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**SENATE BILL 5757**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Hasegawa, Wilson, C., and Nguyen

AN ACT Relating to a basic education program of early learning; amending RCW 28A.150.200 and 43.216.020; adding a new chapter to Title 28A RCW; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that research shows that children who participate in high quality early learning programs have improved school and life outcomes. The legislature further finds that access to high quality early learning programs is not equal statewide and that children in low-income families face disparate outcomes due to the lack of access to programs. The legislature intends to address unequal access to high quality early learning programs by phasing in an expanded definition of basic education to include certain early learning programs for children who are three and four years of age. The legislature intends to renew its goal of expanding access to high quality early learning programs incrementally toward eligibility entitlement for three and four year olds by the 2022-23 school year. The legislature further intends to convene a work group to discuss and plan the incorporation of certain early learning programs into the program of basic education by the 2025-26 school year and establish a robust, comprehensive system of early learning from birth through age eight. The legislature intends for this state investment in high quality early learning programs to improve opportunities for student success in the K-12 basic education program and throughout life.

NEW SECTION. **Sec.**  RECOMMENDATIONS. (1) By December 1, 2022, the office of the superintendent of public instruction, in consultation with the department of children, youth, and families, shall examine the statutory authority, rules, and jurisdiction between the K-12 and early learning education systems and make recommendations to the education committees of the legislature regarding changes or clarifications to the applicable statutes, rules, and jurisdiction of the office of the superintendent of public instruction and the department of children, youth, and families that are necessary to implement this act.

(2) The superintendent of public instruction, the secretary of the department of children, youth, and families, and the director of the office of financial management, or their respective designees, shall report to the appropriate committees of the legislature by December 1, 2022, with recommendations for a budgeting and funding allocation method for the basic education program of early learning established under section 3 of this act based on an estimate of eligible students. Recommendations must include a schedule of implementation consistent with section 3 of this act to provide for the incorporation of certain early learning programs into the program of basic education by the 2025-26 school year.

(3) This section expires July 1, 2023.

NEW SECTION. **Sec.**  BASIC EDUCATION PROGRAM OF EARLY LEARNING. (1) The basic education program of early learning is established. Each public school district shall provide or contract to provide a basic education early learning program for all children who are three or four years of age. The program must be a comprehensive program providing early childhood education, family support, and options for parental involvement. Participation in the program is voluntary for children and family participants but must be fully implemented by each public school district by the 2026-27 school year.

(2) Beginning in the 2023-24 school year, funding for the basic education program of early learning must be phased in beginning in school districts with the highest poverty levels. For the purposes of this section, school districts with the highest poverty levels are those school districts with the highest percentages of enrolled students qualifying for free and reduced-price lunch support in the prior school year. Once a school district has received funding based on its poverty level, the school district shall remain eligible for funding in subsequent phase-in years regardless of changes in the district's percentage of poverty.

(3) Funding shall be phased in incrementally based on the school districts with the highest poverty levels as set forth under subsection (2) of this section and under the following timeline:

(a) Beginning in the 2023-24 school year, at least twenty-five percent of public school districts shall provide or contract to provide a basic education early learning program for all children who are three or four years of age;

(b) Beginning in the 2024-25 school year, at least fifty percent of public school districts shall provide or contract to provide a basic education early learning program for all children who are three or four years of age;

(c) Beginning in the 2025-26 school year, at least seventy-five percent of public school districts shall provide or contract to provide a basic education early learning program for all children who are three or four years of age; and

(d) Beginning in the 2026-27 school year, each public school district shall provide or contract to provide a basic education early learning program for all children who are three or four years of age.

(4) Instruction must be offered in class sizes not to exceed twenty children and must be delivered by lead and assistant teachers who meet qualifications established for early childhood educators by the professional educator standards board. Each class must maintain a ratio of at least one basic education certificated instructional staff or classified staff to ten full-time equivalent students.

(5) Early childhood education services under the program must include:

(a) At least a school district-wide annual average of one thousand instructional hours per school year of direct early childhood education delivered over the course of a minimum of one hundred eighty days of scheduled classes; and

(b) Developmentally appropriate instruction through a planned curriculum.

(6) The office of the superintendent of public instruction and the department of children, youth, and families shall jointly adopt rules to implement the basic education program of early learning.

**Sec.**  RCW 28A.150.200 and 2017 3rd sp.s. c 13 s 401 are each amended to read as follows:

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

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

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

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

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

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

(e) Statewide salary allocations necessary to hire and retain qualified staff for the state's statutory program of basic education; and

(e) The basic education program of early learning established under section 3 of this act.

**Sec.**  RCW 43.216.020 and 2017 3rd sp.s. c 6 s 202 are each amended to read as follows:

(1) The department shall implement state early learning policy and coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

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

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

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

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

(e) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide such care;

(f) To apply data already collected comparing the following factors and make biennial recommendations to the legislature regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes and centers;

(ii) Compensation of early learning educators in licensed centers and homes and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(g) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA) and to develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(h) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(i) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(j) To work cooperatively and in coordination with the early learning council;

(k) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(l) To develop and adopt rules for administration of the program of early learning established in RCW 43.216.555;

(m) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; ((~~and~~))

(n) To develop and adopt rules, jointly with the office of the superintendent of public instruction, for administration of the basic education program of early learning established under section 3 of this act; and

(o) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(2) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(3) Home visiting services must include programs that serve families involved in the child welfare system.

(4) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act constitute a new chapter in Title 28A RCW.

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