

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1351

69th Legislature
2025 Regular Session

Passed by the House April 22, 2025
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 8, 2025
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1351** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1351

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Bernbaum, Eslick, Springer, Ormsby, Salahuddin, Parshley, Hill, Doglio, Hunt, Pollet, Cortes, and Nance)

READ FIRST TIME 02/04/25.

1 AN ACT Relating to age requirements for accessing the early
2 childhood education and assistance program; amending RCW 43.216.505,
3 43.216.512, and 43.216.513; amending 2021 c 199 s 604 (uncodified);
4 reenacting and amending RCW 43.216.505; providing effective dates;
5 providing contingent effective dates; providing an expiration date;
6 providing contingent expiration dates; and declaring an emergency.

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

8 **Sec. 1.** RCW 43.216.505 and 2021 c 67 s 1 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout RCW 43.216.500 through 43.216.559,
12 43.216.900, and 43.216.901.

13 (1) "Advisory committee" means the advisory committee under RCW
14 43.216.520.

15 (2) "Approved programs" means those state-supported education and
16 special assistance programs which are recognized by the department as
17 meeting the minimum program rules adopted by the department to
18 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
19 43.216.901 and are designated as eligible for funding by the
20 department under RCW 43.216.530 and 43.216.540.

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

4 (4) "Eligible child" means a child who is at least three (~~to~~
5 ~~five-year-old child who~~) years old by August 31st of the school
6 year, is not yet age-eligible for kindergarten, is not a participant
7 in a federal or state program providing comprehensive services, and
8 who:

9 (a) Has a family income at or below (~~one hundred ten~~) 110
10 percent of the federal poverty level, as published annually by the
11 federal department of health and human services;

12 (b) Is eligible for special education due to disability under RCW
13 28A.155.020; or

14 (c) Meets criteria under rules adopted by the department if the
15 number of such children equals not more than (~~ten~~) 10 percent of
16 the total enrollment in the early childhood program. Preference for
17 enrollment in this group shall be given to children from families
18 with the lowest income, children in foster care, or to eligible
19 children from families with multiple needs.

20 (5) "Family support services" means providing opportunities for
21 parents to:

22 (a) Actively participate in their child's early childhood
23 program;

24 (b) Increase their knowledge of child development and parenting
25 skills;

26 (c) Further their education and training;

27 (d) Increase their ability to use needed services in the
28 community;

29 (e) Increase their self-reliance.

30 (6) "Homeless" means a child without a fixed, regular, and
31 adequate nighttime residence as described in the federal McKinney-
32 Vento homeless assistance act (Title 42 U.S.C., chapter 119,
33 subchapter VI, part B) as it existed on January 1, 2021.

34 **Sec. 2.** RCW 43.216.505 and 2021 c 199 s 204 are each reenacted
35 and amended to read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply throughout RCW 43.216.500 through 43.216.559,
38 43.216.900, and 43.216.901.

1 (1) "Advisory committee" means the advisory committee under RCW
2 43.216.520.

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

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

12 (4) "Eligible child" means a child who is at least three (~~to~~
13 ~~five-year-old child who~~) years old by August 31st of the school
14 year, is not yet age-eligible for kindergarten, is not a participant
15 in a federal or state program providing comprehensive services, and
16 who:

17 (a) Has a family with financial need;

18 (b) Is experiencing homelessness;

19 (c) Has participated in early head start or a successor federal
20 program providing comprehensive services for children from birth
21 through two years of age, the early support for infants and toddlers
22 program or received class C developmental services, the birth to
23 three early childhood education and assistance program, or the early
24 childhood intervention and prevention services program;

25 (d) Is eligible for special education due to disability under RCW
26 28A.155.020;

27 (e) Is Indian as defined in rule by the department after
28 consultation and agreement with Washington state's federally
29 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100
30 percent of the state median income adjusted for family size; or

31 (f) Meets criteria under rules adopted by the department if the
32 number of such children equals not more than (~~ten~~) 10 percent of
33 the total enrollment in the early childhood program. Preference for
34 enrollment in this group shall be given to children from families
35 with the lowest income, children in foster care, or to eligible
36 children from families with multiple needs.

37 (5) "Experiencing homelessness" means a child without a fixed,
38 regular, and adequate nighttime residence as described in the federal
39 McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119,
40 subchapter VI, part B) as it existed on January 1, 2021.

1 (6) "Family support services" means providing opportunities for
2 parents to:

3 (a) Actively participate in their child's early childhood
4 program;

5 (b) Increase their knowledge of child development and parenting
6 skills;

7 (c) Further their education and training;

8 (d) Increase their ability to use needed services in the
9 community;

10 (e) Increase their self-reliance; and

11 (f) Connect with culturally competent, disability positive
12 therapists and supports where appropriate.

13 (7) "Family with financial need" means families with incomes at
14 or below 36 percent of the state median income adjusted for family
15 size until the 2030-31 school year. Beginning in the 2030-31 school
16 year, "family with financial need" means families with incomes at or
17 below 50 percent of the state median income adjusted for family size.

18 **Sec. 3.** RCW 43.216.505 and 2024 c 225 s 2 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout RCW 43.216.500 through 43.216.559,
22 43.216.900, and 43.216.901.

23 (1) "Advisory committee" means the advisory committee under RCW
24 43.216.520.

25 (2) "Approved programs" means those state-supported education and
26 special assistance programs which are recognized by the department as
27 meeting the minimum program rules adopted by the department to
28 qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and
29 43.216.901 and are designated as eligible for funding by the
30 department under RCW 43.216.530 and 43.216.540.

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

34 (4) "Eligible child" means a child who is at least three (~~to~~
35 ~~five-year-old child who~~) years old by August 31st of the school
36 year, is not yet age-eligible for kindergarten, is not a participant
37 in a federal or state program providing comprehensive services, and
38 who:

1 (a) Has a family with an income at or below 50 percent of the
2 state median income adjusted for family size;

3 (b) Is experiencing homelessness;

4 (c) Has participated in early head start or a successor federal
5 program providing comprehensive services for children from birth
6 through two years of age, the early support for infants and toddlers
7 program or received class C developmental services, the birth to
8 three early childhood education and assistance program, or the early
9 childhood intervention and prevention services program;

10 (d) Is eligible for special education due to disability under RCW
11 28A.155.020;

12 (e) Is a member of an assistance unit that is eligible for or is
13 receiving basic food benefits under the federal supplemental
14 nutrition assistance program or the state food assistance program;

15 (f) Is Indian as defined in rule by the department after
16 consultation and agreement with Washington state's federally
17 recognized tribes pursuant to RCW 43.216.5052 and is at or below 100
18 percent of the state median income adjusted for family size; or

19 (g) Meets criteria under rules adopted by the department if the
20 number of such children equals not more than (~~ten~~) 10 percent of
21 the total enrollment in the early childhood program. Preference for
22 enrollment in this group shall be given to children from families
23 with the lowest income, children in foster care, or to eligible
24 children from families with multiple needs.

25 (5) "Experiencing homelessness" means a child without a fixed,
26 regular, and adequate nighttime residence as described in the federal
27 McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119,
28 subchapter VI, part B) as it existed on January 1, 2021.

29 (6) "Family support services" means providing opportunities for
30 parents to:

31 (a) Actively participate in their child's early childhood
32 program;

33 (b) Increase their knowledge of child development and parenting
34 skills;

35 (c) Further their education and training;

36 (d) Increase their ability to use needed services in the
37 community;

38 (e) Increase their self-reliance; and

39 (f) Connect with culturally competent, disability positive
40 therapists and supports where appropriate.

1 **Sec. 4.** RCW 43.216.512 and 2024 c 225 s 3 are each amended to
2 read as follows:

3 (1) The department shall adopt rules that allow the enrollment of
4 children who meet one or more of the following criteria in the early
5 childhood education and assistance program, as space is available if
6 the number of such children equals not more than (~~twenty-five~~) 25
7 percent of total statewide enrollment:

8 (a) The child's family income is above (~~one hundred ten~~) 110
9 percent but less than or equal to (~~one hundred thirty~~) 130 percent
10 of the federal poverty level;

11 (b) The child's family income is above (~~one hundred thirty~~) 130
12 percent but less than or equal to (~~two hundred~~) 200 percent of the
13 federal poverty level if the child meets at least one of the risk
14 factor criterion described in subsection (2) of this section; or

15 (c) Beginning November 1, 2024, the child is not eligible under
16 RCW 43.216.505 and is a member of an assistance unit that is eligible
17 for or is receiving basic food benefits under the federal
18 supplemental nutrition assistance program or the state food
19 assistance program.

20 (2) Children enrolled in the early childhood education and
21 assistance program pursuant to subsection (1)(b) of this section must
22 be prioritized for available funded slots according to a
23 prioritization system adopted in rule by the department that
24 considers risk factors that have a disproportionate effect on
25 kindergarten readiness and school performance, including:

26 (a) Family income as a percent of the federal poverty level;

27 (b) Homelessness;

28 (c) Child welfare system involvement;

29 (d) Developmental delay or disability that does not meet the
30 eligibility criteria for special education described in RCW
31 28A.155.020;

32 (e) Domestic violence;

33 (f) English as a second language;

34 (g) Expulsion from an early learning setting;

35 (h) A parent who is incarcerated;

36 (i) A parent with a substance use disorder or mental health
37 treatment need; and

38 (j) Other risk factors determined by the department to be linked
39 by research to school performance.

1 (3) The department shall adopt rules that allow a three-year-old
2 child who is not eligible under RCW 43.216.505 to enroll in the early
3 childhood education and assistance program, as space is available,
4 when (~~the child is not eligible under RCW 43.216.505 and the child~~
5 ~~turns three years old at any time during the school year when~~) the
6 child:

7 (a) (i) Has a family income at or below (~~two hundred~~) 200
8 percent of the federal poverty level or meets at least one risk
9 factor criterion adopted by the department in rule; and

10 (~~(b)~~) (ii) Has received services from or participated in:

11 (~~(i)~~) (A) The early support for infants and toddlers program;

12 (~~(ii)~~) (B) The early head start or a successor federal program
13 providing comprehensive services for children from birth through two
14 years of age; or

15 (~~(iii)~~) (C) The birth to three early childhood education and
16 assistance program, if such a program is established; or

17 (b) Did not turn three on or before August 31st of the school
18 year, but otherwise meets the definition of eligible child under RCW
19 43.216.505.

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

24 **Sec. 5.** RCW 43.216.513 and 2021 c 199 s 206 are each amended to
25 read as follows:

26 (1) The department shall adopt rules that allow a three-year-old
27 child who is not eligible under RCW 43.216.505 to enroll in the early
28 childhood education and assistance program, as space is available and
29 subject to the availability of amounts appropriated for this specific
30 purpose, when the child (~~is not eligible under RCW 43.216.505 and~~
31 ~~the child turns three years old at any time during the school year~~
32 ~~when the child~~):

33 (a) (i) Has a family income at or below 50 percent of the state
34 median income or meets at least one risk factor criterion adopted by
35 the department in rule; and

36 (~~(b)~~) (ii) Has received services from or participated in:

37 (~~(i)~~) (A) The early head start or a successor federal program
38 providing comprehensive services for children from birth through two
39 years of age;

1 ~~((iii))~~ (B) The early support for infants and toddlers program
2 or received class C developmental services;

3 ~~((iii))~~ (C) The birth to three early childhood education and
4 assistance program; or

5 ~~((iv))~~ (D) The early childhood intervention and prevention
6 services program; or

7 (b) Did not turn three on or before August 31st of the school
8 year, but otherwise meets the definition of eligible child under RCW
9 43.216.505.

10 (2) Children enrolled in the early childhood education and
11 assistance program under this section are not eligible children as
12 defined in RCW 43.216.505 and are not part of the state-funded
13 entitlement required in RCW 43.216.556.

14 **Sec. 6.** 2021 c 199 s 604 (uncodified) is amended to read as
15 follows:

16 (1) Section ~~((s 204 through 206 and))~~ 403 of this act takes effect
17 July 1, 2026.

18 (2) Sections 204 through 206 of this act take effect July 1,
19 2025.

20 NEW SECTION. **Sec. 7.** Section 2 of this act expires August 1,
21 2030.

22 NEW SECTION. **Sec. 8.** Section 3 of this act takes effect August
23 1, 2030.

24 NEW SECTION. **Sec. 9.** (1) Section 1 of this act takes effect
25 only if chapter . . . (Senate Bill No. 5752), Laws of 2025 is not
26 enacted by July 1, 2025.

27 (2) Section 2 of this act takes effect July 1, 2025, if
28 chapter . . . (Senate Bill No. 5752), Laws of 2025 is enacted by July
29 1, 2025.

30 (3) Section 6 of this act takes effect only if chapter . . .
31 (Senate Bill No. 5752), Laws of 2025 is enacted by July 1, 2025.

32 NEW SECTION. **Sec. 10.** (1) Section 4 of this act expires July 1,
33 2025, if chapter . . . (Senate Bill No. 5752), Laws of 2025 is
34 enacted by July 1, 2025.

1 (2) Section 4 of this act expires July 1, 2026, if chapter . . .
2 (Senate Bill No. 5752), Laws of 2025 is not enacted by July 1, 2025.

3 NEW SECTION. **Sec. 11.** Sections 2 and 5 of this act take effect
4 July 1, 2026, if chapter . . . (Senate Bill No. 5752), Laws of 2025
5 is not enacted by July 1, 2025.

6 NEW SECTION. **Sec. 12.** Except as provided in sections 8 and 11
7 of this act, this act is necessary for the immediate preservation of
8 the public peace, health, or safety, or support of the state
9 government and its existing public institutions, and takes effect
10 July 1, 2025.

--- END ---