
SUBSTITUTE HOUSE BILL 2731

State of Washington

61st Legislature

2010 Regular Session

By House Early Learning & Children's Services (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)

READ FIRST TIME 01/22/10.

1 AN ACT Relating to implementing a program of early learning for
2 educationally at-risk children; amending RCW 28A.150.200 and
3 43.215.020; adding a new section to chapter 28A.320 RCW; adding a new
4 section to chapter 43.215 RCW; adding a new chapter to Title 28A RCW;
5 creating new sections; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that a critical factor
8 in the eventual successful outcome of a K-12 education is for students
9 to begin school ready, both intellectually and socially, to learn. The
10 legislature also finds that, due to a variety of factors, some young
11 children need supplemental instruction in preschool to assure that they
12 have the opportunity to meaningfully participate and reach the
13 necessary levels of achievement in the regular program of basic
14 education. The legislature further finds that children who participate
15 in high quality preschool programs have improved educational and life
16 outcomes and are more likely to graduate from high school and pursue
17 higher education, experience successful employment opportunities, and
18 have increased earnings. Therefore the legislature intends to
19 establish a program of early learning for educationally at-risk

1 children and, beginning September 1, 2011, to include this program
2 within the overall program of basic education under Article IX of the
3 state Constitution.

4 The legislature also finds that neuroscience research demonstrates
5 that children's earliest human interactions have a profound impact on
6 brain development and that cognitive, emotional, and social functions
7 are inextricably intertwined. The legislature further finds that the
8 likelihood of children becoming educationally at-risk is reduced when
9 the earliest stages of their development are well supported. It is the
10 intent of the legislature that quality early learning opportunities for
11 children birth to age three and their parents and caregivers will be
12 funded by the legislature and administered by the department of early
13 learning, but that birth to three early learning programs shall not be
14 part of the overall program of basic education.

15 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
16 section apply throughout this chapter unless the context clearly
17 requires otherwise.

18 (1) "Community-based early learning providers" includes for-profit
19 and nonprofit licensed providers of child care and preschool programs.

20 (2) "Department" means the department of early learning.

21 (3) "Director" means the director of the department.

22 (4) "Program" means the program of early learning for educationally
23 at-risk children established in section 3 of this act.

24 (5) "Superintendent" means the superintendent of public
25 instruction.

26 NEW SECTION. **Sec. 3.** PROGRAM STANDARDS. (1) An early learning
27 program is established, beginning September 1, 2011, within the state's
28 definition of basic education to provide voluntary preschool
29 opportunities for educationally at-risk children who are three and four
30 years of age. The program must be a comprehensive program providing
31 early childhood education and family support, options for parental
32 involvement, and health information, screening, and referral services,
33 as family need is determined. Participation in the program is
34 voluntary, and on a space available basis, may include children who are
35 not otherwise eligible by assessing a copay or fee.

1 (2) The superintendent and the director shall develop
2 recommendations for:

3 (a) Program standards for a developmentally appropriate curriculum
4 to include:

5 (i) Physical well-being, health, and motor development;

6 (ii) Social and emotional development;

7 (iii) Cognition and general knowledge;

8 (iv) Language, literacy, numeracy, and communication.

9 (b) Service standards for family support and health-related
10 services to include:

11 (i) Working with parents to access appropriate medical, dental, and
12 other health screenings for children;

13 (ii) Providing opportunities for parental involvement, education,
14 and leadership development; and

15 (iii) Family contact designed to assist the child's family in:

16 (A) Assessing family strengths and needs;

17 (B) Setting family goals and reviewing progress;

18 (C) Accessing community resources; and

19 (D) Coordinating transitions between the program, child care, home,
20 and kindergarten.

21 (c) A plan for providing technical assistance necessary to support
22 providers delivering services in early childhood education and
23 assistance programs and head start programs in becoming approved
24 providers of the program.

25 (3) The superintendent and the director jointly shall adopt rules
26 for the following program components:

27 (a) A process for conducting individual evaluations to determine
28 program eligibility for children who do not qualify based on the risk
29 factors listed in section 4 of this act, but who may be educationally
30 at-risk for other reasons;

31 (b) Minimum program standards, including lead teacher, assistant
32 teacher, and staff qualifications;

33 (c) Approval of program providers;

34 (d) Accountability and adherence to performance standards; and

35 (e) A method for allowing, on a space available basis, enrollment
36 of children who are not otherwise eligible by applying a sliding fee
37 scale to assess appropriate copays for children from households above

1 one hundred thirty percent and below two hundred percent of the federal
2 poverty level, or by assessing fees for children from households at or
3 above two hundred percent of the federal poverty level.

4 (4) The director and the superintendent shall report the
5 recommendations required under subsection (2) of this section to the
6 appropriate committees of the legislature not later than November 15,
7 2010.

8 (5) The department has administrative responsibility for:

9 (a) Approving and contracting with providers according to rules
10 developed jointly by the superintendent and the director under this
11 section;

12 (b) In partnership with school districts, monitoring program
13 quality and assuring the program is responsive to the needs of eligible
14 children;

15 (c) Assuring that program providers work cooperatively with school
16 districts to coordinate the transition from preschool to kindergarten
17 so that children and their families are well-prepared and supported;
18 and

19 (d) Providing technical assistance to contracted providers.

20 NEW SECTION. **Sec. 4.** ELIGIBILITY. (1)(a) The legislature intends
21 that eligibility for enrollment in the program be based on one or more
22 of the following risk factors which, in the absence of effective
23 intervention, have been identified by research to correlate with an
24 increased probability of poor educational outcomes:

25 (i) The child's family income is at or below one hundred thirty
26 percent of the federal poverty level;

27 (ii) The child has limited English proficiency;

28 (iii) The child's family is receiving child welfare services under
29 chapter 13.34 RCW; and

30 (iv) Other factors identified by the superintendent and the
31 director that correlate with an increased probability of poor
32 educational outcomes.

33 (b) The legislature recognizes that individual children may be
34 educationally at-risk as a result of other factors. Therefore, the
35 legislature intends that children will be eligible for the program if
36 the results of an individual evaluation of the child indicate the child
37 is at risk for poor educational outcomes.

1 (c) On a space available basis and so long as eligible children are
2 not displaced, the program may allow for enrollment of children who are
3 not otherwise eligible by using the method developed under section 3(3)
4 of this act and assessing a copayment or fee on a sliding scale based
5 on the income of the child's household.

6 (2) School districts, in collaboration with approved early learning
7 providers, shall conduct the evaluations to determine a child's
8 eligibility for participation in the program.

9 (3) The superintendent and the director jointly shall develop
10 recommendations for legislative approval regarding:

11 (a) An evaluation process for use in eligibility determinations for
12 children who are not eligible based on risk factors in subsection
13 (1)(a) of this section, but who may be educationally at-risk for other
14 reasons. The evaluation process must be aligned with the state's early
15 learning benchmarks and the kindergarten assessment described in
16 section 616, chapter 564, Laws of 2009;

17 (b) A schedule for implementing the individual evaluation process
18 throughout the state, including training for school district personnel
19 and approved early learning providers; and

20 (c) Additional risk factors demonstrated by research to correlate
21 with an increased probability of poor educational outcomes which could
22 be used to determine program eligibility.

23 (4) The superintendent and the director shall report the
24 recommendations required under subsection (3) of this section to the
25 appropriate committees of the legislature not later than November 15,
26 2010.

27 NEW SECTION. **Sec. 5.** STATEWIDE IMPLEMENTATION. (1) School
28 districts and approved community-based early learning providers may
29 contract with the department to provide services under the program.
30 The department shall collaborate with school districts, community-based
31 providers, and educational service districts to promote an adequate
32 supply of approved providers. A school district may not be required to
33 contract for the provision of services under the program unless no
34 approved community-based provider is available within the district to
35 provide services.

36 (2) Beginning in the 2011-12 school year, funding for the program
37 must be phased-in beginning in school districts having the highest

1 poverty levels, defined as those school districts with the highest
2 percentages of enrolled students qualifying for free and reduced-price
3 lunch support in the prior school year.

4 NEW SECTION. **Sec. 6.** FUNDING. (1) Funding for the program of
5 early learning established under this chapter must be appropriated to
6 the superintendent. Allocations must be made on the basis of children
7 enrolled with eligible providers.

8 (2) As funding for the expansion of the prekindergarten program
9 under this chapter is appropriated by the legislature, the legislature
10 intends to appropriate a proportional amount of funding to the
11 department of early learning for implementation of the services and
12 programs for children birth to age three and their parents and
13 caregivers under RCW 43.215.020(2).

14 NEW SECTION. **Sec. 7.** RECOMMENDATIONS. The superintendent, the
15 director, and the director of the office of financial management, or
16 their respective designees, shall report to the appropriate committees
17 of the legislature by November 15, 2010, with recommendations for a
18 budgeting and funding allocation method for the program based on
19 enrolled eligible students. Recommendations must include a schedule of
20 implementation consistent with section 5(2) of this act.

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.320
22 RCW to read as follows:

23 (1) For the program of early learning established in section 3 of
24 this act, school districts:

25 (a) Shall work cooperatively with program providers to coordinate
26 the transition from preschool to kindergarten so that children and
27 their families are well-prepared and supported;

28 (b) Shall, in collaboration with providers approved by the
29 department of early learning, conduct individual evaluations to
30 determine program eligibility for children who may be educationally at-
31 risk, but who are not eligible on the basis of one or more of the risk
32 factors listed in section 4(1)(a) of this act; and

33 (c) May contract with the department of early learning to deliver
34 services under the program.

1 (2) If, however, no approved provider is available within the
2 school district to contract for delivery of services under the program,
3 the school district is required to contract with the department of
4 early learning to deliver the program to eligible children.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.215 RCW
6 to read as follows:

7 (1) The superintendent of public instruction and the director of
8 the department jointly shall adopt rules for the following program
9 components:

10 (a) Individual evaluations to determine program eligibility for
11 children not eligible under section 4(1)(a) of this act;

12 (b) Minimum program standards, including instructor and staff
13 qualifications;

14 (c) Approval of program providers; and

15 (d) Accountability and adherence to performance standards.

16 (2) The department shall have administrative responsibility for:

17 (a) Approving and contracting with providers according to rules
18 developed jointly by the superintendent of public instruction and the
19 director under this section;

20 (b) In partnership with school districts, monitoring program
21 quality and assuring the program is responsive to the needs of eligible
22 children; and

23 (c) Providing technical assistance to contracted providers.

24 **Sec. 10.** RCW 28A.150.200 and 2009 c 548 s 101 are each amended to
25 read as follows:

26 (1) The program of basic education established under this chapter
27 is deemed by the legislature to comply with the requirements of Article
28 IX, section 1 of the state Constitution, which states that "It is the
29 paramount duty of the state to make ample provision for the education
30 of all children residing within its borders, without distinction or
31 preference on account of race, color, caste, or sex," and is adopted
32 pursuant to Article IX, section 2 of the state Constitution, which
33 states that "The legislature shall provide for a general and uniform
34 system of public schools."

35 (2) The legislature defines the program of basic education under
36 this chapter as that which is necessary to provide the opportunity to

1 develop the knowledge and skills necessary to meet the state-
2 established high school graduation requirements that are intended to
3 allow students to have the opportunity to graduate with a meaningful
4 diploma that prepares them for postsecondary education, gainful
5 employment, and citizenship. Basic education by necessity is an
6 evolving program of instruction intended to reflect the changing
7 educational opportunities that are needed to equip students for their
8 role as productive citizens and includes the following:

9 (a) The instructional program of basic education the minimum
10 components of which are described in RCW 28A.150.220;

11 (b) The program of education provided by chapter 28A.190 RCW for
12 students in residential schools as defined by RCW 28A.190.020 and for
13 juveniles in detention facilities as identified by RCW 28A.190.010;

14 (c) The program of education provided by chapter 28A.193 RCW for
15 individuals under the age of eighteen who are incarcerated in adult
16 correctional facilities; (~~and~~)

17 (d) Transportation and transportation services to and from school
18 for eligible students as provided under RCW 28A.160.150 through
19 28A.160.180; and

20 (e) The program of early learning established in section 3 of this
21 act.

22 **Sec. 11.** RCW 43.215.020 and 2007 c 394 s 5 are each amended to
23 read as follows:

24 (1) The department of early learning is created as an executive
25 branch agency. The department is vested with all powers and duties
26 transferred to it under this chapter and such other powers and duties
27 as may be authorized by law.

28 (2) The primary duties of the department are to implement state
29 early learning policy and to coordinate, consolidate, and integrate
30 child care and early learning programs in order to administer programs
31 and funding as efficiently as possible. The department's duties
32 include, but are not limited to, the following:

33 (a) To support both public and private sectors toward a
34 comprehensive and collaborative system of early learning that serves
35 parents, children, and providers and to encourage best practices in
36 child care and early learning programs;

1 (b) To make early learning resources available to parents and
2 caregivers;

3 (c) To develop, coordinate, and implement services and programs for
4 children from birth to age three that support families and caregivers
5 through a continuum of quality early learning opportunities available
6 in community settings. Although programs serving children birth to age
7 three and their parents and caregivers are not part of the program of
8 basic education under Article IX of the Washington state Constitution,
9 the legislature intends to invest in an integrated network of high-
10 quality programs and services to support parents and caregivers of
11 children birth to age three;

12 (d) To carry out activities, including providing clear and easily
13 accessible information about quality and improving the quality of early
14 learning opportunities for young children, in cooperation with the
15 nongovernmental private-public partnership;

16 ~~((d))~~ (e) To administer child care and early learning programs;

17 ~~((e))~~ (f) To standardize internal financial audits, oversight
18 visits, performance benchmarks, and licensing criteria, so that
19 programs can function in an integrated fashion;

20 ~~((f))~~ (g) To support the implementation of the nongovernmental
21 private-public partnership and cooperate with that partnership in
22 pursuing its goals including providing data and support necessary for
23 the successful work of the partnership;

24 ~~((g))~~ (h) To work cooperatively and in coordination with the
25 early learning council;

26 ~~((h))~~ (i) To collaborate with the K-12 school system at the state
27 and local levels to ensure appropriate connections and smooth
28 transitions between early learning and K-12 programs; ~~((and))~~

29 ~~((i))~~ (j) To develop and adopt rules, jointly with the
30 superintendent of public instruction, for administration of the program
31 of early learning established in section 3 of this act; and

32 (k) Upon the development of an early learning information system,
33 to make available to parents timely inspection and licensing action
34 information through the internet and other means.

35 (3) The department's programs shall be designed in a way that
36 respects and preserves the ability of parents and legal guardians to
37 direct the education, development, and upbringing of their children.

1 The department shall include parents and legal guardians in the
2 development of policies and program decisions affecting their children.

3 NEW SECTION. **Sec. 12.** Sections 2 through 6 and 14 of this act
4 constitute a new chapter in Title 28A RCW.

5 NEW SECTION. **Sec. 13.** Section 10 of this act takes effect
6 September 1, 2011.

7 NEW SECTION. **Sec. 14.** This act may be known as the ready for
8 school act of 2010.

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