

# Proposed Substitute House Bill 1550 (H-1128.3)

House Education Committee

By Representative Santos

## Original Bill:

- Establishes the transition to kindergarten program to provide no-charge assistance to eligible children in need of additional preparation to be successful kindergarten students in the following school year.
- Prohibits, as of August 31, 2024, operation of a transitional kindergarten program.
- Provides that, beginning with the 2024-25 school year, early entry to kindergarten is limited to children who are likely to be successful in kindergarten.

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## Proposed Substitute House Bill (H-1128.3) compared to the Original Bill:

- 1) Modifies the duties of the Secretary of the Department of Children, Youth, and Families (DCYF) and the DCYF, for example, by:
  - a. eliminating duties to co-administer the transition to kindergarten (TTK) program, including requirements to adopt rules related to TTK quality and standards;
  - b. directing the DCYF to publish a list of developmentally appropriate curricula; and
  - c. directing the DCYF to align Early Childhood Education and Assistance Program (ECEAP) implementation with school district offered preschool programs and report the changes to the Legislature;
- 2) Directs the DCYF and the Office of the Superintendent of Public Instruction to implement an early learning through secondary education data system that uses a single student identifier;
- 3) Modifies early kindergarten admission provisions by including a role for the Educational Service Districts;
- 4) Makes changes to the TTK program, for example, by:
  - a. requiring the OSPI to distribute state funding per eligible child enrolled in a TTK program that is the greater of: the statewide per kindergarten student base allocation; or an amount specified in the Omnibus Appropriations Act (rather than per ECEAP student amounts);
  - b. modifying child eligibility and prioritization provisions;
  - c. modifying the education requirements for classroom teachers;
  - d. requiring that programs be offered for the full school day and the full school year;
  - e. modifying reapproval and reauthorization provisions;
  - f. striking the licensing requirement;
  - g. limiting authorized school districts, approved program sites, and enrolled eligible children as required by the Omnibus Appropriations Act;
- 5) Makes other changes, including modifying intent language, wordsmithing, and restructuring.

Staff: Megan Wargacki

Date: February 8, 2023

1 AN ACT Relating to assisting eligible children in need of  
2 additional preparation to be successful in kindergarten by replacing  
3 transitional kindergarten with a legislatively established and  
4 authorized transition to kindergarten program; amending RCW  
5 28A.225.160, 43.216.085, and 43.216.655; adding new sections to  
6 chapter 28A.300 RCW; adding new sections to chapter 43.216 RCW;  
7 creating new sections; and providing expiration dates.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that high  
10 quality early learning is the best way to ensure children have the  
11 social-emotional skills and other skills they need to enter  
12 kindergarten ready to learn. Unfortunately, too many children across  
13 the state do not have access to high quality early learning.

14 (2) The legislature recognizes that the early childhood education  
15 and assistance program, the state's preschool program, is expanding  
16 and will become an entitlement for eligible children in the year  
17 2026. The fair start for kids act, enacted in 2021, is helping to  
18 expand access to more affordable, high quality child care; and early  
19 learning and federal early learning programs serve thousands of  
20 families across the state.

1 (3) However, the legislature finds that these early learning  
2 programs do not yet reach all families in need. As a result, there  
3 are children about to enter kindergarten who need an opportunity for  
4 high quality preschool in order to be successful kindergarten  
5 students in the following school year. Some school districts and  
6 charter schools have attempted to address this gap by creating  
7 programs referred to as transitional kindergarten using allocations  
8 appropriated for the state's program of basic education. These  
9 extrastatutory programs are established by school districts and  
10 charter schools on an ad hoc basis and not all of the programs  
11 referred to as transitional kindergarten meet the high quality age-  
12 appropriate early learning standards that other state-funded early  
13 learning programs are required to meet.

14 (4) Therefore, the legislature intends to establish a transition  
15 to kindergarten program that meets early learning standards in lieu  
16 of transitional kindergarten programs and to help fill in gaps in  
17 access to high quality early learning for eligible children. The  
18 legislature intends to provide state funding, which is separate from  
19 and in addition to the state basic education allocation, for the  
20 transition to kindergarten program so that it can be offered at no  
21 charge to eligible students, and to prohibit the use of state basic  
22 education allocations for this program. The legislature further  
23 intends to clarify that these transition to kindergarten programs,  
24 which are offered at the school district's option, are not part of  
25 the state's required minimum instructional program of basic education  
26 and do not constitute enrollments for purposes of generating state  
27 basic education funding allocations. The legislature also intends to:  
28 Require that the early learning ecosystem work together; promote  
29 coordinated systems of comprehensive early learning services;  
30 maximize efficient use of state, federal, and local resources; and  
31 ensure that children and families get the early learning services  
32 they need in the most appropriate setting.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300  
34 RCW to read as follows:

35 (1) **Establishment.**

36 (a) The transition to kindergarten program is established to  
37 assist eligible children in need of additional preparation to be  
38 successful kindergarten students in the following school year. The

1 program is not part of the state's instructional program of basic  
2 education under RCW 28A.150.220.

3 (b) The office of the superintendent of public instruction shall  
4 administer the program as required by this section.

5 (2) **Authorizations and approvals.** The office of the  
6 superintendent of public instruction may authorize school districts  
7 to offer a program, approve program sites at one or more of an  
8 authorized school district's schools, and cap eligible child  
9 enrollment for each authorized school district as required by this  
10 subsection (2).

11 (a) The office of the superintendent of public instruction must  
12 develop a process for school districts to apply to operate or expand  
13 a program. At a minimum, the application must:

14 (i) Specify the number of program sites the school district is  
15 applying for and the intended number of eligible children to be  
16 enrolled at each site;

17 (ii) Describe the screening process or other instruments that the  
18 school district will use to individually determine whether an  
19 eligible child has a developmental delay or otherwise needs  
20 additional preparation to be successful in kindergarten in the  
21 following school year. Eligible children who are on the waitlist for  
22 early childhood education and assistance program sites are not  
23 required to be screened; and

24 (iii) Outline the school district's plan for coordinated  
25 recruitment and enrollment with other early learning program  
26 providers.

27 (b) In order to distribute high quality early learning programs  
28 across communities in an equitable and effective manner, the  
29 following activities must be coordinated with the department of  
30 children, youth, and families, in consideration of planned expansion  
31 of early childhood education and assistance program sites and  
32 eligibility criteria, as well as to an entitlement: Authorization of  
33 school districts to offer a program; approval of program sites at one  
34 or more of an authorized school district's schools; and capping  
35 eligible child enrollment. In addition, the office of the  
36 superintendent of public instruction must limit the number of  
37 authorized school districts, approved program sites, and enrolled  
38 eligible children as required by the omnibus operating appropriations  
39 act.

1 (3) **Operations.** Authorized school districts operating a program  
2 must meet the requirements in this subsection (3).

3 (a) Authorized school districts must engage in a planning year  
4 before operating a program site, during which it must prepare for  
5 compliance with applicable rules.

6 (b) Authorized school districts may not charge tuition or other  
7 fees to state-funded eligible children for enrollment in a program.

8 (c) Authorized school districts must avoid adversely impacting  
9 enrollment in other high quality early learning programs by using a  
10 coordinated recruitment and enrollment plan to prioritize eligible  
11 children for enrollment in the program in the following order:

12 (i) Eligible children on the waitlist for, but not scheduled for  
13 enrollment in, an early childhood education and assistance program  
14 site; then

15 (ii) Eligible children who have been individually determined  
16 through a screening process or other instruments to have a  
17 developmental delay or otherwise need additional preparation to be  
18 successful in kindergarten in the following school year with priority  
19 to the eldest children and the children with the lowest household  
20 incomes.

21 (d) Authorized school districts must offer the program for the  
22 full school day and the full school year.

23 (e) Authorized school districts must participate in the early  
24 achievers program established under RCW 43.216.085.

25 (f) Authorized school districts must require that program sites  
26 use developmentally appropriate curricula.

27 (g) Each program classroom must be staffed with a teacher who  
28 holds a valid Washington teacher certificate and who either:

29 (i) Holds an early childhood education endorsement or an early  
30 childhood special education endorsement; or

31 (ii) Holds an elementary education endorsement and, within five  
32 years of initial assignment to the program, completes at least 30  
33 college credits related to the state early childhood education core  
34 competencies established by the department of children, youth, and  
35 families.

36 (h) Authorized school districts are prohibited from establishing  
37 a policy of excluding an eligible child due only to the presence of a  
38 disability.

1 (i) Authorized school districts must work in collaboration with  
2 early learning partners to promote coordinated systems of  
3 comprehensive early childhood services.

4 (j) Nothing in this section prohibits authorized school districts  
5 from blending or colocating early learning programs, such as the  
6 program established under this section, the early childhood education  
7 and assistance program, the federal head start program, or private  
8 pay programs.

9 (4) **Funding.**

10 (a) The office of the superintendent of public instruction must  
11 distribute to authorized school districts an amount per eligible  
12 child enrolled in a program that is the greater of: (i) The estimated  
13 allocation per kindergarten student statewide generated by the  
14 distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8),  
15 and the allocation under RCW 28A.150.415; or (ii) an amount as  
16 specified in the omnibus operating appropriations act.

17 (b) The office of the superintendent of public instruction must  
18 submit to the legislature by each December 1st a report that includes  
19 the following data: (i) The number of state-funded eligible children  
20 enrolled in programs operated by authorized school districts in the  
21 current school year; and (ii) the estimated number of eligible  
22 children that authorized school districts intend to enroll in the  
23 following school year.

24 (5) **Reapprovals and reauthorizations.** The office of the  
25 superintendent of public instruction must establish processes to  
26 reapprove program sites and reauthorize school districts,  
27 periodically and, at a minimum, as required in the omnibus operating  
28 appropriations act. If an authorized school district or approved  
29 program site will be discontinued or otherwise not provided with  
30 state funding, the office of the superintendent of public instruction  
31 must provide the authorized school district with at least one year of  
32 notice.

33 (6) **Rules.** The office of the superintendent of public instruction  
34 shall adopt rules under chapter 34.05 RCW for the authorization of,  
35 the administration of, and the allocation of state funding for the  
36 transition to kindergarten program. Where applicable, the office of  
37 the superintendent of public instruction shall collaborate with the  
38 department of children, youth, and families in the development of the  
39 rules.

1 (7) **Definitions.** The definitions in this subsection apply  
2 throughout this section unless the context clearly requires  
3 otherwise.

4 (a) "Approved school district" means a school district approved  
5 by the office of the superintendent of public instruction to operate  
6 a program under this section.

7 (b) "Common school" has the same meaning as in RCW 28A.150.020.

8 (c) "Eligible child" means a child who turns five years old  
9 between September 1st of the year of admission to the program and the  
10 following August 31st, who does not have access to enroll in a  
11 federal or state program providing high quality early learning  
12 services, who has not participated in a formal early learning  
13 program, and who either:

14 (i) Is on the waitlist for, but not scheduled for enrollment in,  
15 an early childhood education and assistance program; or

16 (ii) Has been individually determined through a screening process  
17 or other instruments to have a developmental delay or otherwise needs  
18 additional preparation to be successful in kindergarten in the  
19 following school year.

20 (d) "Program" means the transition to kindergarten program  
21 established in this section.

22 (e) "Program site" means a school in an authorized school  
23 district that is approved by the office of the superintendent of  
24 public instruction to operate a program.

25 NEW SECTION. **Sec. 3.** (1) The office of the superintendent of  
26 public instruction shall develop and implement a conversion plan to  
27 assist school districts that offered a program referred to as  
28 transitional kindergarten during the 2022-23 school year to be  
29 authorized to offer a transition to kindergarten program under  
30 section 2 of this act. The plan must include a process for  
31 coordinating approval of future sites and slots for the transition to  
32 kindergarten program and the early childhood education and assistance  
33 program. The goal of the process is to distribute future sites and  
34 slots across communities in an equitable and effective manner.

35 (2) Rules may not be adopted under section 2 of this act until  
36 the superintendent of public instruction has developed and commenced  
37 implementation of the conversion plan required by this section.

38 (3) This section expires June 30, 2026.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 28A.300  
2    RCW to read as follows:

3        (1) By October 1, 2023, school districts and charter schools that  
4    offered a program referred to as transitional kindergarten during the  
5    2022-23 school year must submit a report to the office of the  
6    superintendent of public instruction describing the screening process  
7    or other instruments used to determine children's eligibility for the  
8    program.

9        (2) By August 31, 2024, school districts and charter schools must  
10    cease operation of programs referred to as transitional kindergarten  
11    and may no longer report transitional kindergarten students as  
12    kindergarten students for purposes of receiving basic education  
13    allocations under RCW 28A.150.250.

14        (3) As used in this section, "transitional kindergarten" means an  
15    extrastatutory instructional program, based on kindergarten standards  
16    rather than on developmentally appropriate early learning standards,  
17    established on an ad hoc basis for children below the age of five who  
18    do not have access to high quality early learning experiences prior  
19    to kindergarten, and who have been deemed by a school district or  
20    charter school, through a screening process or other instrument, to  
21    be in need of additional preparation to be successful in kindergarten  
22    the following year.

23        **Sec. 5.**    RCW 28A.225.160 and 2009 c 380 s 3 are each amended to  
24    read as follows:

25        (1) Except as provided in subsection (2) of this section and  
26    otherwise provided by law, it is the general policy of the state that  
27    the common schools shall be open to the admission of all persons who  
28    are five years of age and less than (~~(twenty-one)~~) 21 years residing  
29    in that school district. Except as otherwise provided by law or rules  
30    adopted by the superintendent of public instruction, districts may  
31    establish uniform entry qualifications, including but not limited to  
32    birthdate requirements, for admission to kindergarten and first grade  
33    programs of the common schools. Such rules may provide for exceptions  
34    based upon the ability, or the need, or both, of an individual  
35    student. For the purpose of complying with any rule adopted by the  
36    superintendent of public instruction that authorizes a preadmission  
37    screening process as a prerequisite to granting exceptions to the  
38    uniform entry qualifications, a school district may collect fees to  
39    cover expenses incurred in the administration of any preadmission



1 screening process: PROVIDED, That in so establishing such fee or  
2 fees, the district shall adopt rules for waiving and reducing such  
3 fees in the cases of those persons whose families, by reason of their  
4 low income, would have difficulty in paying the entire amount of such  
5 fees. Beginning with the 2024-25 school year, rules providing for  
6 exceptions to the uniform entry qualifications for kindergarten must  
7 limit early kindergarten admission to children deemed by the local  
8 educational service district, using multiple objective criteria, to  
9 be "likely to be successful in kindergarten."

10 (2) A student who meets the definition of a child of a military  
11 family in transition under Article II of RCW 28A.705.010 shall be  
12 permitted to continue enrollment at the grade level in the common  
13 schools commensurate with the grade level of the student when  
14 attending school in the sending state as defined in Article II of RCW  
15 28A.705.010, regardless of age or birthdate requirements.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.216  
17 RCW to read as follows:

18 (1) The department of children, youth, and families shall:

19 (a) Partner with the office of the superintendent of public  
20 instruction to coordinate distribution of high quality early learning  
21 programs across communities as described in section 2(2)(b) of this  
22 act;

23 (b) Identify developmentally appropriate curricula for use in  
24 transition to kindergarten programs and publish the list on the  
25 department website; and

26 (c) Direct early learning providers to work in collaboration with  
27 school districts authorized to offer a transition to kindergarten  
28 program to promote coordinated systems of comprehensive early  
29 childhood services.

30 (2) As used in this section, "transition to kindergarten program"  
31 means the program established under section 2 of this act.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.216  
33 RCW to read as follows:

34 The department must implement, in partnership with the office of  
35 the superintendent of public instruction, a data system that uses a  
36 single student identifier across all state-funded early learning,  
37 elementary, and secondary education programs. The state-funded early

1 learning programs must be required to collect and submit to the data  
2 system race and ethnicity data as described in RCW 28A.300.042(1).

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.300  
4 RCW to read as follows:

5 The office of the superintendent of public instruction must  
6 partner with the department of children, youth, and families to  
7 implement the data system as required under section 7 of this act.

8 NEW SECTION. **Sec. 9.** (1) The department of children, youth, and  
9 families must make administrative changes to better align early  
10 childhood education and assistance program implementation with school  
11 district offered state-funded early learning programs serving three  
12 through five-year-old children and must submit a report, in  
13 compliance with RCW 43.01.036, of the changes to the appropriate  
14 committees of the legislature by July 1, 2024.

15 (2) This section expires August 30, 2025.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.216  
17 RCW to read as follows:

18 (1) A school district offering a transition to kindergarten  
19 program under section 2 of this act must complete the following  
20 activities to be eligible for state funding under section 2 of this  
21 act:

22 (a) Enroll in the early achievers program within 30 days of being  
23 authorized by the office of the superintendent of public instruction  
24 to offer a transition to kindergarten program;

25 (b) Complete level 2 activities in the early achievers program  
26 within 12 months of enrollment; and

27 (c) Rate or request to be rated at a level 3 or higher in the  
28 early achievers program within 30 months of enrollment. If a school  
29 district offering a transition to kindergarten program under section  
30 2 of this act does not rate or request to be rated at a level 3  
31 within 30 months from enrollment into the early achievers program,  
32 the school district must complete remedial activities with the  
33 department, and rate or request to be rated at a level 3 or higher  
34 within 12 months of beginning remedial activities.

35 (2) If a school district offering a transition to kindergarten  
36 program under section 2 of this act does not rate or request to be  
37 rated at a level 3 or higher following the remedial period, the

1 school district is no longer eligible for state funding under section  
2 of this act. If a school district offering a transition to  
3 kindergarten program under section 2 of this act does not rate at a  
4 level 3 or higher when the rating is released following the remedial  
5 period, the school district is no longer eligible for state funding  
6 under section 2 of this act.

7 (3) If a school district offering a transition to kindergarten  
8 program under section 2 of this act and receiving state funding under  
9 section 2 of this act has successfully completed all level 2  
10 activities and is waiting to be rated by the deadline provided in  
11 this section, the school district may continue to receive state  
12 funding under section 2 of this act pending the successful completion  
13 of the level 3 rating activity.

14 **Sec. 11.** RCW 43.216.085 and 2021 c 304 s 6 are each amended to  
15 read as follows:

16 (1) The department, in collaboration with tribal governments and  
17 community and statewide partners, shall implement a quality rating  
18 and improvement system, called the early achievers program. The early  
19 achievers program provides a foundation of quality for the early care  
20 and education system. The early achievers program is applicable to  
21 licensed or certified child care centers, family home child care,  
22 outdoor nature-based child care, and early learning programs such as  
23 working connections child care (~~and~~), early childhood education and  
24 assistance programs, and transition to kindergarten programs  
25 established under section 2 of this act.

26 (2) The objectives of the early achievers program are to:

27 (a) Improve short-term and long-term educational outcomes for  
28 children as measured by assessments including, but not limited to,  
29 the Washington kindergarten inventory of developing skills in RCW  
30 28A.655.080;

31 (b) Give parents clear and easily accessible information about  
32 the quality of child care and early education programs;

33 (c) Support improvement in early learning and child care programs  
34 throughout the state;

35 (d) Increase the readiness of children for school;

36 (e) Close the disparities in access to quality care;

37 (f) Provide professional development and coaching opportunities  
38 to early child care and education providers; and

1 (g) Establish a common set of expectations and standards that  
2 define, measure, and improve the quality of early learning and child  
3 care settings.

4 (3)(a) Licensed or certified child care centers, family home  
5 child care, and outdoor nature-based child care, serving nonschool-  
6 age children and receiving state subsidy payments, must participate  
7 in the early achievers program by the required deadlines established  
8 in RCW 43.216.135.

9 (b) Approved early childhood education and assistance program  
10 providers receiving state-funded support must participate in the  
11 early achievers program by the required deadlines established in RCW  
12 43.216.515.

13 (c) School districts authorized to provide a transition to  
14 kindergarten program under section 2 of this act must participate in  
15 the early achievers program by the required deadlines established in  
16 section 10 of this act.

17 (d) Participation in the early achievers program is voluntary  
18 for:

19 (i) Licensed or certified child care centers, family home child  
20 care, and outdoor nature-based child care, not receiving state  
21 subsidy payments; and

22 (ii) Early learning programs not receiving state funds.

23 (~~(d)~~) (e) School-age child care providers are exempt from  
24 participating in the early achievers program. By July 1, 2017, the  
25 department and the office of the superintendent of public instruction  
26 shall jointly design a plan to incorporate school-age child care  
27 providers into the early achievers program or other appropriate  
28 quality improvement system. To test implementation of the early  
29 achievers system for school-age child care providers the department  
30 and the office of the superintendent of public instruction shall  
31 implement a pilot program.

32 (4)(a) There are five primary levels in the early achievers  
33 program.

34 (b) In addition to the primary levels, the department must  
35 establish an intermediate level that is between level 3 and level 4  
36 and serves to assist participants in transitioning to level 4.

37 (c) Participants are expected to actively engage and continually  
38 advance within the program.

39 (5) The department has the authority to determine the rating  
40 cycle for the early achievers program. The department shall

1 streamline and eliminate duplication between early achievers  
2 standards and state child care rules in order to reduce costs  
3 associated with the early achievers rating cycle and child care  
4 licensing.

5 (a) Early achievers program participants may request to be rated  
6 at any time after the completion of all level 2 activities.

7 (b) The department shall provide an early achievers program  
8 participant an update on the participant's progress toward completing  
9 level 2 activities after the participant has been enrolled in the  
10 early achievers program for fifteen months.

11 (c) The first rating is free for early achievers program  
12 participants.

13 (d) Each subsequent rating within the established rating cycle is  
14 free for early achievers program participants.

15 (6)(a) Early achievers program participants may request to be  
16 rerated outside the established rating cycle. A rerating shall reset  
17 the rating cycle timeline for participants.

18 (b) The department may charge a fee for optional rerating  
19 requests made by program participants that are outside the  
20 established rating cycle.

21 (c) Fees charged are based on, but may not exceed, the cost to  
22 the department for activities associated with the early achievers  
23 program.

24 (7)(a) The department must create a single source of information  
25 for parents and caregivers to access details on a provider's early  
26 achievers program rating level, licensing history, and other  
27 indicators of quality and safety that will help parents and  
28 caregivers make informed choices. The licensing history that the  
29 department must provide for parents and caregivers pursuant to this  
30 subsection shall only include license suspension, surrender,  
31 revocation, denial, stayed suspension, or reinstatement. No unfounded  
32 child abuse or neglect reports may be provided to parents and  
33 caregivers pursuant to this subsection.

34 (b) The department shall publish to the department's website, or  
35 offer a link on its website to, the following information:

36 (i) Early achievers program rating levels 1 through 5 for all  
37 child care programs that receive state subsidy, early childhood  
38 education and assistance programs, transition to kindergarten  
39 programs established under section 2 of this act, and federal head  
40 start programs in Washington; and

1 (ii) New early achievers program ratings within thirty days after  
2 a program becomes licensed or certified, or receives a rating.

3 (c) The early achievers program rating levels shall be published  
4 in a manner that is easily accessible to parents and caregivers and  
5 takes into account the linguistic needs of parents and caregivers.

6 (d) The department must publish early achievers program rating  
7 levels for child care programs that do not receive state subsidy but  
8 have voluntarily joined the early achievers program.

9 (e) Early achievers program participants who have published  
10 rating levels on the department's website or on a link on the  
11 department's website may include a brief description of their  
12 program, contingent upon the review and approval by the department,  
13 as determined by established marketing standards.

14 (8)(a) The department shall create a professional development  
15 pathway for early achievers program participants to obtain a high  
16 school diploma or equivalency or higher education credential in early  
17 childhood education, early childhood studies, child development, or  
18 an academic field related to early care and education.

19 (b) The professional development pathway must include  
20 opportunities for scholarships and grants to assist early achievers  
21 program participants with the costs associated with obtaining an  
22 educational degree.

23 (c) The department shall address cultural and linguistic  
24 diversity when developing the professional development pathway.

25 (9) The early achievers quality improvement awards shall be  
26 reserved for participants offering programs to an enrollment  
27 population consisting of at least five percent of children receiving  
28 a state subsidy.

29 (10) In collaboration with tribal governments, community and  
30 statewide partners, and the early achievers review subcommittee  
31 created in RCW 43.216.075, the department shall develop a protocol  
32 for granting early achievers program participants an extension in  
33 meeting rating level requirement timelines outlined for the working  
34 connections child care program and the early childhood education and  
35 assistance program.

36 (a) The department may grant extensions only under exceptional  
37 circumstances, such as when early achievers program participants  
38 experience an unexpected life circumstance.

1 (b) Extensions shall not exceed six months, and early achievers  
2 program participants are only eligible for one extension in meeting  
3 rating level requirement timelines.

4 (c) Extensions may only be granted to early achievers program  
5 participants who have demonstrated engagement in the early achievers  
6 program.

7 (11)(a) The department shall accept national accreditation that  
8 meets the requirements of this subsection (11) as a qualification for  
9 the early achievers program ratings.

10 (b) Each national accreditation agency will be allowed to submit  
11 its most current standards of accreditation to establish potential  
12 credit earned in the early achievers program. The department shall  
13 grant credit to accreditation bodies that can demonstrate that their  
14 standards meet or exceed the current early achievers program  
15 standards. By December 1, 2019, and subject to the availability of  
16 amounts appropriated for this specific purpose, the department must  
17 submit a detailed plan to the governor and the legislature to  
18 implement a robust cross-accreditation process with multiple pathways  
19 that allows a provider to earn equivalent early achievers credit  
20 resulting from accreditation by high quality national organizations.

21 (c) Licensed child care centers, child care home providers, and  
22 outdoor nature-based child care must meet national accreditation  
23 standards approved by the department for the early achievers program  
24 in order to be granted credit for the early achievers program  
25 standards. Eligibility for the early achievers program is not subject  
26 to bargaining, mediation, or interest arbitration under RCW  
27 41.56.028, consistent with the legislative reservation of rights  
28 under RCW 41.56.028(4)(d).

29 (12) The department shall explore the use of alternative quality  
30 assessment tools that meet the culturally specific needs of the  
31 federally recognized tribes in the state of Washington.

32 (13) A child care or early learning program that is operated by a  
33 federally recognized tribe and receives state funds shall participate  
34 in the early achievers program. The tribe may choose to participate  
35 through an interlocal agreement between the tribe and the department.  
36 The interlocal agreement must reflect the government-to-government  
37 relationship between the state and the tribe, including recognition  
38 of tribal sovereignty. The interlocal agreement must provide that:

39 (a) Tribal child care facilities and early learning programs may  
40 volunteer, but are not required, to be licensed by the department;

1 (b) Tribal child care facilities and early learning programs are  
2 not required to have their early achievers program rating level  
3 published to the department's website or through a link on the  
4 department's website; and

5 (c) Tribal child care facilities and early learning programs must  
6 provide notification to parents or guardians who apply for or have  
7 been admitted into their program that early achievers program rating  
8 level information is available and provide the parents or guardians  
9 with the program's early achievers program rating level upon request.

10 (14) The department shall consult with the early achievers review  
11 subcommittee on all substantial policy changes to the early achievers  
12 program.

13 (15) Nothing in this section changes the department's  
14 responsibility to collectively bargain over mandatory subjects or  
15 limits the legislature's authority to make programmatic modifications  
16 to licensed child care and early learning programs under RCW  
17 41.56.028(4)(d).

18 **Sec. 12.** RCW 43.216.655 and 2019 c 369 s 7 are each amended to  
19 read as follows:

20 (1) The education data center established in RCW 43.41.400 must  
21 collect longitudinal, student-level data on all children attending an  
22 early childhood education and assistance program. Upon completion of  
23 an electronic time and attendance record system, the education data  
24 center must collect longitudinal, student-level data on all children  
25 attending a working connections child care program. Beginning  
26 September 1, 2024, the education data center must collect  
27 longitudinal, student-level data on all children attending a  
28 transition to kindergarten program under section 2 of this act. Data  
29 collected should capture at a minimum the following characteristics:

30 (a) Daily program attendance;

31 (b) Identification of classroom and teacher;

32 (c) Early achievers program quality level rating;

33 (d) Program hours;

34 (e) Program duration;

35 (f) Developmental results from the Washington kindergarten  
36 inventory of developing skills in RCW 28A.655.080; and

37 (g) To the extent data is available, the distinct ethnic  
38 categories within racial subgroups of children and providers that  
39 align with categories recognized by the education data center.



1 (2) The department shall provide early learning providers  
2 student-level data collected pursuant to this section that are  
3 specific to the early learning provider's program. Upon completion of  
4 an electronic time and attendance record system identified in  
5 subsection (1) of this section, the department shall provide child  
6 care providers student-level data that are specific to the child care  
7 provider's program.

8 (3) The department shall review available research and best  
9 practices literature on cultural competency in early learning  
10 settings. The department shall review the K-12 components for  
11 cultural competency developed by the professional educator standards  
12 board and identify components appropriate for early learning  
13 professional development.

14 (4)(a) The Washington state institute for public policy shall  
15 conduct a longitudinal analysis examining relationships between the  
16 early achievers program quality ratings levels and outcomes for  
17 children participating in subsidized early care and education  
18 programs.

19 (b) The institute shall submit the first report to the  
20 appropriate committees of the legislature and the early learning  
21 advisory council by December 31, 2019. The institute shall submit  
22 subsequent reports annually to the appropriate committees of the  
23 legislature and the early learning advisory council by December 31st,  
24 with the final report due December 31, 2022. The final report shall  
25 include a cost-benefit analysis.

26 (5) By December 31, 2021, and subject to the availability of  
27 amounts appropriated for this specific purpose, the Washington state  
28 institute for public policy shall update the outcome evaluation of  
29 the early childhood education and assistance program required by  
30 chapter 16, Laws of 2013 and report to the governor and the  
31 legislature on the outcomes of program participants. The evaluation  
32 must include the demographics of program participants including race,  
33 ethnicity, and socioeconomic status. The evaluation must examine  
34 short and long-term impacts on program participants, including high  
35 school graduation rates for up to two cohorts. When conducting the  
36 evaluation, the institute must consider, to the extent that data is  
37 available, the education levels and demographics, including race,  
38 ethnicity, and socioeconomic status, of early childhood education and

1 assistance program staff and the effects of full-day programming and  
2 half-day programming on outcomes.

--- **END** ---