

# HOUSE BILL REPORT

## E2SSB 5452

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**As Reported by House Committee On:**  
Early Learning & Human Services  
Appropriations

**Title:** An act relating to improving quality in the early care and education system.

**Brief Description:** Improving quality in the early care and education system.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Billig, Fain, Dammeier, Hargrove, Hill, Rivers, Brown, Mullet, Frockt, Jayapal, Angel, Cleveland, Kohl-Welles, Keiser, McAuliffe and Habib).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 3/20/15, 3/26/15 [DPA];  
Appropriations: 4/7/15 [DPA(APP w/o ELHS)].

**Brief Summary of Engrossed Second Substitute Bill  
(As Amended by Committee)**

- Requires the Department of Early Learning (DEL) to provide a foundation of quality through the Early Achievers program for early learning and licensed child care programs.
- Expands the Early Achievers program and authorizes the DEL to require all licensed or certified child care facilities and early learning programs serving non-school age children and receiving state funds to participate in the Early Achievers program, except programs whom the DEL determines have national accreditation standards that meet or exceed the current Early Achievers program standards.
- Requires the DEL to focus the early care and education system on supporting school readiness for young learners and improving educational outcomes in response to Early Achievers program data collection and analysis.
- Creates the Early Achievers Review Subcommittee (Subcommittee) and requires the DEL, in collaboration with the Subcommittee, to provide an annual progress report to the Governor and the Legislature regarding providers' progress in the Early Achievers program.

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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.*

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## HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Kagi, Chair; Walkinshaw, Vice Chair; Walsh, Ranking Minority Member; Dent, Hawkins, Kilduff, Ortiz-Self, Sawyer and Senn.

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

**Staff:** Ashley Paintner (786-7120).

### **Background:**

#### Early Achievers Program.

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 child care settings. The Department of Early Learning (DEL) completed statewide implementation of the Early Achievers program in July 2013.

There are five levels in the Early Achievers program. Licensed or certified child care programs enter the program at level 1. Participants advance to level 2 when they officially enroll in the Early Achievers program. At level 2, participants are required to complete several activities such as a self-assessment and trainings. For levels 3-5, participants are evaluated and earn points in the following areas: (a) child outcomes; (b) facility curriculum and learning environment and interaction; (c) professional development and training; and (d) family engagement and partnership. At levels 3, 4, and 5, Early Achievers program participants are evaluated and assigned a rating. The Early Achievers program provides participants with coaching, training opportunities, professional development scholarships and grants, technical assistance, and consultation.

#### Working Connections Child Care.

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 WCCC subsidy payments. Children of families receiving the WCCC benefits are required to be younger than 13 years of age, or younger than 19 years of age and have a verified special need or be under court supervision. The DEL sets child care subsidy policy and provides the WCCC program oversight for child care licensing. The Department of Social and Health Services helps families apply for WCCC, determines eligibility and parent or caregiver copayments, authorizes child care, and issues payment to providers.

#### Early Childhood Education and Assistance Program.

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 the ECEAP prioritizes children who are 4 years old, children who

are 3 years old are also eligible for the program. In addition to preschool programming, the ECEAP provides family support and health services. The stated goal of the ECEAP is to help ensure children enter kindergarten ready to succeed. Approved ECEAPs receive state-funded support through the DEL. Public or private nonsectarian organizations, including but not limited to school districts, community and technical colleges, local governments, and nonprofit organizations, are eligible to participate as an ECEAP provider.

During the 2013 legislative session, the Legislature passed Senate Bill 5904 (SB 5904), which outlines an expansion of the ECEAP through the 2013-15 biennium. The ECEAP expansion is subject to amounts appropriated and requires the DEL to develop an ECEAP expansion plan by September 30, 2013. In addition, SB 5904 required the WSIPP to complete a meta-analysis and retrospective outcome evaluation of the ECEAP. The meta-analysis was provided to the Legislature in January 2014, and the outcome evaluation was provided to the Legislature in December 2014. The outcome evaluation found that the ECEAP has a positive impact on third, fourth, and fifth grade test scores.

#### Early Learning Advisory Council.

In 2007 the Legislature created the Early Learning Advisory Council (ELAC) to advise the DEL on statewide early learning needs and progress. In 2010 the ELAC delivered a statewide early learning plan. Following the completion of the statewide early learning plan, the role of the ELAC was revised to advise the DEL on issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by assessing needs and the availability of services, aligning resources, developing plans for data collection, developing plans for professional development of early childhood educators, and establishing key performance measures.

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### **Summary of Amended Bill:**

#### Early Achievers Program.

The Early Achievers program provides a foundation of quality for the early care and education system in Washington. The DEL is authorized to require all licensed or certified child care centers and homes, and early learning programs serving non-school age children and receiving state funds, to participate in the Early Achievers program. However, the DEL must accept nationally accredited programs with standards that meet or exceed the Early Achievers program standards as a qualification for Early Achievers program ratings. The stated objectives for the Early Achievers program include:

- improving short- and long-term educational outcomes for children;
- providing parents with clear and accessible information on the quality of early learning programs;
- increasing school readiness;
- closing the disparities in access to quality care;
- providing professional development and coaching; and
- establishing a common set of expectations and standards that define, measure, and improve the quality of early learning.

There are five levels in the Early Achievers program. Participants are expected to actively engage and continually advance in the program. By August 1, 2015, the DEL must publish to their website Early Achievers program rating levels for child care programs that receive a state subsidy, the ECEAP, and Head Start programs in Washington. The rating levels must be published in a manner that is easily accessible to parents and caregivers, and takes into account their linguistic needs. Tribal child care facilities and early learning programs may choose to be exempt from posting their rating on the DEL website if they provide proper notification to parents and guardians on the availability of their program rating. The DEL is required to create a single source of information for parents and caregivers to access details on a provider's rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The DEL is required to prioritize resources during the first 30 months of implementation to assist providers rating at a level 2 to reach a level 3 in the Early Achievers program wherever access to subsidized care is at risk. Additionally, the DEL in collaboration with the Office of Superintendent of Public Instruction (OSPI) must jointly design and implement a pilot project to incorporate school age child care providers in the Early Achievers program.

The DEL shall create a professional development pathway for the Early Achievers program participants to obtain a high school diploma or higher education credential in an academic field related to early care and education. The professional development pathway shall include opportunities for scholarships and grants to assist the Early Achievers program participants with the costs associated with obtaining an educational degree. The DEL is further required, in collaboration with tribal governments and community and statewide partners, to implement protocols to maximize and encourage participation in the Early Achievers program for culturally diverse and low-income providers. Additionally, the DEL may employ a combination of vouchers and contracted slots for the WCCC program. If the DEL does employ contracted slots for the WCCC program they must prioritize programs with specific characteristics.

#### Licensing Standards.

By July 1, 2016, the DEL is required to implement a single set of licensing standards for child care programs and the ECEAP. The DEL must streamline and eliminate duplication between Early Achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing. Additionally, private schools with early learning programs are subject only to the minimum state controls necessary to assure the health and safety of all students in the state and to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school. For child care programs serving only school-age children and operating in the facilities used by public and private schools, the DEL must not impose additional health and safety licensing requirements related to the physical facility beyond the health and safety standards established by the State Board of Health for primary and secondary schools.

#### Working Connections Child Care.

The DEL must establish and implement policies in the WCCC program that promote stability, quality, and continuity of care for children from low-income households. Effective January 1, 2016, authorizations for the WCCC program must be effective for a 12-month enrollment period, and the child may not be deemed ineligible due to a change in circumstance.

An existing WCCC provider serving non-school age children must enroll in the Early Achievers program by August 1, 2016, complete level 2 activities by August 1, 2017, and rate at a level 3 or higher by December 31, 2019. Effective July 1, 2016, a new WCCC provider serving non-school age children must enroll in the Early Achievers program within 30 days of receiving the initial subsidy payment, complete level 2 activities within 12 months of enrollment, and rate at a level 3 or higher within 30 months of enrollment. If a WCCC provider fails to rate at a level 3 or higher by the required deadline, the provider must complete remedial activities with the DEL and rate at a level 3 or higher within six months. Additionally, the DEL shall implement tiered reimbursement for the Early Achievers program participants in the WCCC program rating at a level 3 or higher.

#### Early Childhood Education and Assistance Program.

An existing ECEAP provider must enroll in the Early Achievers program by August 1, 2015, and rate at a level 4 or higher by January 1, 2016. Effective August 1, 2015, a new ECEAP provider must enroll in the Early Achievers program within 30 days of the ECEAP contract start date and rate at a level 4 or higher within 12 months of enrollment. By December 1, 2015, the DEL is required to develop a pathway for licensed or certified child care centers and homes to administer an ECEAP. The pathway must allow family home or center providers who administer an ECEAP 18 months to rate at a level 4 or 5 in the Early Achievers program. If an ECEAP provider fails to rate at a level 4 or higher by the required deadline, the provider must complete remedial activities with the DEL and rate at a level 4 or higher within six months. Beginning in the 2015-16 school year, the DEL is required to prioritize ECEAP providers located in low-income neighborhoods within high-need geographical areas. By July 31, 2016, the DEL must adopt rules pertaining to the ECEAP that outline allowable periods of child absence, require contact with parents or caregivers to discuss child absences and encourage regular attendance, and specify a de-enrollment procedure when allowable child absences are exceeded. The DEL is required to collect data on the demand for full-day programming for the ECEAP and report the findings to the Legislature by January 1, 2016.

#### Early Learning Advisory Council.

The ELAC must convene an Early Achievers Review Subcommittee (Subcommittee) to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning, and provide input and recommendations on the implementation and refinement of the Early Achievers program. The Subcommittee must include representatives from diverse cultural and linguistic backgrounds and representatives who work in a variety of early learning settings. The review conducted by the Subcommittee must be applied to the annual progress report conducted by the DEL in collaboration with the Subcommittee.

#### Program Data Collection and Evaluation.

The Education Data Center (EDC) is required to collect longitudinal, student-level data on all children attending a WCCC program or an ECEAP. The DEL and the Subcommittee shall review the data. Additionally, the WSIPP must conduct an analysis that examines relationships between the Early Achievers program quality rating levels and outcomes for children participating in the Early Achievers program. Beginning December 1, 2015, the DEL, in collaboration with the Subcommittee, must submit an annual progress report to the

Governor and the Legislature regarding providers' progress in the Early Achievers program. The stated purpose of the data collection and evaluation is to improve the educational outcomes for young learners in response to Early Achievers longitudinal data.

Joint Select Committee on Early Achievers.

A legislative Early Achievers Joint Select Committee (Committee) is created to review the demand and availability of child care providers, early learning programs, and family, friend, and neighbor caregivers by geographic region. By December 1, 2017, the Committee must provide recommendations on the sufficiency of funding for the Early Achievers program, the need for targeted funding for specific geographic regions or major ethnic populations, and whether to modify the deadlines for the Early Achievers program mandate.

Definitions are provided for the following: early childhood education and assistance program contractor; early childhood education and assistance program provider; education data center; extended day program; full-day program; low-income child care provider; low-income neighborhood; nonschool age child; part-day program; and school age child.

This act is null and void unless funded in the budget.

**Amended Bill Compared to Engrossed Second Substitute Bill:**

The amended bill requires the DEL to collaborate with the OSPI to jointly design and implement a pilot project to incorporate school age child care providers into the Early Achievers program or other appropriate quality improvement systems. The DEL must accept nationally accredited programs with standards that meet or exceed the Early Achievers program standards as a qualification for the Early Achievers program ratings, and the bill specifies that the eligibility for the Early Achievers program is not subject to bargaining consistent with the Legislature's reservation of rights under RCW 41.56.028(4)(d). Nothing in section 2 of the bill is outside the Legislature's authority to make programmatic modifications to licensed child care and early learning programs, consistent with the powers reserved to modify the delivery of state services through child care subsidy programs, regardless of collective bargaining agreements.

The amended bill allows but does not require the DEL to charge a fee for optional rerating requests made outside the established rating cycle by Early Achievers program participants. Additionally, the DEL must include opportunities for scholarships and grants in the professional development pathway established to assist Early Achievers program participants with the costs associated with obtaining an educational degree. In developing this professional development pathway the DEL must address cultural and linguistic diversity. The amounts appropriated for the encouragement of culturally diverse and low-income center and family home child care provider participation must be appropriated separately from the other funds that may be used for the protocol. These funds must be considered an ongoing program for purposes of future departmental budget requests. Additionally, the DEL must prioritize resources during the first 30 months of implementation of the Early Achievers program to assist providers rating at a level 2 to reach a level 3 wherever access to subsidized care is at risk.

The amended bill moves the section on private schools to the section that addresses licensing standards. Private schools with early learning programs are subject only to the minimum state controls necessary to assure the health and safety of all students in the state and to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school. Additionally, for child care programs that serve only school-age children and operate in the same facilities used by public or private schools, the DEL must not impose additional health and safety licensing requirements related to the physical facility beyond the health and safety standards established by the State Board of Health for primary and secondary schools.

Effective January 1, 2016, authorizations for the WCCC program must be effective for a 12-month enrollment period, and the child may not be deemed ineligible due to a change in circumstance. Additionally, the amended bill delays the effective date for section 7 of the act to January 1, 2016. The deadlines for existing providers who accept WCCC subsidy payments are extended by one year. The amended bill makes it a requirement that the DEL implement tiered reimbursement for Early Achievers program participants in the WCCC program rating at a level 3 or higher. By December 1, 2015, the DEL is required to develop a pathway for licensed or certified child care centers and homes to administer an ECEAP. The pathway must allow family home or center providers who administer an ECEAP 18 months to rate at a level 4 or 5 in the Early Achievers program. Additionally, the DEL is required to review available research and best practice literature on cultural competency in early learning settings. The amended bill makes it voluntary for the DEL to employ a combination of contracted slots and vouchers for the WCCC program.

The ELAC must convene the Subcommittee. The DEL must consult with the Subcommittee on all substantial policy changes to the Early Achievers program. The amended bill consolidates the reporting requirements into an annual progress report on providers' progress in the Early Achievers program. The annual progress report is conducted by the DEL in collaboration with the Subcommittee and submitted to the Governor and the Legislature. The collection of longitudinal, student-level data on all children attending a WCCC program is delayed until the completion of an electronic time and attendance record system. The reports required by the WSIPP are delayed by one year. Additionally, the amended bill creates a Committee to review and provide recommendations to the Legislature regarding the sufficiency of funding for the Early Achievers program.

The amended bill removes "subject to the availability of amounts appropriated for this specific purpose" throughout the bill.

The amended bill provides definitions for early childhood education and assistance program contractor, early childhood education and assistance program provider, and private school. It modifies the definitions for extended day program, full day program, non-school age child, part day program, and school age child.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 7, relating to Working Connections Child Care, which takes effect January 1, 2016. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

(In support) Expanding early learning opportunities for Washington's youngest children will improve the K-12 system. Early learning is an important investment for the state and it becomes even more important as we learn more about children's brain development. This bill is a huge step forward for the education system, but it is important that quality continues to be the driving force of this bill. The opportunity gap exists from birth and this legislation is a chance for Washington to say that quality matters regardless of income, race, or what ZIP code you live in. The Early Start Act will raise the low-quality programs up and increase access to high-quality early learning programs for all parents. It is not a silver bullet but it is a starting point for the state to begin to make a concrete investment in early learning. The state needs to help all kids, not just children who have parents who are educated and can navigate the system.

Law enforcement is a crime prevention organization and quality early learning plays an imperative role in that. Law enforcement views this bill as a crime prevention strategy and an important investment. Investments in young children will lead to pathways that are now closed. The advantages children get through early learning will set them up for success when they enter kindergarten, which sets them up for success in life. Money spent in the early years is much more efficient and effective compared to the large amount of dollars the state spends on the correctional system.

Montessori schools have been able to work with the Early Achievers program while not compromising their educational philosophy. The Early Achievers program has brought real-time research to early learning providers. Additionally, it has re-energized participants and given them tools on how to train parents to be their child's best teachers.

This bill preserves continuity of care with 12-month authorizations for the WCCC program and it allows for stakeholder review to ensure that the program is working for providers. The flexibility in the definition of full-day in the most recent version allows providers the flexibility needed to serve all children. This bill moves the state forward and will significantly increase access to high-quality early education. The bill focuses on children in Washington furthest from opportunity, which will help the state close the opportunity gap.

(With concerns) The mandates in the Early Achievers program could hurt, rather than help, some child care providers in the state. Early learning has historically been underfunded in Washington and professional development has been in large part ignored. The number of licensed child care providers in Washington has been cut by half since 2010. The Early Achievers program is a great program for many providers but not for all. If the Early Achievers program is working, the mandate is not necessary and if it is not working, this legislation will not fix early learning education. The Early Achievers program should be voluntary in order to improve quality without further limiting access to child care. The Service Employees International Union (SEIU) has approximately 7,000 family child care



members and about 4,500 of those are licensed family home providers. These providers serve a maximum of 12 children at a time. Due to the small scale, all the capital gets reinvested back into the program. Therefore, it could be financially infeasible for programs at this scale to hire a substitute to cover when staff are gone to attend trainings or other commitments required by the Early Achievers program. Additionally, family child care providers have concerns around access to programming in their native language.

(Opposed) The cost benefit analysis of the Early Achievers program results in the conclusion that joining the program doesn't pay off for providers. The costs for participating exceed the benefits participants receive from the state. This bill does not create enough incentives for the provider and will force providers out of business because of the added financial costs. The mandatory training classes, paperwork, and evaluations are burdensome, especially for small child care facilities that must hire substitute staff. When analyzing early learning studies, it's important to remember that the research is not the reality of the whole world and is not accurate for everyone. By doing a one-size fits all system like the Early Achievers program, you could be leaving out many children.

**Persons Testifying:** (In support) Randy Dorn, Office of Superintendent of Public Instruction; Laura Wells, Fight Crime: Invest in Kids; Bob Berg, Centralia Police Department; Steve Leahy, ReadyNation; Susan Barbeau, First 5 Fundamentals; Marcia Jacobs; Stacy Guthmiller; Jennifer Jennings Shaffer, Children's Alliance; and Melissa Johnson, Washington State Association of Head Start and Early Childhood Education and Assistance Program.

(With concerns) Lani Todd, SEIU Local 925.

(Opposed) Sharon Hanek.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Early Learning & Human Services. Signed by 26 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Carlyle, Cody, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger and Walkinshaw.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Buys, Condotta, G. Hunt, Taylor and Van Werven.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Parker, Assistant Ranking Minority Member.

**Staff:** Catrina Lucero (786-7192).

## **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Early Learning & Human Services:**

The Appropriations Committee striking amendment adds language that clarifies that private schools that operate early learning programs and do not receive state subsidy payments are subject to only the minimum health and safety standards set by the Department of Early Learning and the requirements necessary to assure a sufficient early childhood education to meet requirements needed for transition into elementary school. The amendment also delays the effective date for this section of the bill until July 1, 2016.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 7, relating to Working Connections Child Care, which takes effect January 1, 2016, and section 4, relating to licensure for private school programs, which takes effect July 1, 2016. However, the bill is null and void unless funded in the budget.

### **Staff Summary of Public Testimony:**

(In support) This bill provides the framework for an early learning system that will lead to lower criminal justice costs down the road. This is a good investment and will create safer communities. The cost of the Early Start Act is an important investment in the future of Washington's children. This bill has been refined and improved throughout the legislative process and represents a balance between accountability and resources. The 12-month Working Connection Child Care eligibility provisions in the bill are critical to ensuring that children have access to quality child care. It also provides stable funding for child care providers. Access to high quality early learning on a consistent basis is important for achieving positive childhood outcomes.

(Opposed) None.

**Persons Testifying:** Laura Wells, Fight Crime: Invest in Kids; Jennifer Jennings-Shaffer, Children's Alliance; Marquise Roberson, Save the Children; and Melissa Johnson, Washington State Association of Headstart and Early Childhood Education and Assistance Programs.

**Persons Signed In To Testify But Not Testifying:** None.