CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1351

Chapter 253, Laws of 2025

69th Legislature
2025 Regular Session

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM—AGE REQUIREMENTS

EFFECTIVE DATE: July 1, 2025—Except for sections 1, 2, 5, and 6, which are contingent; and section 3, which takes effect August 1, 2030.

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

LAURIE JINKINS

Speaker of the House of Representatives

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

DENNY HECK

President of the Senate

Approved May 13, 2025 9:41 AM

BOB FERGUSON

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.

BERNARD DEAN

Chief Clerk

FILED

May 14, 2025

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Further their education and training;

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

(e) Increase their self-reliance.

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

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

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

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

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

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

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

(a) Has a family with financial need;

(b) Is experiencing homelessness;

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

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

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

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

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

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

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

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

(c) Further their education and training;

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

(e) Increase their self-reliance; and

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

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

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

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

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

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

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

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

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

(b) Is experiencing homelessness;

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

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

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

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

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

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

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

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

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

(c) Further their education and training;

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

(e) Increase their self-reliance; and

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

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

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

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

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

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

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

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

(b) Homelessness;

(c) Child welfare system involvement;

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

(e) Domestic violence;

(f) English as a second language;

(g) Expulsion from an early learning setting;

(h) A parent who is incarcerated;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed by the House April 22, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor May 13, 2025.
Filed in Office of Secretary of State May 14, 2025.

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