

SENATE BILL REPORT

2SHB 2731

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 24, 2010
Ways & Means, March 1, 2010

Title: An act relating to implementing a program of early learning for educationally at-risk children.

Brief Description: Creating an early learning program for educationally at-risk children.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Goodman, Haler, Maxwell, Priest, Kagi, Sullivan, Seaquist, Quall, O'Brien, Jacks, Haigh, Pedersen, Darneille, Kenney, Rolfes, Hunter, Williams, Orwall, Lias, Carlyle, Roberts, Simpson, Walsh, Nelson, Kelley, Dickerson, Appleton, Eddy, Sells and Morrell).

Brief History: Passed House: 2/13/10, 67-28.

Committee Activity: Early Learning & K-12 Education: 2/22/10, 2/24/10 [DPA-WM, DNP, w/oRec].

Ways & Means: 3/01/10 [DPA, DNP].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Gordon, Hobbs and McDermott.

Minority Report: Do not pass.

Signed by Senator Holmquist.

Minority Report: That it be referred without recommendation.

Signed by Senators King, Ranking Minority Member; Brandland and Roach.

Staff: Kimberly Cushing (786-7421)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

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.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Carrell, Hewitt, Honeyford, Parlette and Schoesler.

Staff: Michael Bezanson (786-7449)

Background: The Department of Early Learning (DEL) was established in 2006 as an executive branch agency. The primary duties of DEL are to implement early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funds efficiently.

The Early Childhood Education and Assistance Program (ECEAP) is Washington's comprehensive preschool program designed to help low-income and at-risk children and their families. Under current law, children are eligible for ECEAP if they are not eligible for kindergarten and are from families with income at or below 110 percent of the federal poverty level. Priority is given to children from families with the lowest income, children in foster care, or children from families with multiple needs. Up to 10 percent of participants do not have to qualify by income, but are eligible under DEL's rules, due to developmental or environmental risk factors. DEL administers ECEAP, develops program standards, and directly contracts with service providers.

Under article IX, section 1 of the Washington State Constitution, "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders ..." The courts have interpreted this to mean that the state must define a program of basic education and amply fund it from a regular and dependable source. Under current Washington law, each school district's kindergarten through 12th grade basic educational program must be accessible to all students who are five-years-old and less than 21.

Summary of Bill (Recommended Amendments): The Legislature intends to create an entitlement to a program of early learning to protect the current levels of funding for comprehensive preschool programs for three- and four-year-old children. An early learning program is established beginning September 1, 2011, to provide preschool opportunities for three- and four-year-old children by using the program standards and eligibility criteria in the Early Childhood Education and Assistance Program (ECEAP).

The program must be implemented in phases with the goal that full implementation be achieved in the 2017-18 school year. For school years 2011-13, the number of slots for an early learning program must not be less than the number of slots for children served in comprehensive preschool programs during the 2009-2011 biennium.

By December 1, 2010, DEL must report to the Governor and the Legislature with recommendations for implementing the program and renaming ECEAP. Beginning December 1, 2012, DEL and OFM must annually review the caseload forecasts for an early

learning program and report to the Governor and Legislature with recommendations for phasing-in additional funding.

DEL must develop rules to allow, on a space-available basis, enrollment of children who are not otherwise eligible by assessing fees. DEL must develop and implement an early learning program and work with the K-12 school system to ensure smooth transitions between an early learning program and K-12 programs. School districts must work with providers in the early learning program to coordinate transitions and may contract with DEL to deliver services under the program.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): Removes the direction to prioritize funding starting with four-year-olds.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments): 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.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for sections 8 and 13 which are effective September 1, 2011.

Staff Summary of Public Testimony on Second Substitute House Bill (Early Learning & K-12 Education): PRO: Bringing early learning into basic education is a controversial topic. We were concerned about bringing a program based on income into basic education and solved this by using risk factors. We were concerned about segregated classrooms, thus the bill allows for parents to buy into the program. The funding can go through OSPI and be directed to DEL to contract with school districts and community-based providers so there will be no constitutional problems. We don't want to schoolify early learning, we want to build on strengths. School districts to a minimal degree will have to develop an early learning program. It is important to mesh early learning and K-12. Why should we be putting early learning in basic education right now? This is difficult conversation because we have to fully fund basic education. If we don't include preschool in with basic education, we will never fully fund it. If we invest early, we won't need as much money in the later years. There is no greater return on the tax dollar. We worked hard to phase the bill in over several biennium. It is a negligible cost during difficult economic times. Everyone agrees that early learning is important; if the program is important as we go through difficult budget cycles we need to ensure its protection. If we don't act now, we are leaving a lot of federal money on the table. This bill will put us in a strong position to generously fund early learning with state and federal dollars. By including early learning in basic education, the state would establish stable funding, ensure gains in early learning, and will maintain a close connection

with K-12 system. Early learning is not just about getting kids ready in school, but it is where significant cognitive development occurs. The bill makes it clear the starting place is ECEAP but nothing in ECEAP changes. Some argue that putting early learning in basic education would create competition in the K-12 pot. The reverse would be true. Picture being in a for-profit corporation: early learning has to be part of basic education because kids are equivalent to a database; you cannot put 60 percent of the data in and not be prepared and expect good results. The bill represents a powerful vision and good next step forward. It allows Washington State to pay high dividends for budget and families. As early learning programs are being eliminated, the parents become disengaged. Early learning is an important time in children's lives and quality programs have a lasting impact in the community. Starting early builds confidence and competence and causes kids to arrive at kindergarten ready for success. Seventy-two percent of students do not graduate on time. Sixty-eight percent of state inmates are high school dropouts. We need to ensure that at-risk kids have access to high quality early learning. This bill will allow learning disabilities to be found and addressed sooner and will cut remedial education costs. Emphasis needs to be on birth and integration of preschool into K-12. The best way to ensure integration and data is continuation of this work. Elevate early learning to its proper role. The bill will improve quality child care for all licensed providers across the state and provide standards and components for quality care. The bill will increase communication between early learning workforce and K-3 teachers, which is essential for a seamless system. Data shows there is a big preparation gap even before children enter preschool. The components and quality of preschool make a huge difference. Preschool is indeed basic education regardless of where it is placed in services. We need quality early learning for all families. Supt. Dorn who was a kindergarten teacher and principal is a strong supporter of voluntary preschool for at-risk kids as part of basic education. However, with regard to the budget – also fund class-size reduction for K-4 and ECEAP.

CON: The Governor agrees there are many different ways of providing and funding early learning, and she is opposed to making it part of basic education. She gives great weight to the Attorney General's Opinion. Many preschool and day care folks are private and faith-based. The Catholic community has been part of preschool for many years. We truly believe early learning is extremely important in helping students become successful K-12 students. We are concerned these providers would be excluded. We support the bill without it being part of basic education.

OTHER: Under the federal constitution, to the extent private providers can participate include religious providers. Parents have the right to choose the best school for children.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Goodman, prime sponsor; Representative Priest, Representative Sullivan; Laura Wells, Sheriff Casey Salisbury, Undersheriff Jim Barrett, Fight Crime Invest in Kids; Rick Allen, United Ways of Washington, United Way of Pierce County; Joel Ryan, Washington State Association of Head Start/ECEAP; Megan Macvie, parent; Erin Okuno, Foundation for Early Learning; Teresa Mosqiuda, Children's Alliance; Bonnie Beukema, League of Education Voters; Ryan Pricco, Washington Resource & Referral Network; Bea Kelleigh, city of Seattle; Carol Wood, United Way of King County; Bob Butts, OSPI.

CON: Judy Jennings, Washington Federation of Independent Schools; Leslie Goldstein, Governor's Policy Office.

OTHER: Michael Bindas, Institute for Justice.

Staff Summary of Public Testimony on Recommended Amendments (Ways & Means):

PRO: We support the bill as it keeps funding at current levels and builds support for three- and four-year-olds. We appreciate that this bill initiates an entitlement program for pre-kindergarten. We would like to see the legislation not limited to four-year-olds. We also look forward to working with you to make sure children other than those children below 110 percent of the federal poverty limit, such as disabled children, can be served as well.

We ask you to continue working on a long-term legislative commitment. My recommendation is to set a firm completion date for the program. Right now the legislation is stated as a goal and is not firm. We need to maintain momentum.

Protecting the current ECEAP investment is a smart fiscal direction for the state. If we put our investment behind the research 20 years ago and had high quality early learning, we would have higher graduation rate, less special education, less remedial education, and spend less money on incarceration. We hope that timelines will be moved up even more.

Persons Testifying (Ways & Means): PRO: Leslie Goldstein, Governor's Policy Office; Teresa Mosqueda, Children's Alliance; Hannah Lidman, Economic Opportunity Institute.