

HOUSE BILL REPORT

SSB 6759

As Passed House - Amended:

March 5, 2010

Title: An act relating to a plan for a voluntary program of early learning.

Brief Description: Requiring a plan for a voluntary program of early learning.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kauffman, Oemig, Prentice and Kline).

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/18/10, 2/23/10 [DPA];
Education Appropriations: 2/25/10 [DPA(ELCS)].

Floor Activity:

Passed House - Amended: 3/5/10, 69-29.

Brief Summary of Substitute Bill (As Amended by House)

- Establishes a program of early learning for 3- and 4-year-olds from low-income households and declares legislative intent that the program shall be an entitlement program for eligible children when fully implemented.
- Directs implementation of the program to begin September 1, 2011, using the funding levels, program standards and eligibility criteria in the Early Childhood Education and Assistance Program (ECEAP).
- Requires a report from the Department of Early Learning regarding program standards, eligibility criteria for subsequent phases of the program to begin in the 2013-14 school year.
- Requires annual forecasting and reporting to the Governor and Legislature regarding caseloads and funding recommendations to achieve full implementation by the 2017-18 school year.
- Revised ECEAP eligibility criteria.
- Establishes a working group to develop a plan for implementing a voluntary, universal program of early learning.
- Requires a report to the Governor and the Legislature by October 1, 2011, with recommendations for implementing the comprehensive plan to be developed by the working group.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Requires a report from the Quality Education Council to the Legislature by January 1, 2012.
- Revises the duties and membership of the Early Learning Advisory Council.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass as amended. Signed by 6 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman and Seaquist.

Minority Report: Do not pass. Signed by 1 member: Representative Angel.

Staff: Sydney Forrester (786-7120).

HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Early Learning & Children's Services. Signed by 13 members: Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson, Carlyle, Haler, Hunter, Kagi, Maxwell, Quall, Rolfes and Wallace.

Minority Report: Without recommendation. Signed by 1 member: Representative Nealey.

Staff: Wendy Polzin (786-7137).

Background:

Department of Early Learning.

Created by the Legislature in 2006, the Department of Early Learning (DEL) is charged with implementing state early learning policy and coordinating, consolidating, and integrating child care and early learning programs. One of the purposes underlying the creation of the DEL is to promote linkages and alignment between early learning programs and elementary schools. The DEL has approached a number of its initiatives over the past three years with the ultimate goal of improving school readiness for Washington's children. The Director of the DEL serves on the Quality Education Council.

Thrive by Five Washington.

Thrive by Five Washington (Thrive) is a nongovernmental private-public partnership created in 2006 to mobilize public and private partners to advance development and learning of children from birth to age 5.

Early Learning Advisory Council.

In 2007 the Legislature created the Early Learning Advisory Council (ELAC) to advise the DEL on statewide early learning needs and progress. The ELAC was directed to work in conjunction with the DEL to develop a statewide early learning plan. The ELAC may include up to 25 members, as follows:

1. one representative from each of the following state agencies:

- the DEL;
 - the Office of Financial Management;
 - the Department of Social and Health Services;
 - the Department of Health;
 - the Higher Education Coordinating Board;
 - the State Board for Community and Technical Colleges; and
 - the Office of the Superintendent of Public Instruction;
2. seven or more leaders in early childhood education, appointed by the Governor;
 3. two members of the House of Representatives, one from each caucus;
 4. two members of the Senate, one from each caucus;
 5. two parents, one of whom must serve on the DEL's Parent Advisory Council;
 6. one representative designated by sovereign tribal governments;
 7. two representatives from Thrive; and
 8. one representative from the Washington Federation of Independent Schools.

The ELAC members serve staggered two-year terms. Co-chairs are elected by vote, with one representing a state agency and the other representing a nongovernmental entity. The DEL provides staff support to the ELAC and members are reimbursed for travel expenses incurred in carrying out their duties.

Quality Education Council.

The Quality Education Council (QEC) was created by the Legislature in 2009 to serve as the education reform implementation and oversight body. The Superintendent of Public Instruction (SPI) serves as chair of the QEC. In its January 2010 report to the Governor and the Legislature, the QEC included 13 recommendations, including a recommendation for the inclusion of an early learning program for at-risk 3- and 4-year-olds within the definition of basic education.

Achievement Gap Oversight and Accountability Committee.

In 2009 the Legislature established the Achievement Gap Oversight and Accountability Committee (Committee) to synthesize the findings and recommendations from the 2008 achievement gap studies and to develop recommendations for policies and strategies to close the achievement gap.

Early Childhood Education and Assistance Program.

The Early Childhood Education and Assistance Program (ECEAP) is the current state-funded voluntary preschool program serving children ages 3 and 4 from low-income households. Children from families with income at or below 110 percent of the federal poverty level are eligible for enrollment in the ECEAP. In addition, under rules adopted by the DEL, up to 10 percent of total enrollment slots may be used to enroll children who do not qualify on the basis of family income, including children with developmental delays. Priority for enrollment is given to children from families with the lowest incomes, children in foster care, and children from families with multiple needs. Program standards for the ECEAP are developed by the DEL and include standards for curriculum, provider credentials, and family support services.

Program of Basic Education.

The 1977 Basic Education Act describes the program of basic education as:

- the goal of the school system, which includes providing students the opportunity to develop essential knowledge and skills in various subjects;
- the instructional program to be made available by school districts; and
- the determination and distribution of state funding to support the instructional program.

Previous Legislation.

In 2009 the Legislature enacted Engrossed Substitute House Bill 2261 (ESHB 2261), which, among other reforms, declared the intent to develop a program of early learning within basic education; directed the SPI and the DEL to convene a working group to develop the basic education program of early learning; and required status reports and a final report be delivered to the QEC. This section of ESHB 2261 was vetoed by the Governor. The Governor's veto message included her commitment to "providing quality early learning programs for all" Washington's children, and requested the SPI and the Director of the DEL "to work together to bring a proposal forward that ensures all Washington children have the benefit of early childhood education." By letter, the Governor also requested Thrive be included in development of the proposal and that a final report be delivered by December 1, 2009.

The ELAC incorporated the proposal requested by the Governor in her veto message into the draft Early Learning Plan (ELP) presented to the Legislature on December 2, 2009. Among the recommendations in the current draft ELP is a recommendation to increase investments in enhanced early learning opportunities for children ages birth to grade 3, including implementation of a voluntary universal preschool program. The opportunities should be available to all who wish to access them, and they should work to close the preparation and achievement gap children are experiencing.

Summary of Amended Bill:

Program of Early Learning for Children from Low-Income Households.

Beginning September 1, 2011, a voluntary program of early learning for children from low-income households is established (Program). The Program must provide a developmentally appropriate curriculum and comprehensive services to eligible 3- and 4-year-olds and their families. On a space-available basis, and so long as eligible children are not displaced, the Program may allow enrollment of other children on the basis of fees or copayments. The DEL has governance and rule-making authority over the Program.

During the initial implementation phase, school years 2011-12 and 2012-13, the Program will utilize the same eligibility criteria and program standards used by the ECEAP. For subsequent phases of implementation, the Legislature will determine program standards and eligibility criteria after receiving recommendations from the Director of the DEL.

Funding for the Program will be appropriated to the DEL and allocated on a per-eligible-child basis. The DEL will contract with school districts and community-based, DEL-approved early learning providers to deliver services. For the initial phase of implementation, funding for the Program must be not less than the 2009-11 appropriation for the ECEAP and sufficient to fund an equivalent number of slots.

Beginning in the 2013-14 school year, additional funding must be phased-in incrementally until full implementation of the Program is achieved in the 2017-18 school year, at which time all eligible children will be entitled to enroll. The phase-in of additional Program slots will be in those school districts providing state-funded all-day kindergarten programs in order to maximize the state's investments in both programs.

The following reports are due to the Legislature:

- by December 1, 2010, recommendations from the Director of the DEL regarding eligibility criteria for subsequent phases of implementation; and
- by January 1, 2011, recommendations from the Director of the DEL regarding program standards, service standards, technical assistance; strategies for optimizing phased implementation of the program; options for developing socioeconomically diverse classrooms; and naming the Program.

Plan for a Universal Prekindergarten Program.

A technical working group is established to develop a comprehensive plan for a voluntary, universal prekindergarten program accessible to all 3- and 4-year-olds in Washington. As part of its efforts, the working group must review early learning programs in and outside of Washington, including the ECEAP, and the federal Head Start program.

The comprehensive plan must address recommendations for the following elements:

- criteria for eligible children;
- program standards for a developmentally appropriate curriculum to include:
 - physical well-being, health, and motor development;
 - social and emotional development;
 - cognition and general knowledge; and
 - language, literacy, numeracy, and communication;
- service standards for family support and health-related services to include:
 - working with parents to access appropriate medical, dental, and other health screenings for children;
 - providing opportunities for parental involvement, education, and leadership development; and
 - family contact designed to assist the child's family in:
 - assessing family strengths and needs;
 - setting family goals and reviewing progress;
 - accessing community resources; and
 - coordinating transitions between the program, child care, home, and kindergarten;
- governance responsibilities;
- funding necessary for implementation, including professional development, facilities, and technical assistance;
- an implementation timeline;
- the need for transportation services for the program based on an analysis of the transportation services and arrangements being used in early childhood education and assistance programs and the need to address future transportation services;
- options for developing socioeconomically diverse classrooms; and

- one or more sliding scale fee structures for possible use in the program of early learning for children from low-income households, and in the voluntary, universal preschool program for which the working group will develop the comprehensive plan.

The working group also must examine the opportunities and barriers of a program of early learning under the program of basic education.

By April 1, 2010, the DEL, in collaboration with the OSPI, will convene the working group, which will consult with the Achievement Gap Oversight and Accountability Committee.

Membership of the working groups is as follows:

- one representative from each of the following:
 - the DEL;
 - the Office of the Attorney General;
 - Thrive; and
 - the OSPI; and
- two members of the ELAC, and an unspecified number of early learning experts, all to be appointed by the ELAC.

The working group must provide a progress report by July 1, 2011, and a final report and plan by October 1, 2011, to the Governor, the Legislature, the ELAC, and the QEC. After receiving the comprehensive plan from the working group, the QEC will develop recommendations for incorporating the plan into the QECs strategic recommendations on the program of basic education for the common schools and report to the Legislature by January 1, 2012.

The role of the ELAC is revised so that it advises the DEL on issues leading to the building of a comprehensive system of quality early learning programs and services by:

- assessing needs and the availability of services;
- aligning resources;
- developing plans for data collection and professional development; and
- setting key performance measures.

The membership of the ELAC is limited to a maximum of 23 members. Thrive representation is reduced from two members to one, and the total number appointed by the Governor is limited to seven.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony (Early Learning & Children's Services):

(In support) Early learning is critical for student success. The Early Learning Plan developed by the OPSI, the DEL, and Thrive and the report from the QEC recommended that a program of early learning be included in basic education. This bill takes a direct look at all of the

questions relating to performance measures, transportation, and teacher qualifications, and we should not rush through this effort. It was important to include the QEC. There is a good deal of focus on the K-12 system within the QEC and we need to make sure that early learning is included in those discussions by having the ELAC work with the QEC.

We would like to maintain the momentum behind creating a comprehensive system of voluntary early learning. We know where we want to go and we know the outcomes we want to achieve. We want to make sure that all children are intellectually and socially prepared by the time they reach kindergarten. This bill adds to that momentum and creates a roadmap. There is strong federal interest in funding states that have strong early learning systems for children ages birth to 5 years. Even though we do not know what the pending early learning federal legislation will ultimately be, the more we can do at the state level, the more competitive we will be for federal funds.

When early learning and child care programs include or are connected to the ECEAP, those programs have significantly higher quality overall. This benefits all children, including those whose parents can pay the full cost of care. We have the ability to merge funding streams by promoting programs in which ECEAP-eligible children and children whose parents are able to pay the full cost of care are in mixed classrooms.

The Governor strongly supports this bill because it continues the conversation about how best to deliver services to 3- and 4-year-old children. The new information we have from the 2009 Attorney General's opinion is an important consideration and this bill would allow us the opportunity to explore the various ways of getting to the goal we all agree on.

Law enforcement agencies in Washington strongly support high quality early learning opportunities for all children in Washington because investments in early learning will reduce the high school dropout rate and the resulting likelihood of criminal involvement and incarceration later in life. High quality early learning is the most powerful crime prevention strategy in which the state and its partners can invest.

The United Ways of Washington support this bill because early learning is a critical asset for children and families in this state. The research and science around early learning is compelling. It is the single best investment the state can make. Eighty-five percent of the human brain structure develops in the first five years of life, yet only 4 percent of state investments are targeted to this period of human development. We have the opportunity to correct that through this bill.

Reducing the size of the ELAC is intended to help with maintaining a quorum.

(Opposed) None.

Staff Summary of Public Testimony (Education Appropriations):

(In support) Research shows that enrolling children with special needs in education programs for two years before kindergarten end up saving tens of thousands of dollars in later years. As the process to include early learning with basic education is delayed, more children are passing through the birth-to-five window. The Legislature is encouraged to keep

up the momentum that has been built. It is important to de-silo the conversation about early learning and the K-12 system, and this bill helps with that. A plan may be developed before the end of session that resolves existing concerns.

(In support with concerns) The Office of the Superintendent of Public Instruction prefers that the Legislature move forward with Second Substitute House Bill 2731, which provides a roadmap and moves the process along. If that bill does not move forward, there are concerns that the state will be in the same place next year. If Substitute Senate Bill 6759 is moved, then next fall legislative leaders, the Attorney General, the Governor's office, and stakeholders should meet together to solve their differences.

(Opposed) None.

Persons Testifying (Early Learning & Children's Services): Senator Kauffman, prime sponsor; Hannah Lidman, Economic Opportunity Institute and Early Learning Action Alliance; Frank Ordway, League of Education Voters; Leslie Goldstein, Office of the Governor; Paul Knox, United Way of Thurston County and United Ways of Washington; Laura Wells, Fight Crime: Invest in Kids; Bob Butts, Office of the Superintendent of Public Instruction; Bea Kelleigh, City of Seattle; and Carol Wood, United Way of King County and United Ways of Washington.

Persons Testifying (Education Appropriations): (In support) Erica Hallock, United Ways of Washington; Hannah Lidman, Economic Opportunity Institute/Early Learning Action Alliance; Adair Dammann, Service Employees International Union 925; and George Scarola, League of Education Voters.

(In support with concerns) Bob Butts, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying (Early Learning & Children's Services): None.

Persons Signed In To Testify But Not Testifying (Education Appropriations): None.