

SENATE BILL REPORT

SB 6759

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 3, 2010
Ways & Means, February 9, 2010

Title: An act relating to a plan for a voluntary program of early learning within the overall program of basic education.

Brief Description: Requiring a plan for a voluntary program of early learning as a part of basic education.

Sponsors: Senators Kauffman, Oemig, Prentice and Kline.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/27/10, 2/03/10 [DPS-WM, w/oRec].

Ways & Means: 2/08/10, 2/09/10 [DPS(EDU), DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6759 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Minority Report: That it be referred without recommendation.

Signed by Senators Brandland and Roach.

Staff: Kimberly Cushing (786-7421)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6759 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

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 Senator Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Brandland, Carrell, Hewitt, Honeyford, Parlette and Pflug.

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. In 2007 the Legislature established the Early Learning Advisory Council (ELAC) to advise DEL on statewide early learning needs and to develop a statewide early learning plan.

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. Until September 1, 2011, the program evolving from the Basic Education Act must include the goal of the school system, which includes the opportunities to develop knowledge and skills in various subjects, the instructional program made available by school districts; and the determination and distribution of state resources to support the instructional program. Under current Washington law, each school district's kindergarten through twelfth grade basic educational program must be accessible to all students who are five-years-old and less than 21.

The Quality Education Council (QEC) was created in 2009 to recommend and inform the ongoing legislative implementation of a program of basic education and necessary financing.

The QEC is composed of eight legislative members, and one representative each from the Office of the Governor, the Office of the Superintendent of Public Instruction (OSPI), the State Board of Education, the Professional Educator Standards Board, and DEL.

Summary of Bill (Recommended Substitute): DEL, OSPI, and Thrive by Five's recommendations to the Governor and the QEC's recommendations to the Legislature suggested that a voluntary program of early learning should be included within the overall program of basic education. The Legislature intends to examine these recommendations through the development of a working group to identify and recommend a comprehensive plan.

A technical working group is created beginning April 1, 2010, to develop a comprehensive plan for a voluntary program of early learning. The working group is convened by OSPI and DEL, but must be monitored and overseen by the QEC. The working group has a progress report due to ELAC and the QEC July 1, 2010, and a final report and plan due November 1, 2010.

The plan must examine the opportunities and barriers of at least two options: a program of early learning under the program of basic education and a program of early learning as an

entitlement, either statutorily or constitutionally protected. The working group must, at a minimum, include in the plan the following recommendations for each option:

- criteria for eligible children;
- program standards, including, but not limited to, direct services to be provided, number of hours per school year, teacher qualifications, and transportation requirements;
- performance measures;
- criteria for eligible providers, specifying whether or not they may be approved, certified, or licensed by DEL and public, private, nonsectarian, or sectarian organizations;
- governance responsibilities for the OSPI and DEL;
- funding necessary to implement a voluntary program of early learning, including, but not limited to, early learning teachers, professional development, facilities, and technical assistance;
- a timeline for implementation; and
- Early Childhood Education and Assistance Program (ECEAP)'s role in the new program of early learning.

The working group must review early learning programs in Washington State and elsewhere. The membership includes representatives from DEL, OSPI, a nongovernmental private-public partnership, the Attorney General's Office, two members of ELAC, and other stakeholders appointed by ELAC.

ELAC must appoint two members, as well as stakeholders with expertise in early learning, to sit on the technical working group.

The QEC must submit a report to the Legislature by January 1, 2011, with recommendations for a comprehensive plan for a voluntary program of early learning. Before submitting the report, the QEC must seek input from ELAC.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Clarifies the intent to reflect that DEL, OSPI, and Thrive by Five's joint recommendations, and the QEC's recommendations, both suggested that early learning should be included in basic education. Clarifies that the Legislature's intent is to examine these recommendations and the Attorney General's Opinion through the development of a working group that will recommend a comprehensive plan.

Directs the working group to examine opportunities and barriers of at least two options: (1) an early learning program within the program of basic education, and (2) an early learning program as an entitlement, statutorily or constitutionally protected. Adds that the plan should include in the criteria for eligible providers whether or not they should be approved, certified, or licensed. Changes the reporting dates of the working group from 2011 to 2010.

Clarifies that the QEC must submit a report to the Legislature detailing recommendations for a comprehensive plan for a voluntary program of early learning.

Appropriation: None.

Fiscal Note: Requested on January 25, 2010.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): PRO: Early learning is critical to our children's success. Children are born eager to learn. There has been a tremendous amount of debate over the last year surrounding early learning as part of basic education. This bill would provide answers to many of the questions. We want to begin education before kindergarten and this bill will help us get there. We support the coordination of QEC & ELAC and the comprehensive look at needs for children. A working group could thoughtfully address how we can align our fractured early learning system. We are fortunate to have the quality early learning program ECEAP. Use the current times to prioritize programs that we know are successful. This bill does not establish a program of early learning directly in the definition of basic education, but it takes a significant step to make sure all children are prepared, and expresses the intent to put early learning in basic education. Preschool is a necessary part of basic education. Early learning would benefit all children. By putting it in basic education, we can identify more children with learning challenges and high capabilities. However, the more disadvantaged the child, the greater the investment. The best way to close the achievement gap is to address it before it starts. The kids that struggle in kindergarten are the kids that struggle in third grade. Ensuring all children in need get early learning will change their trajectory for life. We must invest in proven crime investment strategies. Research shows dropouts are three-and-a-half times more likely to be incarcerated. Participation in high quality early learning programs will increase high school graduation by more than 44 percent. Kids in quality early education are less likely to repeat a grade, be in special education, or commit a crime. A comprehensive early learning program in or out of basic education is important.

OTHER: The intent of the bill is appreciated, but there are concerns about making early learning part of basic education.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Kauffman, prime sponsor; Jada Rupley, ESD 112; Kylee Allen, Cecily Jenkins, Katy Warren, Washington State Association of ECEAP and Head Start; Janice Deguchi, Denise Lonie, Education Center; Teresa Mosqueda, Children's Alliance; Hannah Lidman, Economic Opportunity Institute; Chief Bill Rhoads, Fight Crime Invest in Kids; Kim Howard, Washington State PTA; Jim Kainber, Jess Hasken, Kay Slonin, Stand for Children; Bea Kelleigh, Sonja Griffin, City of Seattle; Elizabeth Grillett, Sherry Krainick, Wendy Reynolds, Yaffa Maritz, Janet Levinger, parents.

OTHER: Leslie Goldstein, Governor's Executive Policy Office.

Staff Summary of Public Testimony on Recommended Substitute (Ways & Means): PRO: We would like to maintain the momentum behind creating a comprehensive system of 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 roadmap.

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.

The state cannot afford to waste the current economic crisis. We need to use this crisis to promote programs that enhance early learning. These are smart investments. There are several studies on early learning that show a high return on investment. A Washington State Institute Public Policy metadata study shows the state sees a \$2.53 return for every \$1 invested.

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