

# SENATE BILL REPORT

## ESHB 2519

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 26, 2014  
Ways & Means, March 3, 2014

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

**Committee Activity:** Early Learning & K-12 Education: 2/19/14, 2/26/14 [DPA-WM].  
Ways & Means: 3/03/14 [DPA, w/oRec].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

**Staff:** Katherine Taylor (786-7434)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey, Becker, Billig, Braun, Conway, Dammeier, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Kohl-Welles, Parlette, Rivers and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Padden.

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*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.*

**Staff:** Breann Boggs (786-7433)

**Background:** Family Assessment Response (FAR). In 2012 the Legislature passed Senate Bill 6555 (SB 6555), which requires the Children's Administration (CA) to implement a differential response system, called the FAR. Among its many provisions, SB 6555 outlines specific implementation procedures for FAR and requirements for evaluation processes.

A differential response system differs from a Child Protective Services (CPS) 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 wellbeing 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.

On January 1, 2014, CA implemented FAR in three offices: Aberdeen, Lynwood, and Spokane. In July 2014, CA will implement FAR in five additional offices. Pending funding, the target for statewide implementation is July 2016. Under the FAR, 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 childcare services.

Early Achievers and Early Care and Education. In 2007 the Legislature enacted Engrossed Second Substitute Senate Bill 5828, which created the quality rating and improvement system for the early care and education system in Washington called Early Achievers. 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 childcare 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 must 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. 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 ECEAP is to help ensure children enter kindergarten ready to succeed.

The Working Connections Child Care (WCCC) program offers subsidies to childcare providers serving families at or below 200 percent of the federal poverty level. The state pays part of the cost of childcare. The parents or caregivers are responsible for making a copayment to the childcare provider. Both childcare centers and family home providers are able to receive WCCC subsidy payments. Children of families receiving the WCCC benefits must 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 childcare subsidy policy and provides WCCC oversight for childcare licensing. The Department of

Social Health Services (DSHS) helps families apply for WCCC, determines eligibility and parent or caregiver copayments, authorizes childcare, and issues payment to providers.

**Summary of Bill (Recommended Amendments):** FAR workers must assess for child safety and child wellbeing when collaborating with a family to determine the need for childcare, preschool, or home visiting services.

As appropriate, FAR workers must refer children to preschool programs that are enrolled in the Early Achievers program and rate at a level three, four, or five unless:

- 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 childcare 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 FAR and the parent or caregiver does not want the child to change programs.

FAR workers may make childcare referrals non-school age children to childcare 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 childcare 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 participating in FAR and the parent or caregiver does not want the child to change programs.

FAR workers must, when appropriate, provide referrals to state and federally subsidized programs. FAR workers must, when appropriate, provide referrals to high quality childcare and early learning programs.

Prior to closing the FAR case, an FAR worker must, when appropriate, discuss childcare and early learning services with the child's parents or caregiver. If the family plans to use childcare or early learning services, the FAR worker must work with the family to facilitate enrollment.

No later than December 31, 2014, DSHS and DEL must jointly develop recommendation on methods by which DSHS and DEL can better partner to ensure children involved in the child welfare system have access to early learning services and other services. DSHS and DEL must report these recommendations to the Governor and appropriate legislative committees.

DEL, which oversees ECEAP, may include children who are receiving CPS or FAR services, subject to the availability of appropriations specifically for this purpose. These children receive priority services. This subsection of the bill sunsets on June 30, 2018.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments):** Removes certain dates. Allows, instead of requires, an FAR worker to make child care referrals for nonschool-age children to certain licensed child care programs that rate at a level three, four, or five. Requires an FAR worker to, when appropriate, provide

referrals to certain child care programs, instead of making every effort. Prior to closing the FAR case, the FAR worker must, when appropriate, discuss certain services, instead of requiring the FAR worker to discuss certain services. Removes the word successful from the FAR worker's obligation to facilitate service enrollment. Adds a new section requiring DSHS and DEL to jointly develop recommendations on methods by which the departments can achieve certain goals and requires that these recommendations be reported. Removes children involved in the child welfare system from definition of eligible child as it relates to ECEAP. Restores the current law definition of eligible child and priority services. Until June 30, 2018, allows DEL to include in the definition of eligible child, a child who is not otherwise receiving services under ECEAP and who is either receiving CPS or FAR, subject to the availability of appropriations specifically for this purpose. Also, allows DEL to give priority to children receiving CPS or FAR services for available ECEAP slots until June 30, 2018. These changes remove the fiscal impact associated with this bill.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments):** Removes certain dates. Allows instead of requires an FAR worker to make childcare referrals for nonschool-age children to certain licensed childcare programs that rate at a level three, four, or five. Requires an FAR worker to, when appropriate, provide referrals to certain childcare programs, instead of making every effort. States that prior to closing the FAR case, the FAR worker must, when appropriate, discuss certain services, instead of requiring the FAR worker to discuss certain services. Removes the word successful from the FAR workers' obligation to facilitate service enrollment. Adds a new section requiring DSHS and DEL to jointly develop recommendations on methods by which DSHS and DEL can achieve certain goals and requires that these recommendations be reported. Adds to the definition of eligible child that children in the child welfare system are only included as eligible within available appropriations, and as of the effective date of this section through fiscal year 2018.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Substitute House Bill (Early Learning & K-12 Education):** PRO: We want to ensure young children in the welfare system are getting the care they need. Foster kids take up very few of the ECEAP slots. These kids need these services. These programs work. The birth to age three program has helped my child a lot. My experience in the child welfare system was very chaotic. Early learning programs have helped my child. We want to bring these systems together. We encourage your support.

OTHER: We support access. We want to make some more tweaks to the language.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Laurie Lippold, Partners for Our Children; Nancy Ashley, Children's Home Society of WA; Terri Williams, Parents for Parents; Lynda Popplewell, Parent Ambassador, WA State Assn. of Head Start & ECEAP.

OTHER: David Del Villar Fox, DSHS CA.

**Staff Summary of Public Testimony (Ways & Means):** No public hearing was held.

**Persons Testifying (Ways & Means):** N/A.