
SENATE BILL 5630

State of Washington

67th Legislature

2022 Regular Session

By Senator Hasegawa

Prefiled 01/03/22.

1 AN ACT Relating to expanding the statutory program of basic
2 education to include the basic education program of early learning;
3 amending RCW 28A.150.200, 43.216.020, 28A.410.210, and 28A.413.030;
4 adding a new chapter to Title 28A RCW; and providing an expiration
5 date.

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

7 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that
8 research shows that children who participate in high quality early
9 learning programs have improved school and life outcomes. The
10 legislature further finds that access to high quality early learning
11 programs and affordable child care is not equal statewide and leads
12 to disparate outcomes. Lack of access to these programs has a
13 disproportionate impact on working families, low-income families, and
14 families of color, which have been further exacerbated by the
15 COVID-19 pandemic and has impacted parents' ability to return to
16 work.

17 (2) The legislature acknowledges that the legislature passed
18 chapter 548, Laws of 2009 that stated the legislature's intent to
19 establish a program of early learning for at-risk children and
20 include it within the overall program of basic education, but this
21 program was vetoed by the governor. The legislature intends to renew

1 its goal of expanding access to high quality early learning programs
2 and address unequal access by phasing in an expanded statutory
3 program of basic education to include early learning. The basic
4 education program of early learning would be phased in for three and
5 four year olds starting in the 2026-27 school year and making it an
6 entitlement for all three and four year olds by the 2029-30 school
7 year.

8 (3) The legislature further intends to convene a work group to
9 discuss and plan the incorporation of certain early learning programs
10 into the program of basic education by the 2029-30 school year and
11 establish a robust, comprehensive system of early learning from birth
12 through age eight. The legislature intends for this state investment
13 in high quality early learning programs to improve opportunities for
14 student success in school and throughout life.

15 NEW SECTION. **Sec. 2.** RECOMMENDATIONS. (1) By December 1, 2024,
16 the office of the superintendent of public instruction, in
17 consultation with the department of children, youth, and families,
18 the Washington professional educator standards board, and the
19 Washington paraeducator board, shall examine the statutory authority,
20 rules, and jurisdiction between the K-12 and early learning education
21 systems and make recommendations to the education committees of the
22 legislature regarding changes or clarifications to the applicable
23 statutes, rules, and jurisdiction of the office of the superintendent
24 of public instruction and the department of children, youth, and
25 families that are necessary to implement this act.

26 (2) The superintendent of public instruction, the secretary of
27 the department of children, youth, and families, and the director of
28 the office of financial management, or their respective designees,
29 shall report to the appropriate committees of the legislature by
30 December 1, 2024, with recommendations for a budgeting and funding
31 allocation method for the basic education program of early learning
32 established under section 3 of this act based on an estimate of
33 eligible students. Recommendations must include a schedule of
34 implementation consistent with section 3 of this act to provide for
35 the incorporation of certain early learning programs into the program
36 of basic education by the 2029-30 school year.

37 (3) This section expires July 1, 2025.

1 NEW SECTION. **Sec. 3.** BASIC EDUCATION PROGRAM OF EARLY LEARNING.

2 (1) The basic education program of early learning is established.
3 Each school district shall provide or contract to provide a basic
4 education early learning program for all children who are three or
5 four years of age. The program must be a comprehensive program
6 providing early childhood education, family support, and options for
7 parental involvement. Participation in the program is voluntary for
8 children and family participants but must be fully implemented by
9 each school district by the 2029-30 school year.

10 (2) Beginning in the 2026-27 school year, funding for the basic
11 education program of early learning must be phased in beginning in
12 school districts with the highest poverty levels. For the purposes of
13 this section, school districts with the highest poverty levels are
14 those school districts with the highest percentages of enrolled
15 students qualifying for the free and reduced-price lunch program in
16 the prior school year. Once a school district has received funding
17 based on its poverty level, the school district shall remain eligible
18 for funding in subsequent phase-in years regardless of changes in the
19 district's percentage of poverty.

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

23 (a) Beginning in the 2026-27 school year, at least 25 percent of
24 school districts shall provide or contract to provide a basic
25 education early learning program for all children who are three or
26 four years of age;

27 (b) Beginning in the 2027-28 school year, at least 50 percent of
28 school districts shall provide or contract to provide a basic
29 education early learning program for all children who are three or
30 four years of age;

31 (c) Beginning in the 2028-29 school year, at least 75 percent of
32 school districts shall provide or contract to provide a basic
33 education early learning program for all children who are three or
34 four years of age; and

35 (d) Beginning in the 2029-30 school year, each school district
36 shall provide or contract to provide a basic education early learning
37 program for all children who are three or four years of age.

38 (4)(a) Each class within the basic education program of early
39 learning must meet the following staff-to-student ratios:

40 (i) One lead teacher for the first 10 students; and

1 (ii) One assistant teacher for 11 to 20 students.

2 (b) The same staff-to-student ratios in (a) of this subsection
3 must be met for more than 20 students.

4 (5) Instruction must be delivered by lead and assistant teachers.
5 Lead teachers must be certificated instructional staff who have met
6 the qualifications established by the Washington professional
7 educator standards board created under RCW 28A.410.270. Assistant
8 teachers must be early childhood paraeducators who have met the
9 qualifications established by the Washington paraeducator board
10 created under RCW 28A.413.020.

11 (6) Early childhood education services under the program must
12 include:

13 (a) At least a school district-wide annual average of 1,000
14 instructional hours per school year of direct early childhood
15 education delivered over the course of a minimum of 180 days of
16 scheduled classes; and

17 (b) Developmentally appropriate instruction through a planned
18 curriculum.

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

22 **Sec. 4.** RCW 28A.150.200 and 2021 c 164 s 2 are each amended to
23 read as follows:

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

33 (2) The legislature defines the program of basic education under
34 this chapter as that which is necessary to provide the opportunity to
35 develop the knowledge and skills necessary to meet the state-
36 established high school graduation requirements that are intended to
37 allow students to have the opportunity to graduate with a meaningful
38 diploma that prepares them for postsecondary education, gainful
39 employment, and citizenship. Basic education by necessity is an

1 evolving program of instruction intended to reflect the changing
2 educational opportunities that are needed to equip students for their
3 role as productive citizens and includes the following:

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

6 (b) The program of education provided by chapter 28A.190 RCW for
7 students in residential schools as defined by RCW 28A.190.005 and for
8 juveniles in detention facilities as identified by RCW 28A.190.010;

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

12 (d) Transportation and transportation services to and from school
13 for eligible students as provided under RCW 28A.160.150 through
14 28A.160.180; (~~and~~)

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

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

20 **Sec. 5.** RCW 43.216.020 and 2021 c 304 s 5 are each amended to
21 read as follows:

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

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

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

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

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

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

4 (f) To apply data already collected comparing the following
5 factors and make recommendations to the legislature in a time frame
6 which corresponds to the child care and development fund federal
7 reporting requirements, regarding working connections subsidy and
8 state-funded preschool rates and compensation models that would
9 attract and retain high quality early learning professionals:

10 (i) State-funded early learning subsidy rates and market rates of
11 licensed early learning homes, centers, and outdoor nature-based
12 child care;

13 (ii) Compensation of early learning educators in licensed
14 centers, homes, and outdoor nature-based child care, and early
15 learning teachers at state higher education institutions;

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

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

20 (g) To administer the early support for infants and toddlers
21 program in RCW 43.216.580, serve as the state lead agency for Part C
22 of the federal individuals with disabilities education act (IDEA),
23 and develop and adopt rules that establish minimum requirements for
24 the services offered through Part C programs, including allowable
25 allocations and expenditures for transition into Part B of the
26 federal individuals with disabilities education act (IDEA);

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

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

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

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

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

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

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

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

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

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

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

32 **Sec. 6.** RCW 28A.410.210 and 2017 3rd sp.s. c 26 s 2 are each
33 amended to read as follows:

34 The purpose of the Washington professional educator standards
35 board is to establish policies and requirements for the preparation
36 and certification of educators that provide standards for competency
37 in professional knowledge and practice in the areas of certification;
38 a foundation of skills, knowledge, and attitudes necessary to help
39 students with diverse needs, abilities, cultural experiences, and

1 learning styles meet or exceed the learning goals outlined in RCW
2 28A.150.210; knowledge of research-based practice; and professional
3 development throughout a career. The Washington professional educator
4 standards board shall:

5 (1) Establish policies and practices for the approval of programs
6 of courses, requirements, and other activities leading to educator
7 certification including teacher, school administrator, and
8 educational staff associate certification;

9 (2) Establish policies and practices for the approval of programs
10 and courses, requirements, and other activities leading to early
11 childhood educator certification including lead teachers as described
12 in section 3 of this act;

13 (3) Establish policies and practices for the approval of the
14 character of work required to be performed as a condition of entrance
15 to and graduation from any educator preparation program including
16 teacher, school administrator, and educational staff associate
17 preparation program as provided in subsection (1) of this section;

18 ~~((3))~~ (4) Establish a list of accredited institutions of higher
19 education of this and other states whose graduates may be awarded
20 educator certificates as teacher, school administrator, and
21 educational staff associate and establish criteria and enter into
22 agreements with other states to acquire reciprocal approval of
23 educator preparation programs and certification, including teacher
24 certification from the national board for professional teaching
25 standards;

26 ~~((4))~~ (5) Establish policies for approval of nontraditional
27 educator preparation programs;

28 ~~((5))~~ (6) Conduct a review of educator program approval
29 standards at least every five years, beginning in 2006, to reflect
30 research findings and assure continued improvement of preparation
31 programs for teachers, administrators, and school specialized
32 personnel;

33 ~~((6))~~ (7) Specify the types and kinds of educator certificates
34 to be issued and conditions for certification in accordance with
35 subsection (1) of this section, RCW 28A.410.251, and 28A.410.010;

36 ~~((7))~~ (8) Apply for and receive federal or other funds on
37 behalf of the state for purposes related to the duties of the board;

38 ~~((8))~~ (9) Adopt rules under chapter 34.05 RCW that are
39 necessary for the effective and efficient implementation of this
40 chapter;

- 1 (~~(9)~~) (10) Maintain data concerning educator preparation
2 programs and their quality, educator certification, educator
3 employment trends and needs, and other data deemed relevant by the
4 board;
- 5 (~~(10)~~) (11) Serve as an advisory body to the superintendent of
6 public instruction on issues related to educator recruitment, hiring,
7 mentoring and support, professional growth, retention, educator
8 evaluation including but not limited to peer evaluation, and
9 revocation and suspension of licensure;
- 10 (~~(11)~~) (12) Submit, by October 15th of each even-numbered year
11 and in accordance with RCW 43.01.036, a joint report with the state
12 board of education to the legislative education committees, the
13 governor, and the superintendent of public instruction. The report
14 shall address the progress the boards have made and the obstacles
15 they have encountered, individually and collectively, in the work of
16 achieving the goals set out in RCW 28A.150.210;
- 17 (~~(12)~~) (13) Establish the prospective teacher assessment system
18 for basic skills and subject knowledge that shall be required to
19 obtain residency certification pursuant to RCW 28A.410.220 through
20 28A.410.240; and
- 21 (~~(13)~~) (14) Conduct meetings under the provisions of chapter
22 42.30 RCW.

23 **Sec. 7.** RCW 28A.413.030 and 2017 c 237 s 4 are each amended to
24 read as follows:

- 25 (1) The paraeducator board has the following powers and duties:
- 26 (a) Based on the recommendations of the paraeducator work group
27 established in chapter 136, Laws of 2014, adopt: (i) Minimum
28 employment requirements for paraeducators, as described in RCW
29 28A.413.040; and (ii) paraeducator standards of practice, as
30 described in RCW 28A.413.050;
- 31 (b) Establish requirements and policies for a general
32 paraeducator certificate, as described in RCW 28A.413.070;
- 33 (c) Based on the recommendations of the paraeducator work group
34 established in chapter 136, Laws of 2014, establish requirements and
35 policies for subject matter certificates in English language learner
36 and special education, as described in RCW 28A.413.080;
- 37 (d) Based on the recommendations of the paraeducator work group
38 established in chapter 136, Laws of 2014, establish requirements and

1 policies for an advanced paraeducator certificate, as described in
2 RCW 28A.413.090;

3 (e) Establish qualifications for early childhood paraeducators
4 including assistant teachers as described in section 3 of this act.
5 When establishing these qualifications, the board must also establish
6 a pathway for licensed child care providers to meet these
7 qualifications by recognizing their child care or related experience
8 such as a noncredit-bearing, community-based training pathway or an
9 apprenticeship pathway;

10 (f) By September 1, 2018, approve, and develop if necessary,
11 courses required to meet the provisions of this chapter, where the
12 courses are offered in a variety of means that will limit cost and
13 improve access;

14 (~~(f)~~) (g) Make policy recommendations, as necessary, for a
15 paraeducator career ladder that will increase opportunities for
16 paraeducator advancement through advanced education, professional
17 learning, and increased instructional responsibility;

18 (~~(g)~~) (h) Collaborate with the office of the superintendent of
19 public instruction to adapt the electronic educator certification
20 process to include paraeducator certificates; and

21 (~~(h)~~) (i) Adopt rules under chapter 34.05 RCW that are
22 necessary for the effective and efficient implementation of this
23 chapter.

24 (2) The superintendent of public instruction shall act as the
25 administrator of any such rules and have the power to issue any
26 paraeducator certificates and revoke the same in accordance with
27 board rules.

28 NEW SECTION. Sec. 8. Sections 1 through 3 of this act
29 constitute a new chapter in Title 28A RCW.

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