

**SSB 5089** - H COMM AMD

By Committee on Human Services & Early Learning

ADOPTED 04/12/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 43.216.512 and 2018 c 155 s 2 are each amended to  
4 read as follows:

5 (1) The department shall adopt rules that allow the inclusion of  
6 children in the early childhood education and assistance program  
7 whose family income is above one hundred ten percent of the federal  
8 poverty level if the number of such children equals not more than  
9 twenty-five percent of total statewide enrollment.

10 (2) (~~Children included in the early childhood education and~~  
11 ~~assistance program under this section must be homeless or impacted by~~  
12 ~~specific developmental or environmental risk factors that are linked~~  
13 ~~by research to school performance. "Homeless" means without a fixed,~~  
14 ~~regular, and adequate nighttime residence as set forth in the federal~~  
15 ~~McKinney-Vento homeless assistance act, P.L. 100-77, July 22, 1987,~~  
16 ~~101 Stat. 482, and runaway and homeless youth act, P.L. 93-415, Title~~  
17 ~~III, September 7, 1974, 88 Stat. 1129.)) The department shall adopt  
18 rules that allow a child to enroll in the early childhood education  
19 and assistance program, as space is available, when the child is not  
20 eligible under RCW 43.216.505 and the child turns three years old at  
21 any time during the school year when the child:~~

22 (a) Has a family income at or below two hundred percent of the  
23 federal poverty level or meets at least one risk factor criterion  
24 adopted by the department in rule; and

25 (b) Has received services from or participated in:

26 (i) The early support for infants and toddlers program;

27 (ii) The early head start or a successor federal program  
28 providing comprehensive services for children from birth through two  
29 years of age; or

30 (iii) The birth to three early childhood education and assistance  
31 program, if such a program is established.

1 (3) Children included in the early childhood education and  
2 assistance program under this section are not to be considered  
3 eligible children as defined in RCW 43.216.505 and are not considered  
4 to be part of the state-funded entitlement required in RCW  
5 43.216.556.

6 **Sec. 2.** RCW 43.216.512 and 2018 c 155 s 2 are each amended to  
7 read as follows:

8 (1) The department shall adopt rules that allow the ~~((inclusion))~~  
9 enrollment of children in the early childhood education and  
10 assistance program, as space is available if the number of such  
11 children equals not more than twenty-five percent of total statewide  
12 enrollment, whose family income is:

13 (a) Above one hundred ten percent but less than or equal to one  
14 hundred thirty percent of the federal poverty level ~~((if the number~~  
15 ~~of such children equals not more than twenty-five))~~; or

16 (b) Above one hundred thirty percent but less than or equal to  
17 two hundred percent of ~~((total statewide enrollment))~~ the federal  
18 poverty level if the child meets at least one of the risk factor  
19 criterion described in subsection (2) of this section.

20 (2) Children ~~((included))~~ enrolled in the early childhood  
21 education and assistance program ~~((under))~~ pursuant to subsection  
22 (1)(b) of this section must be ~~((homeless or impacted by specific~~  
23 ~~developmental or environmental))~~ prioritized for available funded  
24 slots according to a prioritization system adopted in rule by the  
25 department that considers risk factors that ~~((are linked by research~~  
26 ~~to school performance. "Homeless" means without a fixed, regular, and~~  
27 ~~adequate nighttime residence as set forth in the federal McKinney-~~  
28 ~~Vento homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat.~~  
29 ~~482, and runaway and homeless youth act, P.L. 93-415, Title III,~~  
30 ~~September 7, 1974, 88 Stat. 1129))~~ have a disproportionate effect on  
31 kindergarten readiness and school performance, including:

32 (a) Family income as a percent of the federal poverty level;

33 (b) Homelessness;

34 (c) Child welfare system involvement;

35 (d) Developmental delay or disability that does not meet the  
36 eligibility criteria for special education described in RCW  
37 28A.155.020;

38 (e) Domestic violence;

39 (f) English as a second language;

- 1       (g) Expulsion from an early learning setting;  
2       (h) A parent who is incarcerated;  
3       (i) A parent with a substance use disorder or mental health  
4 treatment need; and  
5       (j) Other risk factors determined by the department to be linked  
6 by research to school performance.

7       (3) The department shall adopt rules that allow a child to enroll  
8 in the early childhood education and assistance program, as space is  
9 available, when the child is not eligible under RCW 43.216.505 and  
10 the child turns three years old at any time during the school year  
11 when the child:

12       (a) Has a family income at or below two hundred percent of the  
13 federal poverty level or meets at least one risk factor criterion  
14 adopted by the department in rule; and

15       (b) Has received services from or participated in:

16       (i) The early support for infants and toddlers program;

17       (ii) The early head start or a successor federal program  
18 providing comprehensive services for children from birth through two  
19 years of age; or

20       (iii) The birth to three early childhood education and assistance  
21 program, if such a program is established.

22       (4) Children ~~((included))~~ enrolled in the early childhood  
23 education and assistance program under this section are not ~~((to be))~~  
24 considered eligible children as defined in RCW 43.216.505 and are not  
25 considered to be part of the state-funded entitlement required in RCW  
26 43.216.556.

27       NEW SECTION. Sec. 3. (1) Section 2 of this act takes effect  
28 only if chapter . . . (Second Substitute Senate Bill No. 5437), Laws  
29 of 2019 is enacted by the effective date of this section.

30       (2) Section 1 of this act takes effect only if section 2 of this  
31 act does not take effect by the effective date of this section."

32       Correct the title.

EFFECT: Adds requirements for a nonentitled child to have a family income at or below 200 percent of the federal poverty level or to meet a risk factor criterion adopted by the Department of Children, Youth, and Families in order to be allowed mid-year enrollment in the Early Childhood Education and Assistance Program (ECEAP).

Adds participation in the Birth to Three ECEAP, if such a program is established, as qualifying a child for mid-year enrollment when other criteria are met.

Makes technical changes for consistency in the event that 2SSB 5437, relating to expanding eligibility to the early childhood education and assistance program, is enacted.

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