

HOUSE BILL REPORT

ESHB 2519

As Amended by the Senate

Title: An act relating to connecting children involved in the child welfare system to quality early care and education programming.

Brief Description: Concerning early education for children involved in the child welfare system.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Senn, Walsh, Kagi, Hunter, Roberts, Tharinger, Haigh, Goodman and Freeman).

Brief History:

Committee Activity:

Early Learning & Human Services: 1/27/14, 2/3/14 [DPS];

Appropriations: 2/10/14 [DPS(ELHS)].

Floor Activity:

Passed House: 2/13/14, 90-8.

Senate Amended.

Passed Senate: 3/7/14, 46-2.

Brief Summary of Engrossed Substitute Bill

- Directs the Family Assessment Response (FAR) worker to assess for child well-being and child safety when collaborating with a family to determine the need for child care, preschool, or home visiting services.
- Stipulates that beginning July 1, 2015, the FAR worker may only refer children to preschool programs that are enrolled in the Early Achievers program and rate at a certain level, unless certain conditions apply.
- Stipulates that beginning July 1, 2019, the FAR worker may only refer non-school-age children to child care programs that are enrolled in the Early Achievers program and rate at a certain level, unless certain conditions apply.
- Requires the FAR worker to discuss child care or early learning services with families.
- Identifies children involved in the child welfare system as eligible and prioritized for the Early Childhood Education and Assistance Program.

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.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Fagan, Goodman, MacEwen, Ortiz-Self, Roberts, Sawyer, Senn and Zeiger.

Minority Report: Do not pass. Signed by 2 members: Representatives Scott, Assistant Ranking Minority Member; Young.

Staff: Lindsay Lanham (786-7120).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Fagan, Green, Haigh, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, Morrell, Pettigrew, Seaquist, Springer, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 11 members: Representatives Chandler, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Christian, Haler, Harris, G. Hunt, Parker, Schmick and Taylor.

Staff: Mary Mulholland (786-7391).

Background:

Family Assessment Response.

In 2012 the Children's Administration (CA) was directed to implement a differential response system, called the Family Assessment Response (FAR). Theoretically, a differential response system differs from a child protective services investigation. Investigations are often considered forensic in nature and involve conducting a series of interviews that have a specific objective, which is to identify child maltreatment or risk of child maltreatment. A differential response system, however, emphasizes family engagement, family assessment, and the well-being of the family unit. Additionally, parents receiving supportive services through a differential response system are not considered perpetrators of abuse or neglect and parents do not receive a disposition or legal finding. Under the family assessment response, families may receive an array of supportive services depending on the needs of the family. If required for child safety, some families may have access to child care services.

In September 2012 the federal government approved the CA's Title IV-E waiver application. Although the Title IV-E waiver does not provide access to new funding sources, the waiver does allow CA to utilize federal dollars for services that were traditionally prohibited by certain provisions of Title IV-E legislation. The Title IV-E waiver requires the CA to conduct and study a demonstration project. The demonstration project for Washington's Title IV-E waiver is FAR.

The CA implemented the FAR in three offices: Aberdeen, Lynnwood, and Spokane (two zip codes: 99201 and 99207) in January 2014. The CA will implement the FAR in five additional offices in July of 2014. Pending funding, the target for statewide implementation is July 2016.

Early Achievers and Early Care and Education.

In 2007 the quality rating and improvement system for the early care and education system in Washington, called Early Achievers, was created. The Early Achievers program establishes a common set of expectations and standards that define, measure, and improve the quality of early learning and care settings. There are five levels in the Early Achievers program. All licensed or certified child care programs enter the program at level one. Participants advance to level two when they officially enroll in the Early Achievers program. At level two, participants are also required to complete several activities such as a self-assessment and trainings. At levels three, four, and five, Early Achievers participants are evaluated and assigned a rating.

The Early Childhood Education and Assistance Program (ECEAP) is the Washington State Preschool Program. The ECEAP serves families at or below 110 percent of the federal poverty level. Although ECEAP prioritizes children who are four years old by August 31, children who are three years old are also eligible for the program. In addition to preschool programming, ECEAP also provides family support and health services. The stated goal of the ECEAP program is to help ensure children enter kindergarten ready to succeed.

The Working Connections Child Care (WCCC) program offers subsidies to child care providers serving families at or below 200 percent of the federal poverty level. The state pays part of the cost of child care. The parents or caregivers are responsible for making a copayment to the child care provider. Both child care centers and family home providers are able to receive working connections child care subsidy payments. Children of families receiving the WCCC benefits are required to be less than 13 years of age or less than 19 years of age and have a verified special need or be under court supervision. The Department of Early Learning (DEL) sets child care subsidy policy and provides WCCC oversight for child care licensing. The Department of Social Health Services helps families apply for WCCC, determines eligibility and parent or caregiver copayments, authorizes child care, and issues payment to providers.

Summary of Engrossed Substitute Bill:

The FAR worker is required to assess for child safety and child well-being when collaborating with a family to determine the need for child care, preschool, or home visiting services.

Effective July 1, 2015, the FAR worker may only refer children to preschool programs that are enrolled in the early achievers program and rate at a level three, four, or five unless one of the following conditions applies: the family lives in an area with no local programs that rate at level three, four, or five in the early achievers program; the local child care and early learning programs that rate at level three, four, or five in the Early Achievers program are not able to the needs of the child; or the child is attending a preschool program prior to the family

assessment response case and the parent or caregiver does not want the child to change programs.

Effective July 1, 2019, the FAR worker may only refer non-school age children to child care programs that are enrolled in the early achievers program and rate at a level three, four, or five unless one of the following conditions applies: the family lives in an area with no local programs that rate at level three, four, or five in the early achievers program; the local child care and early learning programs that rate at level three, four, or five in the Early Achievers program are not able to the needs of the child; or the child is attending a preschool program prior to the family assessment response case and the parent or caregiver does not want the child to change programs.

The FAR worker is required to make every effort to provide referrals to state and federally subsidized programs. The FAR worker is also required to make every effort to provide referrals to high quality child care and early learning programs.

Prior to closing the FAR case, the FAR worker is directed to meet with the family to discuss child care and early learning services. If the family plans to use child care and early learning services, the FAR worker is required to work with the family to facilitate successful enrollment.

Children involved in the child welfare system are identified as eligible and prioritized for the ECEAP.

EFFECT OF SENATE AMENDMENT(S):

Removes identified dates for when family assessment response workers are required to make referrals to certain early care and education programs.

Removes the requirement that a family assessment response worker only refer children to child care programs participating in the Early Achievers program in certain situations.

Adds that the Department of Social and Health Services and the Department of Early Learning are required to deliver a report to the governor and the appropriate committees of legislature that outline how the agencies can better partner to ensure access to early learning services and child care services.

Adds that specific eligibility for the Early Childhood Education and Assistance Program (ECEAP) for children involved in the child welfare system is subject to the availability of appropriations.

States that prior to closing the family assessment case, the family assessment worker must, when appropriate, discuss child care and early learning services with the family, instead of requiring the discussion in every case.

Removes the family assessment worker obligation to help facilitate 'successful' enrollment in child care and early learning programming.

Restores current law definition of an eligible child as it pertains to the ECEAP and priority services.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Early Learning & Human Services):

(In support) This policy strengthens the connection between the most vulnerable children and access to WCCC and the ECEAP.

Some of the most vulnerable children are not getting access to early learning and developmental programs. Child abuse and child neglect disrupts brain development. Despite the fact the programs are available and free, the programs are not being utilized. Child welfare workers do not know how to reach early learning providers and early learning providers do not know how to reach child welfare workers. In the last fiscal year, of the 25,000 ECEAP and Head Start slots, only 3 percent were filled with children involved in the child welfare system. Additionally, out of the 10,500 children referred statewide only 4 percent came from the child welfare system. We need to make access to high-quality programs available for children involved in the child welfare system.

A letter from a judge offers that he saw many children go from being the subject of dependency proceedings to responds in offender cases. The judge's letter offers that children involved in dependency proceedings can benefit significantly from exposure to early education and learning opportunities.

One parent utilized therapeutic child care while she completed classes and groups. This program was important for the parent as she was able to learn how to care for a child diagnosed with special needs. The program also helped strengthen the bond between the mother and child. The child welfare system appears to be making few referrals to these programs. Families need to have access to early learning programs to help meet the needs of their children and strengthen the family at the same time. A 12 month extension will also help families provide stability for the child as parents work toward self-sufficiency.

Another parent's child was placed in foster care. During this time the child was assessed for cognitive delays and speech delays. The child was enrolled in a birth-to-three program to address the delays. In addition to enrolling her daughter in a high quality early learning program, the parent was also able to use the teachings from the birth-to-three program to help her daughter thrive. The parent's daughter is now able to talk. The parent firmly believes that if her child was not assessed and provided early intervention services the child may not be the active reader, writer, and talker that she is today. Children at any involvement in the child welfare system should have priority for the ECEAP. If was not for the child care assistance the parent received, the parent would not have been able to complete as much schooling as she did. This education served as a strong foundation for her family. All

children in the child welfare system should have access to high quality programs that meet their needs and provide them with the best possible chance at life.

Investing in kids is not only a way to improve outcomes for children, but reduces crime and improves public safety. Early learning is a public safety strategy. The three most important words in crime reduction are education, education, and education.

One provider is currently collaborating with child welfare system. The provider was able to screen the children to determine that the children needed speech therapy. Serving children involved in the child welfare system is a priority; however, there have been few avenues until now that bridge the child welfare system and early learning system.

(In support with concerns) The 12 month eligibility for WCCC is a good policy; however, the CA would prefer to expand eligibility for all children involved in the child welfare system and not just children receiving FAR services. The fact that the ages of a child is not defined is concerning. Also, the documentation and reporting requirements are also a concern. Not only would the data collection require update to FamLink, but the CA would prefer to allow the FAR program to expand to other offices before adding additional work requirements for workers.

The DEL would prefer to include home visiting to the list of services available to children.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The bill addresses a troubling situation in our state in that there are many thousands of young children in out-of-home care at any time and very few of those children are getting into publicly-funded licensed child care, home visiting programs, and other early learning interventions. There is a very limited bridge between child welfare and early learning systems. The bill seeks to bring different systems together to help families involved with the child welfare system. Early learning and child care is particularly cost-effective and proven for very vulnerable children. Without adding any new programs, the bill helps to get the most vulnerable children into child care and early learning services.

In one example, quality child care helped a family find stability, developed a routine, and provided a place for a young child to learn and thrive despite developmental delays.

Many families are already eligible for the Early Childhood Education and Assistance Program due to income. Work is being done to bring the fiscal impact of the bill down to almost nothing.

(Opposed) None.

Persons Testifying (Early Learning & Human Services): (In support) Representative Senn, prime sponsor; Nancy Ashley, Childrens Home Society of Washington; Nina Caso; Alise Hegle; Jon Tunheim, Thurston County Prosecuting Attorney; and Cheryl DiNovi, Denise Louie Education Center.

(In support with concerns) Amy Blondin, Department of Early Learning; and Jennifer Struss, Department of Social and Health Services.

Persons Testifying (Appropriations): Nancy Ashley, Children's Home Society; Jeremieh Donier, Washington State Parent Advocacy Network; and Laurie Lippold, Partners for Our Children.

Persons Signed In To Testify But Not Testifying (Early Learning & Human Services): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.