

**RCW 43.216.512 Expanded enrollment—Risk factors—Participation in other programs. (Effective until July 1, 2026.)** (1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available if the number of such children equals not more than twenty-five percent of total statewide enrollment, whose family income is:

(a) Above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; or

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

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

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

(b) Homelessness;

(c) Child welfare system involvement;

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

(e) Domestic violence;

(f) English as a second language;

(g) Expulsion from an early learning setting;

(h) A parent who is incarcerated;

(i) A parent with a substance use disorder or mental health treatment need; and

(j) Other risk factors determined by the department to be linked by research to school performance.

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

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

(b) Has received services from or participated in:

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

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

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

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

[2019 c 409 § 2; 2019 c 408 § 5; 2018 c 155 § 2.]

**Contingent effective dates—2019 c 409 §§ 1 and 2:** "(1) Section 2 of this act takes effect only if chapter 408, Laws of 2019 is enacted by July 28, 2019.

(2) Section 1 of this act takes effect only if section 2 of this act does not take effect by July 28, 2019." [2019 c 409 § 3.] Second Substitute Senate Bill No. 5437 was enacted into law May 21, 2019.

**Contingent effective dates—2019 c 408 §§ 4 and 5:** "(1) Section 5 of this act takes effect only if chapter 409, Laws of 2019 is enacted by July 28, 2019.

(2) Section 4 of this act takes effect only if section 5 of this act does not take effect by July 28, 2019." [2019 c 408 § 13.] Substitute Senate Bill No. 5089 was enacted into law May 21, 2019.

**Findings—Intent—2019 c 408:** "The legislature finds that the family income eligibility limit of one hundred ten percent of the federal poverty level for the early childhood education and assistance program hinders the state's ability to recruit and enroll qualified families, particularly in rural areas of the state and in tribal communities. This income barrier results in unused preschool slots and growing waiting lists of children who are from low-income families but who are over the established income limits. Therefore, the legislature intends to keep the qualifying income for the early childhood education and assistance program at one hundred ten percent of the federal poverty level for the purposes of entitlement caseload forecasting and allow for the flexibility to serve additional children with family incomes up to two hundred percent of the federal poverty level." [2019 c 408 § 1.]

**Effective date—2018 c 155:** "This act takes effect July 1, 2018." [2018 c 155 § 5.]

**Findings—Intent—2018 c 155:** "The legislature finds that research continues to demonstrate the efficacy of the state's early childhood education and assistance program, known as ECEAP. Studies in Washington and from other states show that ECEAP prepares children for kindergarten success and has significant positive impacts on third, fourth, and fifth grade test scores. The legislature also finds that in some areas of the state, expanding ECEAP has proven challenging because there are too few eligible children to form an ECEAP classroom. The result is that children who are income eligible and the furthest from opportunity remain unserved. The legislature finds further that in other ECEAP classrooms, funded seats remain empty because providers do not have sufficient flexibility to serve families in need who are slightly over income but often have similar risk factors. The legislature intends, therefore, to provide more flexibility in determining eligibility for ECEAP in order to maximize the state's investment and assure that program funding is deployed to serve the greatest number of children and families." [2018 c 155 § 1.]

**RCW 43.216.512 Expanded enrollment—Risk factors. (Effective July 1, 2026, until August 1, 2030.)** (1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available, if the number of such children equals not more than 25 percent of total statewide enrollment, when the child is not eligible under RCW 43.216.505 and whose family income level is above 36 percent of the state median income but at or below 50 percent of the state median income adjusted

for family size and the child meets at least one of the risk factor criterion described in subsection (2) of this section.

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

- (a) Family income as a percent of the state median income;
- (b) Child welfare system involvement;
- (c) Eligible for services under part C of the federal individuals with disabilities education act but not eligible for services under part B of the federal individuals with disabilities education act;
- (d) Domestic violence;
- (e) English as a second language;
- (f) Expulsion from an early learning setting;
- (g) A parent who is incarcerated;
- (h) A parent with a behavioral health treatment need; and
- (i) Other risk factors determined by the department to be linked by research to school performance.

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

(4) This section expires August 1, 2030. [2021 c 199 § 205; 2019 c 409 § 2; 2019 c 408 § 5; 2018 c 155 § 2.]

**Effective date—2021 c 199 §§ 204-206 and 403:** See note following RCW 43.216.505.

**Findings—Intent—2021 c 199 §§ 204-208:** See note following RCW 43.216.513.

**Short title—Findings—Intent—Conflict with federal requirements—2021 c 199:** See notes following RCW 43.216.770.

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