

SENATE BILL REPORT

SSB 6759

As Amended by House, 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 & 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].

Passed Senate: 2/15/10, 47-0.

Passed House: 3/05/10, 69-29.

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.

Signed by Senator Schoesler.

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.

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 Substitute Bill: 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.

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.

House Amendment(s): Establishes a voluntary program of early learning for three- and four-year-olds, to begin September 1, 2011, and declares that when fully implemented in the 2017-18 school year, the program must be an entitlement program for eligible children. Specifies that for the first phase of implementation, the program standards, service standards, and eligibility criteria used for the ECEAP will be applied. Revises ECEAP eligibility standards to include a

child who qualifies for special education services. Effective September 1, 2011, revises ECEAP eligibility standards to remove flexibility for up to 10 percent of enrollments.

Requires that funding for the program in the 2011-2013 biennium be not less than the funding provided for ECEAP in the 2009-2011 biennium and be sufficient to fund an equivalent number of slots. Directs additional funding to be phased-in beginning in the 2013-14 school year. Directs the program expansion to be in school districts where full-day kindergarten is being provided, in order to maximize gains resulting from those investments. Directs the program to be fully implemented by the 2017-18 school year.

Vests rulemaking authority with DEL. DEL must provide recommendations to the Legislature regarding the following: (1) by December 1, 2010, eligibility criteria to be used for subsequent phases of the program beginning in the 2013-2015 biennium; and (2) by January 1, 2011, program standards, service standards, and a strategy for implementation. 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.

Directs the working group to develop a comprehensive plan for a preschool program that is universal. Requires the working group to examine the opportunities and barriers of establishing a program under basic education only, not as an entitlement. Removes the oversight of the QEC and requires the working group to consult with the Achievement Gap Oversight and Accountability Committee. Requires that the comprehensive plan be developed with recognition of the early learning program established September 1, 2011.

Requires an update from the working group by July 1, 2011, instead of July 1, 2010, and a final report to the Legislature, the Governor, the QEC and the ELAC by October 1, 2011, instead of November 1, 2010. Requires development of recommendations for a budgeting and funding allocation method based on enrolled eligible students consistent with the comprehensive plan prepared by the working group by January 1, 2012. Directs the QEC to report to the Legislature by January 1, 2011, with recommendations for incorporating the comprehensive plan into the QEC's strategic recommendations on the program of basic education.

Names the act the Ready for School Act of 2010.