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**SUBSTITUTE HOUSE BILL 2448**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Goodman, Walsh, Maxwell, Dammeier, Kagi, Hope, Haigh, Santos, Roberts, Sullivan, Orwall, Dahlquist, Pollet, Jinkins, Lytton, Haler, Dickerson, Moscoso, Appleton, Sequist, Springer, Kelley, Billig, Ormsby, and Kenney)

READ FIRST TIME 01/31/12.

1       AN ACT Relating to improving access to high-quality early learning  
2 programs; amending RCW 43.215.141 and 43.215.142; adding new sections  
3 to chapter 43.215 RCW; creating new sections; and repealing RCW  
4 43.215.140.

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

6       NEW SECTION. **Sec. 1.** The legislature finds that children who have  
7 high-quality early learning opportunities from birth through age five  
8 are more likely to succeed throughout their K-12 education and beyond,  
9 and are less likely to require grade-level retention and special  
10 education. The legislature also finds that access to high-quality  
11 preschool programs varies widely around the state based on many  
12 factors, including program availability and family income. The  
13 legislature further finds that a comprehensive preschool program such  
14 as the early childhood education and assistance program that offers  
15 health, nutrition, and family support services to at-risk children and  
16 their families promotes improved educational, economic, and life  
17 outcomes. The legislature further finds that a high-quality preschool  
18 program that is offered to children from families of various income  
19 levels can effectively provide developmental benefits to lower-income

1 children, while addressing gaps in availability for working class and  
2 middle-class families who may not be able to afford high-quality  
3 preschool. The legislature also finds that a key strategy in the  
4 state's ten-year early learning plan is supporting parent choice and  
5 school readiness by implementing voluntary preschool using a mixed  
6 delivery system for all three and four year old children in Washington.  
7 The legislature also finds that aligning targeted infant and toddler  
8 opportunities, including high-quality child care, with preschool is  
9 critical to the success of Washington's education system and to closing  
10 the gap in student achievement.

11 Therefore, the legislature intends to create a more comprehensive,  
12 voluntary, high-quality preschool program in Washington that, upon full  
13 implementation, shall be available to all three and four year old  
14 children in Washington. The Washington preschool program must align  
15 with the early learning quality improvement systems and Washington's  
16 longitudinal education data system. The legislature also intends to  
17 concurrently phase in targeted birth-to-three programs, including high-  
18 quality child care, as a component of the implementation of the new  
19 Washington preschool program. The legislature supports a mixed  
20 delivery system for early learning, including preschool, which allows  
21 parents to choose high-quality providers in their own communities.

22 **Sec. 2.** RCW 43.215.141 and 2010 c 231 s 3 are each amended to read  
23 as follows:

24 (1) Beginning ~~((September 1, 2011, an early learning))~~ with the  
25 2014-15 school year, the Washington preschool program shall be  
26 implemented to provide voluntary preschool opportunities for children  
27 three and four years of age ~~((shall be implemented))~~ according to the  
28 funding and implementation plan in RCW 43.215.142. ~~((The program must~~  
29 ~~be a comprehensive program providing early childhood education and~~  
30 ~~family support, options for parental involvement, and health~~  
31 ~~information, screening, and referral services, as family need is~~  
32 ~~determined. Participation in the program is voluntary. On a space~~  
33 ~~available basis, the program may allow enrollment of children who are~~  
34 ~~not otherwise eligible by assessing a fee.))~~

35 (2) ~~((The first phase of the program shall be implemented by~~  
36 ~~utilizing the program standards and eligibility criteria in the early~~  
37 ~~childhood education and assistance program.~~

1       ~~(3))~~ In establishing the Washington preschool program in this  
2 section, the director shall adopt rules or program performance  
3 standards for the following program components(~~(, as appropriate and~~  
4 necessary during the phased implementation of the program)):

5       ~~(a) ((Minimum program standards, including lead teacher, assistant~~  
6 ~~teacher, and staff qualifications;~~

7       ~~(b) Approval of program providers; and~~

8       ~~(c) Accountability and adherence to performance standards))~~ All  
9 three and four year old children are eligible to attend. However,  
10 families with incomes that exceed two hundred fifty percent of the  
11 federal poverty level shall be required to pay a copay at a rate  
12 established by the director. During the initial implementation phases  
13 of the Washington preschool program, the director shall establish  
14 guidelines for prioritizing eligible children;

15       (b) Transportation of children shall be an allowable expense of the  
16 provider, but the provider shall not be required to provide  
17 transportation for children participating in the program;

18       (c) A minimum of four hundred fifty classroom hours must be  
19 provided each year;

20       (d) Lead teachers shall be required to have a bachelor's degree in  
21 early childhood education or a related field or demonstrate equivalent  
22 competencies, or a bachelor's degree and demonstrated competencies.  
23 Assistant teachers shall be required to have an associate of arts  
24 degree in early childhood education or a related field or demonstrate  
25 equivalent competencies, or an associate of arts degree and  
26 demonstrated competencies. These degree requirements may be phased in  
27 consistent with section 4 of this act;

28       (e) Class size may not exceed twenty children per class;

29       (f) The teacher:child ratio may not exceed one teacher to ten  
30 children;

31       (g) Lead teachers shall be required to complete one hundred hours  
32 of approved continuing education or equivalent academic credit every  
33 five years; and

34       (h) Child health coordination services and family supports  
35 consistent with RCW 43.215.405(6) must be provided.

36       ~~((+4))~~ (3) The department has administrative responsibility for:

37       (a) Overseeing selection panels for approving and contracting with  
38 providers according to rules developed by the director under this

1 section. Upon expansion of the program, the contract selection panels  
2 will include diverse representation including, but not limited to,  
3 family child care homes, child care centers, traditionally  
4 underrepresented racial and ethnic communities, and low-income parents.  
5 The rules shall allow public and private early learning providers to  
6 apply, providing that the program curriculum is free from religious  
7 instruction, activities, symbolism, and control or influence. Eligible  
8 providers may include, but are not limited to, nonprofit, profit, and  
9 faith-based organizations; licensed child care centers and family  
10 homes; private schools; school districts; educational service  
11 districts; community and technical colleges; local governments; tribes;  
12 and tribal organizations;

13 (b) Monitoring classroom quality;

14 (c) Requiring the administration of a child assessment of social-  
15 emotional, cognitive, and physical development that is directly aligned  
16 with the kindergarten inventory established in RCW 28A.150.315(2);

17 ~~((b) In partnership with school districts, monitoring program~~  
18 ~~quality and assuring the program is responsive to the needs of eligible~~  
19 ~~children;~~

20 ~~(e))~~ (d) Assuring that program providers work cooperatively with  
21 school districts to coordinate the transition from preschool to  
22 kindergarten so that children and their families are well-prepared and  
23 supported; ~~(and~~

24 ~~(d))~~ (e) Providing technical assistance to contracted providers  
25 and other providers who wish to offer the Washington preschool program;

26 (f) Providing information regarding program and child outcome data  
27 to the education data center created in RCW 43.41.400; and

28 (g) Submitting a report annually to the governor, the  
29 superintendent of public instruction, and the legislature that provides  
30 information regarding the program. The report shall include child  
31 outcomes, performance goals, the extent in which the goals are being  
32 met, and the status of program implementation. The first report must  
33 be submitted by December 1, 2015, and annually thereafter.

34 **Sec. 3.** RCW 43.215.142 and 2010 c 231 s 4 are each amended to read  
35 as follows:

36 (1) Funding for the Washington preschool program ~~((of—early~~  
37 ~~learning))~~ established under this chapter must be appropriated to the

1 department. (~~Allocations must be made on the basis of eligible~~  
2 ~~children enrolled with eligible providers.~~) The department must  
3 develop a formula to recommend to the legislature to be used to  
4 allocate funds to program providers.

5 (2) The Washington preschool program shall be implemented in  
6 phases, so that full implementation is achieved in the ~~((2018-19))~~  
7 2024-25 school year. As the Washington preschool program is  
8 implemented, it is the intent of the legislature that additional  
9 enrollment slots will be funded for the program and that existing  
10 enrollment slots in the early childhood education and assistance  
11 program will be transferred over time to this program.

12 (3) For the ~~((initial phase of the early learning program in school~~  
13 ~~years))~~ 2011-12 ~~((and))~~, 2012-13, and 2013-14 school years, the  
14 legislature shall appropriate funding to the department for  
15 ~~((implementation of))~~ the early childhood education and assistance  
16 program in an amount not less than the 2009-2011 enacted budget for the  
17 early childhood education and assistance program. The appropriation  
18 shall be sufficient to fund an equivalent number of slots as funded in  
19 the 2009-2011 enacted budget. Funding for the Washington preschool  
20 program shall not supplant or divert funding for subsidized child care  
21 programs, including but not limited to the working connections child  
22 care or seasonal child care programs.

23 (4) Beginning in the ~~((2013-14))~~ 2014-15 school year, additional  
24 funding for the Washington preschool program must be phased in  
25 beginning in elementary school ~~((districts))~~ enrollment areas, as  
26 defined by school districts, providing all-day kindergarten programs  
27 under RCW 28A.150.315 and where there is lower than average access to  
28 head start or the early childhood education and assistance program.

29 (5) Funding shall continue to be phased in incrementally each year  
30 until full statewide implementation of the ~~((early learning))~~  
31 Washington preschool program is achieved in the ~~((2018-19))~~ 2024-25  
32 school year, at which time any eligible child shall be entitled to be  
33 enrolled in the program.

34 (6) The department and the office of financial management shall  
35 annually review the caseload forecasts for the program and, beginning  
36 December 1, 2012, and annually thereafter, report to the governor and  
37 the appropriate committees of the legislature with recommendations for

1 phasing in additional funding necessary to achieve statewide  
2 implementation of the Washington preschool program in the ((2018-19))  
3 2024-25 school year.

4 ((School districts and approved community based early learning  
5 providers may contract with the department to provide services under  
6 the program.)) The department shall collaborate with school districts,  
7 community-based providers, and educational service districts to promote  
8 an adequate supply of approved providers and must encourage and support  
9 the inclusion of family home child care and child care centers in the  
10 delivery of high-quality preschool programs.

11 (8) The department may adopt rules to implement this section and  
12 RCW 43.215.141.

13 NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW  
14 to read as follows:

15 The early learning advisory council shall establish a subcommittee  
16 to guide the development and implementation of the Washington preschool  
17 program created in RCW 43.215.141. The subcommittee's duties include,  
18 but are not limited to:

19 (1) Establishing criteria and a process for lead and assistant  
20 teachers to demonstrate the required competencies or equivalent  
21 competencies;

22 (2) Establishing criteria and a process for approving continuing  
23 education and academic credits;

24 (3) Establishing qualifications and continuing education  
25 requirements for other staff in addition to lead and assistant  
26 teachers; and

27 (4) Developing a recommended schedule to phase in degree and  
28 equivalent competency requirements provided in RCW 43.215.141(2)(d) for  
29 lead and assistant teachers. The subcommittee shall present its  
30 initial recommendations to the early learning advisory council and the  
31 legislature by December 2012, and final recommendations in December  
32 2013. When developing the schedule, the subcommittee must consult and  
33 collaborate with other entities and stakeholders including, but not  
34 limited to: The professional educator standards board, state board for  
35 community and technical colleges, higher education coordinating board,  
36 the nongovernmental private-public partnership under this chapter,  
37 tribes, service employees international union local 925, child care

1 centers, early childhood education and assistance program and head  
2 start associations, and the Puget Sound educational service district to  
3 determine:

4 (a) Capacity at higher education institutions to implement degree  
5 requirements;

6 (b) Availability of financial aid to ensure access to degree  
7 requirements;

8 (c) Availability of classes for nontraditional students including  
9 online, evening, and weekend offerings;

10 (d) Availability of additional resources to meet the unique needs  
11 of tribes, family child care providers, and other nontraditional care  
12 including, but not limited to, mentoring, coaching, or other resources  
13 to ensure all child care providers have access to ongoing education  
14 opportunities;

15 (e) Additional pathways to demonstrate competencies, including  
16 consideration of the quality rating and improvement system ratings as  
17 a mechanism to demonstrate high-quality services eligible to apply for  
18 contracts for the Washington preschool program; and

19 (f) Development of a teacher compensation model.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.215 RCW  
21 to read as follows:

22 (1) The early learning advisory council shall establish a preschool  
23 readiness subcommittee, which shall be cochaired by the department and  
24 the nongovernmental private-public partnership established in RCW  
25 43.215.070. The subcommittee shall be composed of at least one  
26 representative from each of the following:

27 (a) The early learning advisory council;

28 (b) The office of the superintendent of public instruction;

29 (c) The department of social and health services;

30 (d) The department of early learning;

31 (e) The nongovernmental private-public partnership created in RCW  
32 43.215.070; and

33 (f) Additional stakeholders with expertise in birth-to-three policy  
34 and programs and quality child care, as designated by the early  
35 learning advisory council.

36 (2) The subcommittee may convene advisory subgroups on specific

1 topics as necessary to assure participation and input from a broad  
2 array of diverse stakeholders.

3 (3) The subcommittee shall be monitored and overseen by the early  
4 learning advisory council created in RCW 43.215.090.

5 (4) In 2011-12 and 2012-13 school years, the subcommittee shall  
6 develop a preschool readiness proposal, to further develop the  
7 Washington State Birth to 3 Plan and include high-quality child care  
8 programming. The subcommittee, at minimum, must include the following  
9 recommendations in its preschool readiness proposal:

10 (a) Program standards including, but not limited to, direct  
11 services to be provided, and professional qualifications;

12 (b) Performance measures;

13 (c) Funding eligibility criteria for providers and programs;

14 (d) Funding mechanisms needed to concurrently phase-in preschool  
15 readiness programs;

16 (e) Funding necessary to implement preschool readiness programs;

17 (f) Governance responsibilities for the department of early  
18 learning; and

19 (g) A timeline for implementation that is concurrent with the  
20 expansion of the Washington preschool program created in RCW  
21 43.215.141.

22 (5) While developing the preschool readiness proposal, the  
23 subcommittee must review programs that are part of a system of  
24 voluntary, intensive, research-based, comprehensive prevention services  
25 for expectant parents and families with children from birth to age  
26 three who are at-risk of academic failure. The subcommittee must  
27 review programs including, but not limited to, state early head start,  
28 home visiting, and other high-quality program models that serve  
29 children from birth to three.

30 (6) The subcommittee shall present its initial recommendations to  
31 the early learning advisory council and the legislature by December  
32 2012, and final recommendations in December 2013. Thereafter, the  
33 subcommittee shall report to the early learning advisory council and  
34 relevant legislative committees each year.

35 NEW SECTION. **Sec. 6.** RCW 43.215.140 (Definitions) and 2010 c 231  
36 s 2 are each repealed.



1        NEW SECTION.    **Sec. 7.**    This act may be known and cited as the  
2    high-quality early learning act.

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