who are experiencing homelessness, child welfare system~~
36 ~~involvement, or a developmental delay or disability that does not~~
37 ~~meet the eligibility criteria for special education adopted under RCW~~
38 ~~28A.155.020))~~ with incomes up to one hundred thirty percent of the
39 federal poverty level.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.216
2 RCW to read as follows:

3 (1) Within resources available under the federal preschool
4 development grant birth to five grant award received in December
5 2018, the department shall develop a plan for phased implementation
6 of a birth to three early childhood education and assistance program
7 pilot project for eligible children under thirty-six months old.
8 Planning for the pilot project may begin immediately and phased
9 service delivery may begin after the department has secured adequate
10 funds to implement the pilot project in at least ten locations. Funds
11 to implement the pilot project may include a combination of federal,
12 state, or private sources.

13 (2) The department may adopt rules to implement the pilot project
14 and may waive or adapt pilot project requirements when necessary to
15 allow for the operation of the birth to three early childhood
16 education and assistance program. The department shall consider early
17 head start rules and regulations when developing the provider and
18 family eligibility requirements and program requirements. Any
19 deviations from early head start standards, rules, or regulations
20 must be identified and explained by the department in its annual
21 report under subsection (6) of this section.

22 (3)(a) Upon securing adequate funds to begin implementation, the
23 pilot project programs must be delivered through child care centers
24 and family home providers who meet minimum licensing standards and
25 are enrolled in the early achievers program.

26 (b) The department must determine minimum early achievers ratings
27 scores for programs participating in the pilot project.

28 (4) The department shall select up to ten pilot project locations
29 for the first year of service delivery under the pilot project. Each
30 pilot project location may have up to three classrooms per location.
31 When selecting and approving pilot project locations, the department
32 shall attempt to select a combination of rural, urban, and suburban
33 locations. The department shall prioritize locations with programs
34 currently operating early head start, head start, or the early
35 childhood education and assistance program.

36 (5) To be eligible for the birth to three early childhood
37 education and assistance program, a child's family income must be at
38 or below one hundred thirty percent of the federal poverty level and
39 the child must be under thirty-six months old.

1 (6) Beginning November 1, 2020, and each November 1st thereafter
2 during pilot project activity, the department shall submit an annual
3 report to the governor and legislature that includes a status update
4 that describes the planning work completed, the status of funds
5 secured, and any implementation activities of the pilot project.
6 Implementation activity reports must include a description of the
7 participating programs and number of children and families served.

8 **Sec. 7.** RCW 43.216.080 and 2017 c 178 s 2 are each amended to
9 read as follows:

10 (1) The foundation of quality in the early care and education
11 system in Washington is the quality rating and improvement system
12 entitled the early achievers program. In an effort to build on the
13 existing quality framework, enhance access to quality care for
14 children, and strengthen the entire early care and education systems
15 in the state, it is important to integrate the efforts of state and
16 local governments, school districts, institutions of higher education
17 as defined in RCW 28B.10.016, and nonprofit organizations.

18 (2) Local governments, school districts, institutions of higher
19 education as defined in RCW 28B.10.016, and nonprofit organizations
20 are encouraged to collaborate with the department when establishing
21 and strengthening early learning programs for residents.

22 (3) Local governments, school districts, institutions of higher
23 education as defined in RCW 28B.10.016, and nonprofit organizations
24 may contribute funds to the department for the following purposes:

25 (a) Initial investments to build capacity and quality in local
26 early care and education programming;

27 (b) Reductions in copayments charged to parents or caregivers;

28 (c) To expand access and eligibility in the early childhood
29 education and assistance program.

30 (4) Funds contributed to the department by local governments,
31 school districts, institutions of higher education as defined in RCW
32 28B.10.016, and nonprofit organizations must be deposited in the
33 early start account established in RCW (~~((43.215.195))~~) 43.216.165.

34 (5) Children enrolled in the early childhood education and
35 assistance program with funds contributed in accordance with
36 subsection (3)(c) of this section are not considered to be eligible
37 children as defined in RCW (~~((43.215.405))~~) 43.216.505 and are not
38 considered to be part of the state-funded entitlement required in RCW
39 (~~((43.215.456))~~) 43.216.556.

1 **Sec. 8.** RCW 43.216.540 and 1994 c 166 s 10 are each amended to
2 read as follows:

3 For the purposes of RCW (~~((28A.215.100))~~) 43.216.500 through
4 (~~((28A.215.200))~~) 43.216.550 and (~~((28A.215.900 through 28A.215.908))~~)
5 43.216.900 and 43.216.901, the department may award state support
6 under RCW (~~((28A.215.100))~~) 43.216.500 through (~~((28A.215.160))~~)
7 43.216.530 to increase the numbers of eligible children assisted by
8 the federal or state-supported early childhood programs in this
9 state. Priority shall be given to those geographical areas which
10 include a high percentage of families qualifying under the "eligible
11 child" criteria. The overall program funding level shall be based on
12 an average grant per child consistent with state appropriations made
13 for program costs: PROVIDED, That programs addressing special needs
14 of selected groups or communities shall be recognized in the
15 department's rules.

16 **Sec. 9.** RCW 43.216.550 and 1994 c 166 s 11 are each amended to
17 read as follows:

18 The department may solicit gifts, grants, conveyances, bequests
19 and devises for the use or benefit of the early childhood state
20 education and assistance program established by RCW (~~((28A.215.100))~~)
21 43.216.500 through (~~((28A.215.200))~~) 43.216.550 and (~~((28A.215.900~~
22 ~~through 28A.215.908))~~) 43.216.900 and 43.216.901. The department shall
23 actively solicit support from business and industry and from the
24 federal government for the state early childhood education and
25 assistance program and shall assist local programs in developing
26 partnerships with the community for eligible children.

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