

# FINAL BILL REPORT

## 2SSB 5437

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### C 408 L 19

Synopsis as Enacted

**Brief Description:** Expanding eligibility to the early childhood education and assistance program.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Palumbo, Wellman, Hunt, Saldaña, Nguyen, Randall, Das, Billig, Mullet, Darneille, Dhingra, Hasegawa, Kuderer and Takko; by request of Office of the Governor).

**Senate Committee on Early Learning & K-12 Education**  
**Senate Committee on Ways & Means**  
**House Committee on Human Services & Early Learning**  
**House Committee on Appropriations**

**Background:** Early Childhood Education and Assistance Program. The Department of Children, Youth, and Families (DCYF) administers this voluntary preschool program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system.

Current law provides for this program to become an entitlement in the 2022-23 school year for eligible children. "Eligible child" means a child not eligible for kindergarten and:

- whose family income is at or below 110 percent of the federal poverty level (FPL);
- a child eligible for special education preschool due to disability; and
- may include children who are eligible under rules adopted by DCYF if the number of such children equals not more than 10 percent of the total enrollment.

State law requires DCYF to adopt rules allowing inclusion of children in ECEAP whose family income is above 110 percent of the FPL if the number of such children equals not more than 25 percent of total statewide enrollment. ECEAP may allow enrollment for these children on a space available basis. Children who are over income must be homeless or impacted by specific developmental or environmental risk factors that are linked by research to school performance. Children who are over income are not to be considered eligible children for ECEAP and are not considered to be part of the state-funded entitlement.

Early Head Start Programs. These federally funded programs serve low-income pregnant women and infants and toddlers under the age of three. Early Head Start programs are designed to promote the development of the children and enable their parents to fulfill their

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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.*

roles as parents and to move toward self-sufficiency. Program options include home-based, center-based, and family child care services.

Early Achievers. This program is the state's quality rating and improvement system for early child care and education. The quality of care is assigned a rating on a scale of 1-5, with Level 1 being the minimum requirements for licensing and Level 5 being the highest possible level of quality.

**Summary:** ECEAP Eligibility and Enrollment. The definition of "eligible child" is reformatted. DCYF must adopt rules that allow the enrollment of children, who do not meet the definition of "eligible child" in ECEAP, as space is available, if the number of such children equals not more than 25 percent of total statewide enrollment and the family income is:

- above 110 percent of FPL, but less than or equal to 130 percent; or
- above 130 percent of FPL, but less than or equal to 200 percent and the child meets has at least one of the risk factor criterion.

Children allowed to enroll in ECEAP must be prioritized for available funded slots according to a prioritization system adopted in rule that consider risk factors that have disproportionate effects on kindergarten readiness, including:

- family income income as a percent of the FPL;
- homelessness;
- child welfare system involvement;
- developmental delay or disability that does not meet the eligibility criteria for special education;
- domestic violence;
- English as a second language;
- expulsion from an early learning setting;
- a parent who is incarcerated;
- a parent with a substance use disorder or mental health treatment need; and
- other risk factors determined by DCYF to be linked by research to school performance.

Priority within this group must be given first to children with incomes up to 130 percent of the FPL.

DCYF must consult with the state's federally recognized tribes to explore creating a pathway or funding stream within ECEAP to address the unique characteristics of tribal nations in order to substantially close the opportunity gap for tribal children. By December 1, 2020, DCYF must report related recommendations that may include the modification of ECEAP criteria and performance standards.

Birth-to-Three Early Childhood Education and Assistance Program Pilot. Within resources available under the federal Preschool Development Grant Birth to Five award received in December 2018, DCYF must develop a plan for a phased implementation of a birth-to-three ECEAP to eligible children. An "eligible child" means a child's family income is at or below 130 percent of the FPL and under thirty-six months old.

Funds to implement the pilot project may include a combination of federal, state, or private sources.

DCYF must consider Early Head Start rules and regulations when developing requirements. Any deviations must be identified and explained in an annual report. DCYF may adopt rules to implement the pilot project and may waive or adapt ECEAP requirements when necessary.

Upon securing adequate funds to begin implementation, the pilot project programs must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in Early Achievers. DCYF must determine minimum Early Achievers ratings scores for programs participating in the pilot project.

Beginning November 1, 2020, DCYF must submit an annual report to the Governor and the Legislature that includes a status update describing the planning work completed, the status of funds secured, and any implementation activities of the pilot project, including a description of the participating programs and number of children and families served.

Obsolete statutory references are corrected and conforming amendments are made.

**Votes on Final Passage:**

Senate	47	1	
House	89	8	(House amended)
Senate	45	2	(Senate concurred)

**Effective:** July 28, 2019  
contingent (Section 4 and 5)