
SECOND SUBSTITUTE HOUSE BILL 2448

State of Washington

62nd Legislature

2012 Regular Session

By House Ways & Means (originally sponsored by Representatives Goodman, Walsh, Maxwell, Dammeier, Kagi, Hope, Haigh, Santos, Roberts, Sullivan, Orwall, Dahlquist, Pollet, Jenkins, Lytton, Haler, Dickerson, Moscoso, Appleton, Seaquist, Springer, Kelley, Billig, Ormsby, and Kenney)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to improving access to high-quality early learning
2 programs; amending RCW 43.215.141 and 43.215.142; adding new sections
3 to chapter 43.215 RCW; creating new sections; and repealing RCW
4 43.215.140.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that children who have
7 high-quality early learning opportunities from birth through age five
8 are more likely to succeed throughout their K-12 education and beyond,
9 and are less likely to require grade-level retention and special
10 education. The legislature also finds that access to high-quality
11 preschool programs varies widely around the state based on many
12 factors, including program availability and family income. The
13 legislature further finds that a comprehensive preschool program such
14 as the early childhood education and assistance program that offers
15 health, nutrition, and family support services to at-risk children and
16 their families promotes improved educational, economic, and life
17 outcomes. The legislature further finds that a high-quality preschool
18 program that is offered to children from families of various income
19 levels can effectively provide developmental benefits to lower-income

1 children, while addressing gaps in availability for working class and
2 middle-class families who may not be able to afford high-quality
3 preschool. The legislature also finds that a key strategy in the
4 state's ten-year early learning plan is supporting parent choice and
5 school readiness by implementing voluntary preschool using a mixed
6 delivery system for all three and four year old children in Washington.
7 The legislature also finds that aligning targeted infant and toddler
8 opportunities, including high-quality child care, with preschool is
9 critical to the success of Washington's education system and to closing
10 the gap in student achievement.

11 Therefore, the legislature intends to create a more comprehensive,
12 voluntary, high-quality preschool program in Washington that, upon full
13 implementation, shall be available to all three and four year old
14 children in Washington. The Washington preschool program must align
15 with the early learning quality improvement systems and Washington's
16 longitudinal education data system. The legislature also intends to
17 concurrently phase in strategies to strengthen birth to three early
18 learning, as a component of the implementation of the new Washington
19 preschool program. The legislature supports a mixed delivery system
20 for early learning, including preschool, which allows parents to choose
21 high-quality providers in their own communities.

22 **Sec. 2.** RCW 43.215.141 and 2010 c 231 s 3 are each amended to read
23 as follows:

24 (1) Beginning (~~September 1, 2011, an early learning~~) with the
25 2014-15 school year, the Washington preschool program shall be
26 implemented to provide voluntary preschool opportunities for children
27 three and four years of age (~~shall be implemented~~) according to the
28 funding and implementation plan in RCW 43.215.142. (~~The program must~~
29 ~~be a comprehensive program providing early childhood education and~~
30 ~~family support, options for parental involvement, and health~~
31 ~~information, screening, and referral services, as family need is~~
32 ~~determined. Participation in the program is voluntary. On a space~~
33 ~~available basis, the program may allow enrollment of children who are~~
34 ~~not otherwise eligible by assessing a fee.))~~

35 (2) (~~The first phase of the program shall be implemented by~~
36 ~~utilizing the program standards and eligibility criteria in the early~~
37 ~~childhood education and assistance program.~~

1 ~~(3))~~ In establishing the Washington preschool program in this
2 section, the director shall adopt rules or program performance
3 standards for the following program components(~~(, as appropriate and~~
4 necessary during the phased implementation of the program)):

5 ~~(a) ((Minimum program standards, including lead teacher, assistant~~
6 ~~teacher, and staff qualifications;~~

7 ~~(b) Approval of program providers; and~~

8 ~~(c) Accountability and adherence to performance standards))~~ All
9 three and four year old children are eligible to attend. However,
10 families with incomes that exceed two hundred fifty percent of the
11 federal poverty level shall be required to pay a copay at a rate
12 recommended by the department to the legislature, subject to approval
13 and inclusion in the biennial omnibus appropriations act. During the
14 initial implementation phases of the Washington preschool program, the
15 director shall establish guidelines for prioritizing eligible children;

16 (b) Transportation of children shall be an allowable expense of the
17 provider, but the provider shall not be required to provide
18 transportation for children participating in the program;

19 (c) A minimum of four hundred fifty classroom hours must be
20 provided each year;

21 (d) Lead teachers shall be required to have a bachelor's degree in
22 early childhood education or a related field or demonstrate equivalent
23 competencies, or a bachelor's degree and demonstrated competencies.
24 Assistant teachers shall be required to have an associate of arts
25 degree in early childhood education or a related field or demonstrate
26 equivalent competencies, or an associate of arts degree and
27 demonstrated competencies. These degree requirements may be phased in
28 consistent with section 4 of this act;

29 (e) Class size may not exceed eighteen children per class;

30 (f) The teacher:child ratio may not exceed one teacher to nine
31 children;

32 (g) Lead teachers shall be required to complete one hundred hours
33 of approved continuing education or equivalent academic credit every
34 five years; and

35 (h) Child health coordination services and family supports
36 consistent with RCW 43.215.405(6) must be provided.

37 ~~((4))~~ (3) The department has administrative responsibility for:

1 (a) Approving and contracting with providers according to rules
2 developed by the director under this section. The rules shall allow
3 public and private early learning providers to apply, providing that
4 the program curriculum is free from religious instruction, activities,
5 symbolism, and control or influence. Eligible providers may include,
6 but are not limited to, nonprofit, profit, and faith-based
7 organizations; licensed child care centers and family homes; private
8 schools; school districts; educational service districts; community and
9 technical colleges; local governments; tribes; and tribal
10 organizations. Upon expansion of the program, the department may
11 establish a panel with diverse representation to inform provider
12 selection. The panel may submit recommendations to the department
13 regarding provider selection criteria;

14 (b) Monitoring classroom quality;

15 (c) Requiring the administration of a child assessment of social-
16 emotional, cognitive, and physical development that is directly aligned
17 with the kindergarten inventory established in RCW 28A.150.315(2);

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

21 ~~(e))~~ (d) Assuring that program providers work cooperatively with
22 school districts to coordinate the transition from preschool to
23 kindergarten so that children and their families are well-prepared and
24 supported; ~~(and~~

25 ~~(d))~~ (e) Providing technical assistance to contracted providers
26 and other providers who wish to offer the Washington preschool program;

27 (f) Providing information regarding program and child outcome data
28 to the education data center created in RCW 43.41.400;

29 (g) Submitting a report annually to the governor, the
30 superintendent of public instruction, and the legislature that provides
31 information regarding the program. The report shall include child
32 outcomes, performance goals, the extent in which the goals are being
33 met, and the status of program implementation. The first report must
34 be submitted by December 1, 2015, and annually thereafter; and

35 (h) Making evaluation data from the Washington state institute for
36 public policy publicly available on the department's web site beginning
37 December 1, 2017, and each year thereafter.

1 **Sec. 3.** RCW 43.215.142 and 2010 c 231 s 4 are each amended to read
2 as follows:

3 (1) Funding for the Washington preschool program (~~((of—early~~
4 ~~learning))~~ established under this chapter must be appropriated to the
5 department. (~~((Allocations must be made on the basis of eligible~~
6 ~~children enrolled with eligible providers.))~~) The quality education
7 council, with assistance from the department, must develop a formula to
8 recommend to the legislature to be used to allocate funds to program
9 providers.

10 (2) The Washington preschool program shall be implemented in
11 phases, so that full implementation is achieved in the ~~((2018–19))~~
12 2024-25 school year. As the Washington preschool program is
13 implemented, it is the intent of the legislature that additional
14 enrollment slots will be funded for the program and that existing
15 enrollment slots in the early childhood education and assistance
16 program will be transferred over time to this program.

17 (3) For the ~~((initial phase of the early learning program in school~~
18 ~~years))~~ 2011-12 ~~((and))~~, 2012-13, and 2013-14 school years, the
19 legislature shall appropriate funding to the department for
20 ~~((implementation of))~~ the early childhood education and assistance
21 program in an amount not less than the 2009-2011 enacted budget for the
22 early childhood education and assistance program. The appropriation
23 shall be sufficient to fund an equivalent number of slots as funded in
24 the 2009-2011 enacted budget. Funding for the Washington preschool
25 program shall not supplant or divert funding for subsidized child care
26 programs, including but not limited to the working connections child
27 care or seasonal child care programs.

28 (4) Beginning in the ~~((2013–14))~~ 2014-15 school year, additional
29 funding for the Washington preschool program must be phased in
30 beginning in elementary school ~~((districts))~~ enrollment areas, as
31 defined by school districts, providing all-day kindergarten programs
32 under RCW 28A.150.315 and where there is lower than average access to
33 head start or the early childhood education and assistance program.

34 (5) Through the 2017-18 school year, funding shall continue to be
35 phased in incrementally each year ~~((until))~~ based on the goal of full
36 statewide implementation of the ~~((early learning))~~ Washington preschool
37 program ~~((is achieved))~~ in the ~~((2018–19))~~ 2024-25 school year, at
38 which time any eligible child shall be entitled to be enrolled in the

1 program if the program is fully funded. However, for the 2018-19
2 school year, and thereafter, further implementation of the Washington
3 preschool program requires explicit statutory authorization.

4 (6) The department and the office of financial management shall
5 annually review the caseload forecasts for the program and, beginning
6 December 1, 2012, and annually thereafter, report to the governor and
7 the appropriate committees of the legislature with recommendations for
8 phasing in additional funding necessary to achieve statewide
9 implementation of the Washington preschool program in the ((2018-19))
10 2024-25 school year.

11 ((~~School districts and approved community-based early learning~~
12 ~~providers may contract with the department to provide services under~~
13 ~~the program.~~)) The department shall collaborate with school districts,
14 community-based providers, and educational service districts to promote
15 an adequate supply of approved providers and must encourage and support
16 the inclusion of family home child care and child care centers in the
17 delivery of high-quality preschool programs.

18 (8) The department may adopt rules to implement this section and
19 RCW 43.215.141.

20 NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW
21 to read as follows:

22 The early learning advisory council shall establish a subcommittee
23 to guide the development and implementation of the Washington preschool
24 program created in RCW 43.215.141. The subcommittee's duties include,
25 but are not limited to:

26 (1) Establishing criteria and a process for lead and assistant
27 teachers to demonstrate the required competencies or equivalent
28 competencies;

29 (2) Establishing criteria and a process for approving continuing
30 education and academic credits;

31 (3) Establishing qualifications and continuing education
32 requirements for other staff in addition to lead and assistant
33 teachers; and

34 (4) Developing a recommended schedule to phase in degree and
35 equivalent competency requirements provided in RCW 43.215.141(2)(d) for
36 lead and assistant teachers. The subcommittee shall present its
37 initial recommendations to the early learning advisory council and the

1 legislature by December 2012, and final recommendations in December
2 2013. When developing the schedule, the subcommittee must consult and
3 collaborate with other entities and stakeholders including, but not
4 limited to: The professional educator standards board, state board for
5 community and technical colleges, higher education coordinating board,
6 the nongovernmental private-public partnership under this chapter,
7 tribes, service employees international union local 925, child care
8 centers, early childhood education and assistance program and head
9 start associations, and the Puget Sound educational service district to
10 determine:

11 (a) Capacity at higher education institutions to implement degree
12 requirements;

13 (b) Availability of financial aid to ensure access to degree
14 requirements;

15 (c) Availability of classes for nontraditional students including
16 online, evening, and weekend offerings;

17 (d) Availability of additional resources to meet the unique needs
18 of tribes, family child care providers, and other nontraditional care
19 including, but not limited to, mentoring, coaching, or other resources
20 to ensure all child care providers have access to ongoing education
21 opportunities;

22 (e) Additional pathways to demonstrate competencies, including
23 consideration of the quality rating and improvement system ratings as
24 a mechanism to demonstrate high-quality services eligible to apply for
25 contracts for the Washington preschool program; and

26 (f) Development of a teacher compensation model.

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

29 (1) The early learning advisory council shall establish a preschool
30 readiness subcommittee, which shall be cochaired by the department and
31 the nongovernmental private-public partnership established in RCW
32 43.215.070. The subcommittee shall be composed of at least one
33 representative from each of the following:

34 (a) The early learning advisory council;

35 (b) The office of the superintendent of public instruction;

36 (c) The department of social and health services;

37 (d) The department of early learning;

1 (e) The nongovernmental private-public partnership created in RCW
2 43.215.070; and

3 (f) Additional stakeholders with expertise in birth-to-three policy
4 and programs and quality child care, as designated by the early
5 learning advisory council.

6 (2) The subcommittee may convene advisory subgroups on specific
7 topics as necessary to assure participation and input from a broad
8 array of diverse stakeholders.

9 (3) The subcommittee shall be monitored and overseen by the early
10 learning advisory council created in RCW 43.215.090.

11 (4) The subcommittee shall develop a preschool readiness proposal,
12 to further develop the Washington State Birth to 3 Plan. The proposal
13 must identify and prioritize supports and interventions in the existing
14 Birth to 3 Plan, and develop a financing plan to fund prioritized
15 services concurrent with the phased implementation of the Washington
16 preschool program. The proposal must be submitted to the legislature
17 no later than December 15, 2012.

18 NEW SECTION. **Sec. 6.** The Washington state institute for public
19 policy shall conduct an outcome evaluation of the Washington preschool
20 program. The evaluation shall examine student outcomes including
21 kindergarten readiness, special education placements, grade repetition,
22 academic achievement, and a return-on-investment analysis. The
23 department of early learning, office of superintendent of public
24 instruction, and education research and data center shall provide the
25 institute with the necessary data to conduct the evaluation. The
26 institute shall submit the results of the evaluation to the relevant
27 policy and fiscal committees of the legislature by December 1, 2017.
28 The Washington state institute for public policy shall provide updates
29 on the student outcomes annually thereafter on December 1.

30 NEW SECTION. **Sec. 7.** RCW 43.215.140 (Definitions) and 2010 c 231
31 s 2 are each repealed.

32 NEW SECTION. **Sec. 8.** This act may be known and cited as the
33 high-quality early learning act.

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