
HOUSE BILL 1351

State of Washington

69th Legislature

2025 Regular Session

By Representatives Bernbaum, Eslick, Springer, Ormsby, Salahuddin, Parshley, Hill, Doglio, Hunt, Pollet, Cortes, and Nance

Read first time 01/16/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to age requirements for accessing the early
2 childhood education and assistance program; amending RCW 43.216.512
3 and 43.216.513; providing an effective date; and providing an
4 expiration date.

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

6 **Sec. 1.** RCW 43.216.512 and 2024 c 225 s 3 are each amended to
7 read as follows:

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

13 (a) The child's family income is above one hundred ten percent
14 but less than or equal to one hundred thirty percent of the federal
15 poverty level;

16 (b) The child's family income is above one hundred thirty percent
17 but less than or equal to two hundred percent of the federal poverty
18 level if the child meets at least one of the risk factor criterion
19 described in subsection (2) of this section; or

20 (c) Beginning November 1, 2024, the child is not eligible under
21 RCW 43.216.505 and is a member of an assistance unit that is eligible

1 for or is receiving basic food benefits under the federal
2 supplemental nutrition assistance program or the state food
3 assistance program.

4 (2) Children enrolled in the early childhood education and
5 assistance program pursuant to subsection (1)(b) of this section must
6 be prioritized for available funded slots according to a
7 prioritization system adopted in rule by the department that
8 considers risk factors that have a disproportionate effect on
9 kindergarten readiness and school performance, including:

- 10 (a) Family income as a percent of the federal poverty level;
- 11 (b) Homelessness;
- 12 (c) Child welfare system involvement;
- 13 (d) Developmental delay or disability that does not meet the
14 eligibility criteria for special education described in RCW
15 28A.155.020;
- 16 (e) Domestic violence;
- 17 (f) English as a second language;
- 18 (g) Expulsion from an early learning setting;
- 19 (h) A parent who is incarcerated;
- 20 (i) A parent with a substance use disorder or mental health
21 treatment need; and
- 22 (j) Other risk factors determined by the department to be linked
23 by research to school performance.

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

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

32 ~~((b))~~ (ii) Has received services from or participated in:
33 ~~((i))~~ (A) The early support for infants and toddlers program;
34 ~~((ii))~~ (B) The early head start or a successor federal program
35 providing comprehensive services for children from birth through two
36 years of age; or

37 ~~((iii))~~ (C) The birth to three early childhood education and
38 assistance program, if such a program is established; or

39 (b) Meets the definition of eligible child under RCW 43.216.505
40 aside from age criteria under that definition.

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

5 **Sec. 2.** RCW 43.216.513 and 2021 c 199 s 206 are each amended to
6 read as follows:

7 (1) 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 and subject to the availability of amounts appropriated for
10 this specific purpose, when the child is not eligible under RCW
11 43.216.505 and the child turns three years old at any time during the
12 school year when the child:

13 (a) (i) Has a family income at or below 50 percent of the state
14 median income or meets at least one risk factor criterion adopted by
15 the department in rule; and

16 ~~((b))~~ (ii) Has received services from or participated in:

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

20 ~~((ii))~~ (B) The early support for infants and toddlers program
21 or received class C developmental services;

22 ~~((iii))~~ (C) The birth to three early childhood education and
23 assistance program; or

24 ~~((iv))~~ (D) The early childhood intervention and prevention
25 services program; or

26 (b) Meets the definition of eligible child under RCW 43.216.505
27 aside from age criteria under that definition.

28 (2) Children enrolled in the early childhood education and
29 assistance program under this section are not eligible children as
30 defined in RCW 43.216.505 and are not part of the state-funded
31 entitlement required in RCW 43.216.556.

32 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,
33 2026.

34 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
35 2026.

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