Washington Preschool Program: Increasing Access and Outcomes for Children

Final Recommendations of the Early Learning Technical Workgroup

November 2011
The 2010 Legislature passed Senate Bill 6759, which required the Office of Superintendent of Public Instruction (OSPI), with assistance and support from the Department of Early Learning (DEL), to convene a technical working group to develop a comprehensive plan for a voluntary program of early learning. SB 6759 required the plan to examine the opportunities and barriers of at least two options: a program of early learning under the program of basic education, and a program of early learning as an entitlement, either statutorily or constitutionally protected.

SB 6759 also directed that the final recommendations of the Early Learning Technical Workgroup include:

- Criteria for eligible children
- Program standards including direct services to be provided, number of hours per school year, teacher qualifications, transportation requirements, and performance measures.
- Criteria for eligible provider -- specifying whether they are approved, certified or licensed by DEL and whether they can be public, private, nonsectarian, or sectarian organizations.
- Governance responsibilities for OSPI and DEL.
- Timeline and funding necessary for implementation.
- The role of the Early Childhood Education and Assistance Program (ECEAP), which is Washington’s state-funded preschool program for children from low-income families.

Additionally, SB 6759 specified that the Technical Workgroup must review early learning programs in Washington, including ECEAP and Head Start, and a review and analysis of programs in other states.

This report contains Early Learning Technical Workgroup’s recommendations and analysis, as required by SB 6759.
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Executive Summary
The following recommendations and analysis constitute the Final Report of the Early Learning Technical Workgroup as required by Senate Bill 6759. Considerable research and extensive deliberation lead the Technical Workgroup to recommend a voluntary high-quality preschool program for all 3- and 4-year-old children in Washington. The Technical Workgroup views these preschool recommendations, referred to as Washington Preschool in this report, as a key element of education reform. A high-quality preschool program with higher intensity than the state-funded Early Childhood Education and Assistance Program (ECEAP) and rigorous accountability is recommended, with the aim of significantly increasing the number of children in all population groups that are prepared for kindergarten, so that K-12 funds can be used more effectively to the advantage of all students.

Our state’s 10-year Early Learning Plan includes a strategy to support school readiness for all children by implementing voluntary, universal preschool for all 3- and 4-year-olds (strategy #13). Washington Preschool would build on a history of strong support for preschool from the Governor, the Legislature, and the Quality Education Council.

The Need for a Solution
Education is the fuel of fiercely competitive 21st century economies. By 2018, 67 percent of jobs in Washington will require a college degree or credential, yet our state’s high school graduation rates hover in the bottom third nationally. Only 31 percent of 2004 Washington high school graduates had graduated from either a two- or four-year college by September 2010. The picture is far bleaker for students of color, with only 16.2 percent of African Americans, 15.5 percent of Hispanics, and 10.7 percent of Native American students graduating from college. Clearly something must be done.

Considerations: Balancing Educational Gains and Cost
In developing these recommendations, the Technical Workgroup was guided by the twin aims of substantially improving educational attainment for children and exercising prudence in light of the economic climate. The following considerations informed the Technical Workgroup’s recommendations.

Two years of preschool are far more effective than one year, in achieving educational outcomes. New Jersey’s rigorously evaluated preschool program closed more than 50 percent of children’s achievement gap after one year, versus 18 percent for the “no Pre-K group.” Two years of participation roughly doubled the gain at second grade on most measures. Washington needs this boost in educational outcomes.

Preschool can reduce grade-level retention and special education costs— to schools and to children. Grade level retention was cut in half by second grade for participating 3- and 4-year-olds in New Jersey. In Pennsylvania, only 2.45 percent of Pre-K Count children needed school district special education, versus 18 percent for non-participants; 3-year olds who participated for two years showed the greatest gains. Kindergarten readiness assessments of Washington’s Longview School District show that nearly twice as many children (48 percent) who have no preschool require alternative curricula and intensive supports for reading skills as children who participate in community preschool (25 percent). Washington can reduce spending on expensive interventions.

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1 The BERC Group College Tracking Data Services, “Washington State High School Graduates 2004 to present, graduating from college as of September 2010” http://www.collegetracking.com/reporting/Reports.aspx
Children of all income levels and abilities benefit from preschool. In Oklahoma’s state-funded preschool, children from lower-middle class families (130 percent to 185 percent federal poverty level or FPL) showed a 74 percent increase in letter-word identification and a 37 percent increase in spelling. However, preschool remains out of reach for many of these working families. At the same time, recent studies reveal that, despite better performance on average, children from middle-income families account for the largest numbers of children failing and dropping out of school nationally. These are problems that quality preschool education can help prevent. The children of Washington’s working families deserve this opportunity.

Washington ranks low in access to preschool. Washington ranks 31st of all states in preschool participation for four-year-olds and 16th in access for 3-year-olds. Oklahoma, ranked first in four-year-old participation, serves 85.8 percent. In comparison, 20.3 percent of Washington 4-year-olds in Washington attend ECEAP, Head Start or special education preschool (on par with Mississippi at 20.2 percent). Vermont (ranked first in three-year-old participation) provides preschool to 29.4% of three-year-old children compared to Washington’s 9.5 percent. Washington must do better.

The Vision for the Washington Preschool Program

The Early Learning Technical Workgroup’s recommendations are grounded in the vision that: All children in Washington, whose families so choose, will have access to high-quality preschool learning experiences that prepare them to be ready for kindergarten and ready to perform at or above grade-level by third grade. For this reason, the Technical Workgroup recommends that Washington set a goal of “making high-quality, voluntary preschool with a sliding fee scale available to all 3- and 4-year-old children whose families choose it.”

Additionally, the Technical Workgroup recommends that the preschool program build toward a unified system of early learning and an educational continuum that effectively connects preschool to kindergarten and grades one through three. Toward this end, the Technical Workgroup underscores the importance of services and supports for infants and toddlers and their families and also recommends integrating Washington Preschool with the state’s Quality Rating and Improvement System.

Findings from Rigorous Evaluation of Preschool Programs

The Technical Workgroup analyzed results from nine rigorously evaluated preschool programs in 10 states and reviewed cost-benefit data from two studies that have followed children into adulthood. Because the Chicago Child-Parent Centers approach is more similar to the Washington Preschool Program recommendations, the Technical Workgroup believes that Washington Preschool will achieve results similar to those of the Chicago program in the following table.

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Outcomes and Benefit-Cost Analyses of High-Quality Preschool Education

<table>
<thead>
<tr>
<th></th>
<th>Chicago Child-Parent Centers</th>
<th>High/Scope Perry Preschool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year began</td>
<td>1983</td>
<td>1962</td>
</tr>
<tr>
<td>Sample size</td>
<td>1,539</td>
<td>123</td>
</tr>
<tr>
<td>Age</td>
<td>Ages 3–4</td>
<td>Ages 3–4</td>
</tr>
<tr>
<td>Program schedule</td>
<td>Half-day, school year</td>
<td>Half-day, school year</td>
</tr>
<tr>
<td>Family Support</td>
<td>Home visits, parent resource program, community mobilization</td>
<td>Weekly home visits</td>
</tr>
<tr>
<td>Program Outcomes in comparison to control groups^1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Education</td>
<td>14% vs. 25% at age 18</td>
<td>15% vs. 34% at age 15</td>
</tr>
<tr>
<td>Grade Retention by Age 15</td>
<td>23% vs. 38%</td>
<td>NA (school policy against retention)</td>
</tr>
<tr>
<td>High School Completion</td>
<td>66% vs. 54% at age 22</td>
<td>71% vs. 54% at age 27</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost (2006 Dollars, Discounted at 3%)^2</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>$8,224</td>
<td>$17,599</td>
</tr>
<tr>
<td>K-12 Cost Savings</td>
<td>$5,989</td>
<td>$9,787</td>
</tr>
<tr>
<td>Crime Cost Savings</td>
<td>$41,100</td>
<td>$198,981</td>
</tr>
<tr>
<td>Earnings</td>
<td>$34,123</td>
<td>$74,878</td>
</tr>
<tr>
<td>Total Benefits</td>
<td>$83,511</td>
<td>$284,086</td>
</tr>
<tr>
<td>Cost-to-Benefit Ratio</td>
<td>1 to 10</td>
<td>1 to 16</td>
</tr>
</tbody>
</table>

Policy Recommendations

The following recommendations combine gradual ramp-up of a high-quality program with rigorous evaluation and continuous quality improvement to ensure good results.

A. Improve Access: Open to All 3- and 4-Year-Olds in a Zone Approach

The focus on educational attainment, benefit to children of all income levels, Washington’s low ranking in access to preschool, and gains from two years of preschool lead the Technical Workgroup to make the following recommendations regarding access to Washington Preschool:

<table>
<thead>
<tr>
<th>Current ECEAP</th>
<th>Washington Preschool Recommendation</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible Children</td>
<td>Voluntary for all 3 &amp; 4 year-olds with graduated co-pays for families over 250% FPL</td>
<td>Voluntary for all 3 &amp; 4 year-olds Graduated co-pays</td>
</tr>
<tr>
<td>4-year-olds and some 3-year-olds in families up to 110% of FPL or facing developmental risk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td>Limited transportation funds. Allowed expense, not required.</td>
<td>Limited transportation funding</td>
</tr>
<tr>
<td>Allowed expense, not required.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Provide High-Quality and Adequate Intensity: Program Quality and Standards

The Technical Workgroup recommends the following quality standards that, implemented in unison, will result in the best outcomes for children per dollar invested. Reducing any of these interdependent elements is likely to reduce effectiveness of the program:

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^1 Galinsky, E. “The Economic Benefits of High-Quality Early Childhood Programs; What Makes the Difference” (February 2006) Families and Work Institute & The Committee for Economic Development


Final Recommendations of the Early Learning Technical Workgroup
<table>
<thead>
<tr>
<th>Current ECEAP</th>
<th>Washington Preschool Recommendation</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classroom Hours</td>
<td>320 hours per year, minimum.</td>
<td>450 preschool classroom hours per year, minimum</td>
</tr>
<tr>
<td>Teacher Qualifications</td>
<td>Lead teachers: AA or higher degree w/ 30 credits in early childhood education</td>
<td>Lead Teacher: BA Degree in Early Childhood Education or related field, or BA &amp; demonstrated competence</td>
</tr>
<tr>
<td>Class Size and Teacher/Child Ratio</td>
<td>Maximum class size: 20 Teacher: Child Ratio- 1:9 or better</td>
<td>Maximum class size: 18 Teacher: Child Ratio; 1:9 or better, plus, additional staff for high-risk children (below 130% FPL, homeless, in foster care; with an IEP; or ELL)</td>
</tr>
<tr>
<td>Professional Development</td>
<td>Teachers- 15 hours per year. Lead teachers' family support specialists - 15 hours per year.</td>
<td>100 approved hours of continuing education study and/or equivalent academic credit (10 quarter hours) for lead teachers every five years.</td>
</tr>
<tr>
<td>Child Health &amp; Family Support Services</td>
<td>For all children, health screening, assistance with access, family support and follow-up.</td>
<td>Initial screening with tiered child health, family support and engagement based on child and family needs</td>
</tr>
</tbody>
</table>

**C. Increase Accountability: Performance Goals and Evaluation**

Based on its research, the Technical Workgroup makes the following recommendations concerning evaluation, performance goals and expected results:

1. Conduct preschool classroom-quality assessment and child outcomes evaluation to inform implementation and provide accountability.
2. Establish performance goals for expected preschool and elementary child outcome results:
   - Children attain age-level skills on preschool assessments linked to the Washington Inventory of Developing Skills (WaKIDS).
   - Kindergarten readiness demonstrated by WaKIDS at kindergarten entry
   - Students at, or above, grade-level by end of third grade (elementary school assessments)
   - Reduced grade level retention and special education by end of third grade (P-20 Database)

**D. Institute a Mixed Delivery System of High-Quality Providers: Eligible Providers**

The workgroup recommends a mixed delivery system with a wide variety of eligibility providers to support the rich diversity of our state. Research shows that school district and community providers are both effective. This approach allows the most parent choice.

1. Allow a wide array of public and private entities to serve under contract as preschool providers, providing that the preschool program is free from religious instruction, activities or symbolism.
2. Providers should be approved by DEL through an application process and establishment of a contract for services. They must be in good standing with contract requirements, including performance standards, and the applicable state laws and regulations of the state of Washington.
E. Clarify Governance Responsibilities

The Technical Workgroup recommends that DEL manage Washington Preschool and:

1. Work with OSPI to promote preschool through third grade (P-3) educational alignment.
2. Establish a subcommittee of the Early Learning Advisory Council (ELAC) with appropriate expertise to guide development of the new program.

F. Recommend Role of the ECEAP Program

In the interest of creating a unified early learning system and maximizing effectiveness and efficiencies of current programs, the Workgroup recommends creating a single Washington Preschool program.

1. Merge ECEAP into the new program upon full implementation. ECEAP slots should be converted to the new Washington Preschool Program in graduated steps so that the most vulnerable children can benefit from the higher intensity preschool program.

G. Create Washington Preschool as an Entitlement Program: Analysis of Basic Education and Entitlements

The Workgroup researched legal and programmatic issues related to implementation of the preschool program as a program of basic education or as an entitlement (statutory or constitutional). Basic education clearly provides the most protection of funding. However, the Workgroup believes that, at this time, the associated governance requirements and political challenges would put the focus on legal requirements and politics rather than on the impact of preschool. For this reason, the Workgroup recommends that Washington Preschool become a statutory entitlement consistent with House Bill 2731, passed in 2010.

1. When full implementation is achieved, any eligible child shall be entitled to be enrollment in the program.

H. Phase-In Gradually, Implement Fully by Fiscal Year 2024-25

The Technical Workgroup believes that voluntary high-quality preschool and full-day kindergarten are equally important for improving educational achievement gains. This, combined with the need for prudence in the current economic climate, leads the Workgroup to recommend that Washington:

1. Link implementation of Washington Preschool Program to state-funded full-day kindergarten;
2. Phase the preschool program in gradually so that it reaches full implementation in school year 2024-25.

Program Recommendations and Financial Projections

The research-based program quality elements used to create the above policy recommendations also informed the program recommendations (including mixed classrooms, administration, revenue and funding assumptions) and financial model. Recommendations for program implementation include:

1. Move towards a single Washington State Preschool program that encompasses the current ECEAP and special education preschool programs. Gradually convert existing ECEAP slots to the new preschool program;
2. Establish inclusive, mixed-income classrooms with differentiated levels of teaching and family support resources. Simply put, children who need the most will get the teaching and support they need. In K-12 education, this is known as Response to Intervention (RTI);
3. Institute graduated co-pays for families with incomes above 250 percent of federal poverty level to offset state costs, allowing limited state dollars to go further.
**Financial Model**

Cost projections are based on the following assumptions:

**Participation Estimate.** At full implementation, the Technical Workgroup estimates that families of 62 percent of 4-year-olds and 33 percent of 3-year-olds will choose to participate in the new preschool program (83,785 of approximately 176,190 preschoolers in Washington). This represents 48 percent of the state’s 3- and 4-year-olds.

**New and Existing Slots.** Of these 83,785 noted above, 52,460 will be served in new preschool slots with the remaining preschoolers served by slots currently available in ECEAP, Head Start, American Indian and Alaska Native Head Start, Migrant/Seasonal Head Start and special education preschool.

**Differentiated Slot Cost.** As shown in the figure to the right, cost per slot will vary due to differing levels of subsidization based on family income and developmental risk factors. It is recommended that parent co-payments (for families over 250 percent FPL) make up the difference between full cost and state share. As illustrated in slot costs, additional increments of staff resources will be provided for children who: a) are very low-income or are homeless or in foster care b) are placed in an Individualized Education Program; or c) are an English Language Learner.

<table>
<thead>
<tr>
<th>Per Child Cost by family Income and Risk Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Child</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>$8,413</td>
</tr>
<tr>
<td>$7,466</td>
</tr>
<tr>
<td>$7,237</td>
</tr>
<tr>
<td>$7,099</td>
</tr>
<tr>
<td>$7,008</td>
</tr>
<tr>
<td>$6,033</td>
</tr>
<tr>
<td>$5,984</td>
</tr>
<tr>
<td>$5,640</td>
</tr>
<tr>
<td>$1,951</td>
</tr>
<tr>
<td>$1,338</td>
</tr>
</tbody>
</table>

**Phase-In**

To allow for a reasonable start-up scale and to support development of the P-3 continuum, the Technical Workgroup recommends the following.

1. Begin the new program with 936 3- and 4-year-olds who live in elementary school attendance areas where there is full-day kindergarten and lower than average access to Head Start and ECEAP;
2. Sites should be selected through a competitive process.

The steps and funding required for this first phase are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Actions</th>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-13</td>
<td>DEL: Develop program standards, evaluation plan and data systems.</td>
<td>1 FTE + related goods, services, travel</td>
<td>$98,267</td>
</tr>
<tr>
<td></td>
<td>Complete facilities survey. Conduct competitive statewide RFP for 936</td>
<td>Facilities Survey</td>
<td>20,000</td>
</tr>
<tr>
<td></td>
<td>slots/10-15 preschool providers in full-day kindergarten elementary school</td>
<td>Total</td>
<td>$118,267</td>
</tr>
<tr>
<td></td>
<td>attendance areas underserved by current publicly-funded programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013-14</td>
<td>DEL: Develop evaluation plan and data systems, train providers.</td>
<td>1 FTE + related goods, services &amp; travel</td>
<td>$98,267</td>
</tr>
<tr>
<td></td>
<td>Preschool Providers: Hire and train site supervisory staff, prepare</td>
<td>Facilities Survey</td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>facilities and classrooms (~26), hire program staff and enroll children</td>
<td>Program Development</td>
<td>350,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>$948,267</td>
</tr>
<tr>
<td></td>
<td>Washington. Begin program evaluation.</td>
<td>Equipment/materials</td>
<td>195,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Program Evaluation</td>
<td>290,460</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>$5,026,083</td>
</tr>
</tbody>
</table>

**Next Steps**

- Request appropriation of $118,267 for 2012-13 and prepare for implementations as noted above.
- Complete necessary policy work, including specifying which degrees are early childhood-related degrees, conducting the preschool facilities survey, and analyzing transportation needs.
Washington Preschool Program: 
Increasing Access and Outcomes for Children 
Full Report

Establishment of the Early Learning Technical Workgroup

The 2010 Legislature passed Senate Bill 6759, which required the Office of Superintendent of Public Instruction (OSPI), with assistance and support from the Department of Early Learning (DEL), to convene a technical working group to develop a comprehensive plan for a voluntary program of early learning. SB 6759 (Appendix B) required the plan to examine the opportunities and barriers of at least two options: a program of early learning under the program of basic education, and a program of early learning as an entitlement, either statutorily or constitutionally protected.

This Final Report and recommendations of the Early Learning Technical Workgroup builds upon the 2010 recommendation from the 2010 Quality Education Council (QEC) to fund preschool for at-risk children as part of Washington’s definition of basic education, and is aligned with the Washington Early Learning Plan strategy to: Create a voluntary universal preschool program for 3- and 4-year-olds as part of basic education; phase-in to serve highest poverty communities first in coordination with the phase-in of all-day kindergarten, serving at-risk 4-year-olds first and then at-risk 3-year-olds next; implement universal pre-kindergarten through a mixed-delivery system—through a variety of settings—to draw on the strengths of diverse families, communities, and service providers.

This report also builds on 2010 House Bill 2731 (Appendix C), which created comprehensive, voluntary preschool opportunities for educationally at-risk 3- and 4-year-olds with full statewide implementation by 2018-19, at which time any eligible child shall be entitled to be enrolled in the program.

SB 6759 required the Technical Workgroup be composed of: one representative each from DEL, OSPI, Thrive by Five Washington, and the Office of the Attorney General; two members of the Early Learning Advisory Council (ELAC); and, additional stakeholders with expertise in early learning to be appointed by ELAC.

Consistent with these requirements, Technical Workgroup members are listed below. Where organizational representatives changed over the course of the Technical Workgroup’s deliberations, both representatives are listed.

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Curtis King</td>
<td>State Senate and ELAC Member</td>
<td>Senator, 14th Legislative District, Yakima</td>
</tr>
<tr>
<td>Representative Roger Goodman</td>
<td>House of Representatives and ELAC Member</td>
<td>Representative 45th Legislative District, Kirkland</td>
</tr>
<tr>
<td>Bonnie Beukema, Co-Chair</td>
<td>Department of Early Learning</td>
<td>Assistant Director Outcomes &amp; Accountability</td>
</tr>
<tr>
<td>Bob Butts, Co-Chair</td>
<td>Office of Superintendent of Public Instruction</td>
<td>Assistant Superintendent Policy and Planning</td>
</tr>
<tr>
<td>John Bancroft</td>
<td>Columbia City Consulting</td>
<td>Consultant</td>
</tr>
<tr>
<td>Molly Boyajian and Lauren Hipp</td>
<td>Thrive by Five Washington</td>
<td>Director of Policy and Community Relations, Community Partnerships Manager</td>
</tr>
<tr>
<td>Sally Brownfield</td>
<td>Squaxin Island Tribe</td>
<td>Education Director</td>
</tr>
<tr>
<td>Janice Deguchi</td>
<td>Denise Louie Education Center</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Judy Jennings and Suzie Hanson</td>
<td>Washington Federation of Independent Schools</td>
<td>Executive Director, Executive Director</td>
</tr>
<tr>
<td>Joyce Kilmer</td>
<td>Department of Early Learning</td>
<td>ECEAP Administrator</td>
</tr>
<tr>
<td>Hannah Lidman</td>
<td>League of Education Voters</td>
<td>Legislative Director</td>
</tr>
<tr>
<td>Lorena Lowell</td>
<td>Bambinos International Learning Center</td>
<td>Founder and CEO</td>
</tr>
<tr>
<td>Mary Carr Wilt</td>
<td>Longview School District</td>
<td>Director, Early Learning and Title I</td>
</tr>
<tr>
<td>Todd McNemey</td>
<td>Parent</td>
<td>Member of DEL Parent Advisory Group</td>
</tr>
<tr>
<td>Paula Quinn</td>
<td>Association of Washington School Principals</td>
<td>Director of Elementary Programs</td>
</tr>
<tr>
<td>Joel Ryan</td>
<td>Washington Association of Head Start &amp; ECEAP</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Dave Stolier</td>
<td>Office of the Attorney General</td>
<td>Senior Assistant Attorney General</td>
</tr>
</tbody>
</table>

Bea Kelleigh of Dovetailing provided facilitation and drafted the final recommendations report.
SB 6759 directed that the final recommendations of the Early Learning Technical Workgroup include:

- Criteria for eligible children
- Program standards including direct services to be provided, number of hours per school year, teacher qualifications, transportation requirements, and performance measures.
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This report, which contains the recommendations and analysis required by SB 6759, is the result of the Early Learning Technical Workgroup’s extensive deliberations and research on state preschool programs, including the program standards and duration required to produce significant life-long educational gains for children and for the State of Washington.

The Need for a Solution

Twenty-first century economies are dynamic, creative, diverse, complex, fast-paced—and global. Market place competition is fierce. Businesses innovate. Technology advances. Education is the fuel of the 21st century workforce.

By 2018, 67 percent of jobs in Washington will require a college degree or credential, On average, only 31 percent of 2004 high school graduates had graduated from either a two- or four-year college by September 2010. The picture is far bleaker for students of color with only 16.2 percent of African Americans, 15.5 percent of Hispanics, and 10.7% of Native American students graduating from college. Clearly something must be done.

Ensuring that each child has access to high-quality preschool is a key component for success in kindergarten and beyond. Research shows that children who attend high-quality preschool perform better in school and throughout life. They have more advanced language and math skills, and enter kindergarten with the skills and behaviors necessary to succeed in a classroom environment.

For decades, policy makers and school reform leaders have been working to “fix” K-12 education at tremendous expense and with limited success. Two common flaws in those efforts have been a focus on closing student achievement gaps after they surface and an indifference to preschool, despite preschool’s demonstrated ability to change the trajectory of children’s learning. Reforms that rely on children playing catch-up do not provide a long-term strategy for success. Rather, we must redirect our attention and our resources toward efforts to replicate proven early education programs and maximize results with complementary reforms.

Achieving our state’s educational goals requires a clear strategy to prioritize and protect investments in proven programs, like high-quality preschool. The Technical Workgroup builds on a history of strong support from the Governor, the Legislature, the Superintendent of Public Instruction, the Department of Early Learning and the Quality Education Council. The Technical Workgroup’s goal has been to establish a clear, actionable strategy in Washington that informs the implementation of voluntary, high-quality preschool opportunities for 3- and 4-year-old children in Washington.

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In creating the recommendations that follow, the Technical Workgroup researched and deliberated on a host of key topics including:

- The program qualities and results of state preschool models that have undergone rigorous evaluation. (New Jersey, Georgia, Florida and Oklahoma).
- The Early Childhood Education and Assistance Program (ECEAP) and Head Start programs.
- Prudent cost projections and phase-in strategies.
- Legal and programmatic implications of basic education and entitlement programs.
- House Bill 2731, passed by the 2010 Legislature, which created an early learning entitlement program for educationally at-risk children.
- K-12 funding allocation systems.
- Next steps and policy issues for further consideration.

Considerations: Balancing Educational Gains and Cost

Throughout, the twin goals of “improving educational attainment for children” and “taking judicious steps in light of scarce public funds” have guided the Technical Workgroup. The following considerations informed the Technical Workgroup’s recommendations, providing an understanding of the research and thinking that underpins the recommendations.

A. Improve Educational Gains for Children

- **Two years of preschool are more effective in achieving educational outcomes.**
  
  Children with two years of preschool make far greater gains than those with one year of preschool. A rigorous evaluation of New Jersey’s Preschool program found that the Pre-K group closed more than 50 percent of the achievement gap, versus 18 percent for the “no Pre-K group” at the end of the kindergarten year. Two years of program participation roughly doubled the gain at second grade on most measures. Washington needs this boost in educational outcomes.

- **Preschool produces long-term education gains.** Two studies of preschool have followed children into adulthood. The High Scope Perry Preschool and the Chicago Child-Parent Centers both found substantial gains in high school graduation of study participants compared to the control groups. Perry Preschool increased high school graduation from 54 percent to 71 percent. Chicago Child Parent Centers increased high school graduation rates from 54 percent to 66 percent. Each also resulted in K-12 cost savings, and increases in lifetime earnings. (See Outcomes and Benefit-Cost Analysis on Page 14.)

- **Preschool can reduce grade-level retention and special education costs -- to schools and to children.**
  
  In New Jersey, grade retention was cut in half by second grade for participating 3- and 4-year-olds. In Pennsylvania, historical district special education placement rates were reduced from 18 percent to 2.45 percent for PreK Counts children; 3-year olds who participated for two years showed the greatest gains.

  Each child qualifying for special education in Washington is funded at an average of $5,400 per year, in addition to the basic per student allocation. As of May 2011, 135,852 (13%) Washington students were receiving special education services. Every one percent reduction in special education placements (1,359

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students) will save the state approximately $7.3 million per year. To illustrate the magnitude of potential savings, cutting special education placements in half, like New Jersey, would save $366 million each year.

Data from the Longview School District provides a dramatic example of the difference in school readiness between children with and without preschool. The district’s 2011-12 Dynamic Indicators of Basic Early Literacy Skills (DIBELS) assessment of entering kindergarteners found that 48 percent of children who had no preschool were in the “red band,” compared to 25 percent of those who attended community preschool. Children who are in the red band require intervention with alternative curriculum and intensive supports for reading. (These data do not include ECEAP or Head Start preschools. Washington does not license preschools operating less than four hours per day and community preschool quality ranges from poor to high.) Consistent high-quality preschool can be expected to produce even better results. **Washington can reduce spending on expensive interventions.**

- **Children of all income levels and abilities benefit from preschool.**
  Children from families with income above the level of ECEAP eligibility (130 percent to 185 percent of federal poverty level or FPL) who participated in Oklahoma’s preschool program increased letter-word identification by 74 percent and spelling by 37 percent.\(^\text{14}\) However, preschool remains out of reach for these working poor families. At the same time, recent studies reveal that, despite better performance on average, children from middle-income families account for the largest number of students who fail or dropout nationally, problems that quality preschool education can help prevent.\(^\text{15}\) **The children of Washington’s working families deserve this opportunity.**

- **Washington ranks low in access to preschool.**


Washington ranks 31st of all states in preschool participation for 4-year-olds and 16th in access for 3-year-olds. Oklahoma, ranked first in four-year-old participation, serves 85.8 percent. In comparison, 20.3 percent of Washington 4-year-olds attend ECEAP, Head Start or special education preschool (on par with Mississippi at 20.2 percent). Vermont (ranked first in 3-year-old participation) provides preschool to 29.4 percent of 3-year-old children, compared to Washington’s 9.5 percent. Washington must do better.

B. Provide Recommendations That Are Strategic and Prudent

- Balanced Recommendations
  Research shows that high-quality full-day preschool programs result in the greatest gains for children. However, research on Oklahoma’s universally-available, half-day preschool program showed children gained seven to eight months in letter-word identification, six to seven months in spelling, and four months in applied problems (pre-math), above and beyond the gains of aging or maturation. This suggests that half-day preschool is a wise and prudent first step. This is reflected in the Technical Workgroup’s recommendations.

- Higher Quality and Greater Accountability
  These recommendations contain rigorous new accountability measures, based on national best practices to ensure appropriate implementation and allow regular analysis of results and any necessary course corrections. The Phase-In Plan combines a gradual ramp-up with rigorous evaluation and continuous quality improvement to ensure results.

Setting the Vision and Goal for the Washington State Preschool Program

Research on the enormous contribution of preschool to a young child’s long-term development and academic success has grown only more compelling since the 2005 Washington Learns Taskforce made recommendations for a “world-class learner focused seamless education system” – beginning with early learning.

For these reasons, the Technical Workgroup’s recommendations are grounded in the vision that:

All children in Washington, whose families so choose, will have access to high-quality preschool learning experiences that prepare them to be ready for kindergarten and ready to perform at or above grade-level by third grade.

This vision reflects the substantial body of evidence that early investment in preschool can improve short-term performance and longer-term educational success. For this reason, the Technical Workgroup recommends that Washington set a goal of "making high-quality, voluntary preschool available on a sliding scale to all three- and four-year-old children whose families choose it."

Additionally, the Technical Workgroup recommends that the preschool program build toward a unified system of early learning and an educational continuum that effectively connects preschool to full-day kindergarten and to grades one to three. Toward this end, the Technical Workgroup underscores the importance of services and supports for infants and toddlers and their families. It also recommends integrating the preschool program with the state’s quality rating and improvement system, the state’s early learning quality framework. Preschool is vitally important for improving educational outcomes, and is even more potent when aligned with a strong system of supports for infants and toddlers and with K-3 education. The challenge of creating this continuum of early education is great, but the payoffs are enormous.

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Analysis of Preschool Programs

Preschool programs around the country employ different levels of intensity, quality and comprehensiveness, which impact educational effectiveness and outcomes. The most effective programs include three basic elements:

- **Early Learning.** All effective programs provide early learning. In high-quality programs, early learning experiences are designed to fit each child’s individual needs and developmental level. The interactions between teachers and children, which enrich children’s learning and development, are the core of preschool programs. Effective programs provide developmental screenings to identify areas of concern (e.g., a possible delay or disability). They also have teachers regularly assess children’s progress in cognitive, language, social-emotional and physical development, using results to adjust curriculum and instruction for individual children and whole classrooms.

- **Health.** Since children cannot learn optimally if they are unhealthy, or have vision or hearing problems, effective programs typically include health services such as screenings to check vision, hearing, height and weight. Many programs also help families access preventative medical and dental treatment and provide case management and follow up on diagnosed concerns.

- **Family Engagement and Support.** Since parents are a child’s first and most important teacher, programs should involve parents and incorporate home language and culture. Successful programs include a range of activities to engage parents in the classroom. They also focus on fostering the skills and leadership needed for parents to be active partners in, and advocates for, their children’s education from preschool through college. Family support services help parents to assess priorities and set and meet family goals regarding income sufficiency, education, housing and employment, as well as connect families with resources for issues such as hunger, domestic violence and chemical dependency.

**Findings from Rigorous Evaluation of Preschool Programs**

In developing these recommendations, the Technical Workgroup focused on state programs that have undergone rigorous evaluation and on the Head Start and ECEAP programs. An analysis of the program standards for Head Start and ECEAP and of other state preschool programs that meet seven or more of the quality standards of high-quality preschool can be found in Appendix E. This appendix also includes state funding sources used to implement the programs. A growing number of rigorous studies find substantial positive short- and long-term effects of state preschool on children’s learning, development, and school success. Results from nine such studies in 10 states are summarized below. This evidence adds to the much larger body of evidence on the general effects of early learning.

**Evidence of Preschool Effectiveness Grows**

<table>
<thead>
<tr>
<th>State</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Five-States</strong></td>
<td>The National Institute for Early Learning Research (NIEER) used a regression discontinuity design to evaluate the effects of state-funded pre-K programs in five states (MI, OK, NJ, SC, &amp; WV). Programs had positive effects on learning for language, literacy and math. Results varied across states, but all states’ programs had significant impacts.</td>
</tr>
<tr>
<td><strong>California</strong></td>
<td>A study of California’s state preschool program by researchers at NIEER and UCLA found that state-funded pre-K in public schools produced large gains in language, literacy, and mathematics at kindergarten entry.</td>
</tr>
</tbody>
</table>

Outcomes and Benefit-Cost Analyses of High-Quality Preschool Education

Only two preschool programs have long-standing research that followed participants into adulthood. As shown in the following table, both show extraordinary benefits relative to their cost. Because the Chicago Child-Parent Centers approach is more similar to the program recommendations contained in this report, the Technical Workgroup believes that the outcomes for children who participate in Washington Preschool will approach the benefits found for the Chicago program in the following table. Outcomes include substantial improvements in high school graduation and in reduced special education and grade level retention.

<table>
<thead>
<tr>
<th>State</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana21</td>
<td>An evaluation of the LA4 program, using a multi-year design with four cohorts, found strong gains in learning for language, literacy, and mathematics. Gains continued through at least kindergarten. The study also found substantial decreases in grade repetition and special education.</td>
</tr>
<tr>
<td>Michigan22</td>
<td>The High Scope Educational Research Foundation longitudinal study of Michigan’s School Readiness Program found that it increased “passing” rates on the state’s literacy and mathematics tests, and decreased grade repetition at fourth- and eighth-grade follow-up.</td>
</tr>
<tr>
<td>New Jersey23</td>
<td>Multiple studies found positive effects on language, literacy, and mathematics learning. A longitudinal follow-up study found that learning gains from the Abbott Pre-K program were sustained through second grade (the most recent follow-up), and grade repetition was reduced. The effects of two years of participation were twice as large as the effects of one year for most outcome measures.</td>
</tr>
<tr>
<td>New Mexico24</td>
<td>Statewide evaluations found positive effects on language, literacy, and mathematics at kindergarten entry across multiple years of the program.</td>
</tr>
<tr>
<td>North Carolina25-28</td>
<td>An evaluation of the More at Four (MAF) pre-K program by researchers at the University of North Carolina found that MAF increased reading and mathematics achievement in third-grade for children from low-income families, the primary group eligible for the program.</td>
</tr>
<tr>
<td>Oklahoma28</td>
<td>Georgetown University studies of the pre-K program in Tulsa found positive effects on literacy and mathematics learning and on socio-emotional development for all children. Effects were somewhat larger for the most disadvantaged children, but were substantial for children from every background, including children who are not economically disadvantaged.</td>
</tr>
<tr>
<td>Tennessee27</td>
<td>Two studies (one, a randomized trial, the other a regression discontinuity study) conducted by Vanderbilt University found substantial positive effects of Tennessee’s preschool program on language, literacy, and mathematics tests after one year of pre-K.</td>
</tr>
</tbody>
</table>

Outcomes and Benefit-Cost Analyses of High-Quality Preschool Education

| Year began | 1983 | 1962 |
| Location | Chicago, IL | Ypsilanti, MI |
| Sample size | 1,539 | 123 |
| Research design | Matched neighborhoods | Randomized trial |
| Age | Ages 3–4 | Ages 3–4 |
| Program schedule | Half-day, school year | Half-day, school year |
| Family Support | Home visits, parent resource program, community mobilization | Weekly home visits |

Program Outcomes in comparison to control groups 26

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Chicago Child-Parent Centers</th>
<th>High/Scope Perry Preschool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Education</td>
<td>14% vs. 25% at age 18</td>
<td>15% vs. 34% at age 15</td>
</tr>
<tr>
<td>Grade Retention by Age 15</td>
<td>23% vs. 38%</td>
<td>NA (school policy against retention)</td>
</tr>
<tr>
<td>High School Completion</td>
<td>66% vs. 54% at age 22</td>
<td>71% vs. 54% at age 27</td>
</tr>
</tbody>
</table>

Cost to Benefits (2006 Dollars, Discounted at 3%) 29

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Chicago Child-Parent Centers</th>
<th>High/Scope Perry Preschool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>$8,224</td>
<td>$17,599</td>
</tr>
<tr>
<td>K-12 Cost Savings</td>
<td>$5,989</td>
<td>$9,787</td>
</tr>
<tr>
<td>Post-Secondary Ed. Cost</td>
<td>-$685</td>
<td>-$1,497</td>
</tr>
<tr>
<td>Crime Cost Savings</td>
<td>$41,100</td>
<td>$198,981</td>
</tr>
<tr>
<td>Earnings</td>
<td>$34,123</td>
<td>$74,878</td>
</tr>
<tr>
<td>Total Benefits</td>
<td>$ 83,511</td>
<td>$ 284,086</td>
</tr>
<tr>
<td>Cost-to-Benefit Ratio</td>
<td>1:10</td>
<td>1:16</td>
</tr>
</tbody>
</table>

Anticipated Outcomes of Washington Preschool

As described above, the evaluation of large-scale, high-quality preschool programs shows that many states realize impressive gains in educational achievement and reductions in expensive grade-level retention and special education 30. Based on the experience of other states, the Technical Workgroup believes that the implementation of the recommendations in this report will achieve six key outcomes:

1. Increased kindergarten readiness
2. Increased proportion of children in all population groups performing at or above grade level by third grade
3. Reduced grade level retention
4. Reduced need for special education
5. Fewer high school dropouts
6. More successful adults

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26 Galinsky, E. “The Economic Benefits of High-Quality Early Childhood Programs; What Makes the Difference” (February 2006) Families and Work Institute & The Committee for Economic Development
Policy and Program Design Recommendations
Guided by the twin considerations of improving educational achievement and judicious use of public funds, as noted in Section III, the Technical Workgroup makes the following recommendations. The Technical Workgroup believes implementation of these interlocking recommendations will allow Washington to realize the outcomes to which we aspire. These recommendations are presented in six sections:

A. Improve Access: Open to 3- and 4-Year-Olds in Attendance Areas with Graduated Co-Pays
B. Provide High-Quality and Adequate Intensity: Program Quality and Standards
C. Increase Accountability: Performance Measures and Evaluation
D. Institute a Mixed Delivery System of High-Quality Providers: Eligible Providers
E. Direct DEL to Manage the Program and Create an Advisory Committee: Governance Responsibilities
F. Create a Single High-Quality Preschool Program: Role of ECEAP

Each section includes recommendations and the rationale for the recommendations. The first two sections include a comparison between the current ECEAP standards and recommended Washington Preschool standards.

Preschool in Washington is provided by an array of private schools, private nonprofit agencies and public agencies such as schools, educational service districts, local governments and child care providers. The recommendations contained in this report are intended to guide the publicly funded Washington Preschool program and the public and private agencies that contract with the state to provide this program. Even at full implementation, many families will choose private preschools. The combination of publicly and privately funded preschool options will offer families at every income level access to voluntary preschool while preserving parent choice.

A. Open to All 3- and 4-Year-Olds in a Zone Approach: Access
The following recommendation is based on the benefits of preschool to children of all income levels, the far greater gains children derive from two years of participation, and Washington’s ranking as 31st among states in access to preschool for 4-year-olds:

**Access Recommendations**

1. **Open to 3- and 4-Year-Olds.** Make high-quality preschool available, on a voluntary basis, to all 3- and 4-year-olds, with graduated co-pays for families with incomes above 250% of the Federal Poverty Level (FPL)*.
2. **Vulnerable Children.** During phase-in, when a portion of slots are held for vulnerable children, use a research-based prioritization point system developed by DEL to determine eligibility. Include children qualifying for special education as eligible.
3. **Eligibility by zone during phase-in.** During phase-in, use elementary school attendance areas to define eligibility zones, starting first in attendance areas of schools with full day kindergarten and relatively lower access to ECEAP or Head Start. At scale, use the school district as the eligibility area.
4. **Transportation - Reduce barriers to participation by providing limited transportation for isolated families and in cases of hardship.** Transportation is an allowed, but not required, expense.

*(250% of FPL for 2011 is $48,325 for a family of three.)

Washington Preschool and ECEAP Access Comparison
For reference, the chart below provides a comparison of ECEAP and the recommended Washington Preschool.

<table>
<thead>
<tr>
<th>Eligible Children</th>
<th>Current ECEAP</th>
<th>Washington Preschool Recommendation</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-year-olds and some 3-year-olds in families up to 110% of FPL or facing developmental risk</td>
<td>Voluntary for all 3 &amp; 4 year-olds with graduated co-pays for families over 250% FPL</td>
<td>Voluntary for all 3 &amp; 4 year-olds Graduated co-pays</td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td>Allowed expense, not required.</td>
<td>Limited transportation funds. Allowed expense, not required.</td>
<td>Limited transportation funding</td>
</tr>
</tbody>
</table>
Rationale for the Access Recommendations

Two Years of Preschool Provides Far Greater Gains. As noted in the Considerations section, the gains from two years of preschool are great enough to change the trajectory of a child’s life. This fact, and the knowledge that substantial savings are expected due to reduced grade retention and special education costs, strengthens the importance of this policy choice. In New Jersey, grade retention was cut in half by second grade for children who participated in two years of preschool as 3- and 4-year-olds. In Pennsylvania, historical school district special education placement rates were reduced from 18 percent to 2.45 percent for PreK Counts children; those who participated for two years showed the greatest gains.

All Children Benefit. The Early Learning Technical Workgroup’s recommendations are modeled on the New Jersey and Oklahoma state program’s provision of services to all children in a community. New Jersey’s Abbott program, which provides preschool to all 3- and 4-year-olds within the Abbott districts, is realizing some of the best results in the nation as noted above. There are several reasons for choosing this policy option:

- Benefits of preschool do not stop at the poverty line. Children from middle-income families account for the largest numbers of children failing and dropping out of school nationally, problems that a high-quality preschool education can help prevent. These children improve significantly in key measures such as early literacy and math when given early learning opportunities.

- Working poor and middle-class families need access. Some very low-income families receive public subsidies for preschool. High-income families can afford preschool. But the working poor are struggle to provide basic necessities and cannot afford the additional annual preschool cost of $6,662 per year. In Washington, it is estimated that a working family must earn more than three times the ECEAP income eligibility level, which was $24,585 for a family of four in 2011, to afford an average preschool program. This difference between eligibility for means-tested preschool and the ability to afford a private preschool program is often called the preschool pinch. Washington’s preschool pinch was ranked worst in the nation in a 2008 PreK-Now report. This is

The Preschool Pinch: Early Education & the Middle Class

![Image](https://example.com/preschool-pinich.png)

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35 Based on the 2011 Washington State ECEAP Program cost per child. Washington State has no other available data on preschool costs as preschool is unregulated.
consistent with national data, which shows a dramatic 21-point dip in preschool participation for the children of families with incomes below $40,000 compared with families with incomes of $60,000 or more per year.\(^{37}\)

The Longview School District fall 2011-12 kindergarten assessment data (page 10) begins to illustrate the educational difference preschool can make for the children of working poor and middle class families. The district found a 24-point difference in the need for intensive, costly intervention between children who attended preschool in the community (25 percent) and children with no preschool (49 percent). (This does not include children who attended ECEAP, Head Start or who had a special education individualized education plan.) Consistent, high-quality preschool is very likely to create even bigger gains for children.

- **Broad availability will foster increased participation of high-risk, vulnerable children.** In addition, a program available to all may reach many more vulnerable children than programs focused only on children who are low-income or have adverse early childhood experiences, such as domestic violence. Targeted programs fail to reach many high-risk families due to difficulties in identification, changes in eligibility, and geographic mobility. As noted above, programs targeted to children in poverty also do not adequately address issues of access for children whose families have modest incomes and have the lowest preschool participation rates. Income-targeted programs also do not reach all children who have multiple adverse childhood experiences, which influence life-long risk for problems ranging from alcohol and drug abuse to heart disease and problems finding and keeping a job.\(^{38}\)

**Defining Elementary School Attendance Areas as the Eligibility Zone Promotes Effective Delivery.** Using the attendance areas of schools with state-funded kindergarten as the “eligibility zone” will help ensure access for all families living in the eligibility area during phase-in and provide a good proving ground for implementing and refining Washington Preschool. As the program approaches full implementation, the school district could become the eligibility zone. This is similar to New Jersey’s district-wide eligibility, but on a smaller scale. This zone approach has been highly effective in clusters of elementary schools in Montgomery County, Maryland, where, since 1999, children in Title I schools with a track record of poor performance have had access to top-notch preschool and an aligned continuum of K-12 education. This has produced enviable results: Nearly 88 percent of third graders read proficiently and about 90 percent of 12th graders graduate from high school, with 77 percent of graduating seniors enrolling in college\(^{39}\).

The Technical Workgroup envisions that, most frequently, the eligibility zone would be a single elementary school catchment area, but it could be a cluster of elementary schools, grouped to reach the number of preschoolers necessary to establish a viable program. Also, this approach supports alignment between preschool providers and elementary schools, which are key to promoting a strong P-3 educational continuum.

**Integrating with Special Education Provides Benefits.** When children with disabilities and developmental delays learn side-by-side with typically developing children, everyone benefits. For this reason, the technical workgroup recommends that 3- and 4-year-old children receiving special education services with individualized education programs [IEPs] (in accordance with the federal Individuals with Disabilities Education Act, Part B), be integrated into Washington Preschool as much as possible. Further, the workgroup recommends that a task group continue to meet to determine models for blending and braiding funding for this integration, whether the program is provided by school districts or other agencies.

This approach will build on current strengths. In the 2010-2011 school year, 10,188 Washington children ages 3 to 5 received special education services. Of these, 830 were served in the state’s ECEAP program; 98 percent of ECEAP contractors provided this integrated service. One thousand nine hundred (1,900) children with IEPs were served in


Head Start and 100 percent of the state’s Head Start grantees participated. Integrating preschool special education and the new state preschool program will create an economy of scale that allows more children to experience inclusive, natural settings. Further analysis will be needed to create models for braining of funds.

**Providing Transportation Will Remove Barriers to Participation.** The Technical Workgroup recommends that, initially, only limited transportation be funded for Washington Preschool. Further analysis will be needed to determine specific transportation needs and options in the early years of implementation.

**B. Provide High Quality and Adequate Intensity: Program Quality and Standards**

The following recommendations are based on the combination of preschool quality elements research shows contribute most to child outcomes and a considered prudence as befits the current economic climate. These elements work in unison; reducing one element is likely to reduce the educational effectiveness of the program.

Research has consistently shown that 3– and 4-year-olds that attend high-quality preschool are more successful in kindergarten and beyond–both academically and socially. These benefits carry through to the work force. However, the benefits and return on investments detailed above and in the Cost Benefit Analyses only accrue to preschool programs with high-quality teaching and activities, health and safety provisions and relationships with parents. Program structure, including teacher qualifications, class size, teacher-child ratios, are equally important elements, as is the presence of a data infrastructure that effectively measures and supports program quality and outcomes. It is the package that has an impact; single elements do not produce sufficient gains.

**Program Quality and Standards Recommendations**

6. **Teacher Qualifications.** Set high teacher qualifications. Charge DEL with defining this in more detail, aligning it with the statewide early learning professional development system. For:
   - Lead teachers, require a bachelor’s degree in early childhood education or related field or a bachelor’s degree in any field with demonstrated competence in an early childhood setting; and,
   - Assistant teachers, require an associate’s degree in early childhood education or related field.

7. **Professional Development.** Require 100 approved hours of continuing education study and/or equivalent academic credit (10 quarter hours) every five years, with a minimum of 15 hours per year.

8. **Class Size and Ratio.** Set a maximum class size of 18 children and minimum ratio of classroom staff to children of 1:9. Provide more intensive support for the most vulnerable children by reducing class size or teacher: child ratios.

9. **Preschool Classroom Hours.** Increase the number of classroom hours (dose) to a minimum of 450 per year, from ECEAP’s current 320 hours. Allow additional hours for the most vulnerable children.

10. **Provide Tiered Family Support and Health Services.** Tailor family support and health services to individual family needs. Use the preschool application process and any adverse family or child events experienced during the year to determine service levels.

11. **Cultural Relevance.** Ensure that all aspects of teaching and learning are culturally relevant to participating children and their home cultures. This will enable Washington preschool to provide educationally effective preschool services to the rich diversity of Washington children.

12. **Program Performance Standards.** Charge DEL with developing detailed contractual program performance standards, aligned with these recommendations, and periodically updating the standards as needed to streamline implementation and enhance program outcomes.

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40 Espinosa, L. M. High Quality Preschool: Why We Need It and What It Looks Like. (11/02) http://nieer.org/resources/policybriefs/1.pdf
**Washington Preschool and ECEAP Program Standards Comparison**

For reference, the chart below provides a comparison of the current ECEAP standards with the recommended Washington Preschool Program standards.

<table>
<thead>
<tr>
<th></th>
<th>Current ECEAP</th>
<th>Washington Preschool Recommendation</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Classroom Hours</strong></td>
<td>320 hours per year, minimum.</td>
<td>450 preschool classroom hours per year, minimum</td>
<td>40% more hours</td>
</tr>
<tr>
<td><strong>Teacher Qualifications</strong></td>
<td>Lead Teacher- AA or higher degree w/ 30 credits in early childhood education</td>
<td>Lead Teacher- BA Degree in Early Childhood Education or related field, or BA &amp; demonstrated competence</td>
<td>BA Degree- ECE /Related field; or BA degree &amp; demonstrated competence</td>
</tr>
<tr>
<td><strong>Class Size and Teacher/Child Ratio</strong></td>
<td>Maximum class size: 20 Teacher: Child Ratio 1:9 or better</td>
<td>Maximum class size: 18 Teacher: Child Ratio 1:9 or better, plus, additional staff for high-risk children (below 130% FPL, homeless, in foster care, with an IEP or English Language Learners)</td>
<td>Smaller class size Added resources for high-risk children (RTI approach)</td>
</tr>
<tr>
<td><strong>Professional Development</strong></td>
<td>Lead teachers/family support specialists - 15 hours per year.</td>
<td>100 approved hours of continuing education study and/or equivalent academic credit (10 quarter hours) must be completed every five years.</td>
<td>More hours and more intentional professional development required</td>
</tr>
<tr>
<td><strong>Child Health &amp; Family Support Services</strong></td>
<td>Health screening, assistance with access, family support and engagement and follow-up</td>
<td>Initial screening with tiered child health, family support and engagement based on child and family needs</td>
<td>After initial screening, services based on individual child and family needs</td>
</tr>
</tbody>
</table>

**Rationale for Quality and Standards Recommendations**

**Teacher Qualifications Boost Children’s Learning.** Effective teachers are knowledgeable about child development and understand the classroom practices necessary to maximize gains. Research, and the experience of long-time practitioners who have extensive experience operating preschool programs, suggests that higher levels of teacher education, and in particular, a bachelor’s degree, are associated with higher overall classroom quality, more positive teacher behaviors in the classroom, and greater gains in children’s cognitive and social development. This is especially true when coupled with careful monitoring and intentional professional development.\(^{41}\) It is important, however, to note that requiring BA degrees with inadequate teacher pay will make it difficult to attract and retain good teachers, since the best teachers will choose better-paying jobs.

**Reduced Class Size and Child: Teacher Ratios Increases Individualized Teaching Time.** Low class sizes and child: teacher ratios afford more time for the individualized and small group instruction that bolsters young children’s learning. The recommendation to limit class size to 18 children (down from ECEAP’s maximum class size of 20) is a moderate, fiscally responsible recommendation. Preschool research strongly indicates that small class sizes are associated with greater educational effectiveness and other benefits such as improved child health and safety.\(^{42}\) Research demonstrates that benefits to children increase for each reduction in class size down to 15, the lowest class size that has been researched.

Overall teacher: child ratios are maintained at the current ECEAP level of 1:9. However, because vulnerable children need more intensive teaching and frequently require other staff resources such as specific language skills or

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\(^{41}\) Kelley, P, Camilli, G. “The Impact of Teacher Education on Outcomes in Center-Based Early Childhood Education Programs: A Meta Analysis” (2005)

\(^{42}\) Barnett, S.W., Schulman, K., Shore, R. “Class Size: What’s the Best Fit?” Preschool Policy Matters (December 2004)
specialized behavior management skills, additional staff resources are recommended for these children. The workgroup recommends a higher level of funding for children who have families with annual income under 130 percent of FPL, are homeless, are in foster care, are English Language Learners, or require special education and have an individualized education program (IEP).

**More Classroom Hours Increase Educational Effectiveness.** Duration matters. Even students who are far behind at kindergarten entry can develop vocabulary, math and literacy skills that approach national norms if provided with extended duration preschool that maintains reasonable quality standards. Further, the 2004 national SWEEP Study, which included ECEAP, showed very high classroom quality in ECEAP, but only moderate child gains. Researchers hypothesized it was because of ECEAP’s very low annual classroom hours, 240 hours at that time. The Technical Workgroup recommends that classroom hours be increased to 450 per year (from ECEAP’s 320 hours per year) to be consistent with the Oklahoma and New Mexico programs that are getting good results. Although it is generally recognized that full-day programs produce stronger results, the Technical Workgroup did not recommend a full-day program, as hours are a huge cost driver. The Technical Workgroup believes that the synergies realized by the full set of program quality recommendations contained in this report will produce better outcomes than a longer program without other key factors such as lead teachers with bachelor’s degrees.

**Differentiated Family Support and Health Services Support Families Most In Need.** Research on the Head Start program and current ECEAP outcomes demonstrate the value of health and family support services. These include more frequent health and dental care and higher rates of childhood immunizations. Parents demonstrate increased coping skills, and decreased depression and sickness, which impact child well-being and family stability. However, not all families need the same level or types of health services and family support. The Technical Workgroup recommends that these services be provided based upon needs identified by screening rather than to all families, as currently provided in ECEAP. This differentiated approach allows services to be tailored to family needs, at a lower cost than a mandated level of service. Recommended services include:

- For all children: developmental, vision, hearing, and height/weight/BMI screening with follow-up, as indicated; tracking of well-child exams, dental screenings and immunizations; family education (e.g., obesity prevention.)
- Based on need: Intensive family supports and health services case management for children.

**C. Increase Accountability: Performance Goals and Evaluation**

Among the goals underpinning these recommendations is a desire to better systematize the provision of high-quality preschool and build a continuum of education from early learning through higher education that can boost our state economy and global competitiveness. A pre-K to grade 12 system needs the resources and expertise to collect reliable and valid data about children’s learning and development in preschool programs. Only then can stakeholders make sound conclusions about program performance, analyze why some providers may be more successful, and implement research-based continuous improvement efforts.

For these reasons, the Technical Workgroup believes rigorous evaluation processes are important. The Technical Workgroup recommends using a uniform child assessment tool aligned with both the state’s quality rating and improvement system and the Washington Kindergarten Inventory of Developing Skills (WaKIDS) and adding nationally normed assessments of preschool classroom quality and teacher-child interaction. The workgroup also recommends continued efforts to connect state preschool data to K-12 and work force data, using the P-20 longitudinal database, which is now under development. This will enable data-driven decisions about program impact and adjustments needed over time.

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This section describes the combination of performance goals and evaluation that can guide implementation, ensure results for children, and ensure accountability for public investments. The Technical Workgroup recommends using a uniform, statewide child assessment tool to assess the growth in children’s age-appropriate skill levels. These assessments will be key to informing learning plans for children as well as planning continuous program improvement.

The Technical Workgroup recommends mandating that the same nationally valid tool be used for the child assessment component of WaKIDS, Washington Preschool, ECEAP and the state’s quality rating and improvement system. (There is currently an active request for proposals to determine an ECEAP child assessment tool.) This would allow direct comparisons between these early learning and preschool programs and provide consistent data to examine age-appropriate preschool skill levels and kindergarten readiness.

**Rationale for Performance Measures and Evaluation Recommendations**

*Classroom Quality is a Predictor of Educational Effectiveness.* Research shows that child outcomes correlate with classroom scores on nationally validated assessments of the classroom environment and teacher-child interactions. The Technical Workgroup recommends use of these assessments to help ensure classroom quality and to guide teachers’ professional development. We recommend first assessing the classroom environment, then moving to an assessment of teacher-child interactions once high classroom environment ratings are achieved. Nationally-validated assessment tools (e.g., the Early Childhood Environmental Rating Scale, or ECERS, and the

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Classroom Assessment Scoring System, or CLASS) are widely used for these purposes. The Technical Workgroup recommends use of assessment tools that are consistent with those used in Washington’s child care quality rating and improvement system to provide economies of scale and ability to analyze outcomes across programs.

**Assessment and Evaluation Linked to WaKIDS Can Inform Implementation and Provide Accountability.**
The workgroup recommends a strong external evaluation component for Washington Preschool with a focus on classroom quality and child outcomes. This will provide the state and preschool providers with the information necessary to make data-driven decisions while implementing the new program. It is recommended that the Washington Preschool evaluation also include a sample of classrooms and children in ECEAP to compare the effectiveness of the two programs.

This independent evaluation using nationally normed assessments of classroom quality and children’s development, serves four purposes. The data will be used to:
1. Inform teacher professional development
2. Plan individualized curriculum for children
3. Guide implementation of Washington Preschool
4. Provide accountability and help ensure results

**D. Institute a Mixed Delivery System of High-Quality Providers: Eligible Providers**
The Technical Workgroup recommends a mixed delivery system with a variety of eligibility providers to help ensure a preschool program that is flexible and draws on the strengths of school and community providers.

**SERVICE DELIVERY AND PROVIDER QUALITY RECOMMENDATIONS**

15. **Encourage an Array of Providers.** Allow a wide array of public and private entities to serve under contract as Washington Preschool providers, providing that the program is free from religious instruction, activities or symbolism. Examples of eligible providers include, but are not limited to: nonprofit, profit and faith-based organizations, licensed child care centers and family homes, private schools, ECEAP and Head Start providers, school districts, educational service districts, community and technical colleges, local governments, tribes, and tribal organizations.

16. **Establish an Approval Process.** Providers should be approved by DEL through an application process and establishment of a contract for services. They must be in good standing with contract requirements, including performance standards, and applicable state laws and regulations.

**Rationale for Mixed Delivery System and Eligible Providers**

**A Mixed Delivery System with a Wide Pool of Eligible Providers Will Best Serve Our Diverse State.** The state’s diversity is evidenced by population densities, which range from 2.17 people per square mile in Grant County to 913.72 in King County. School districts (where elementary school boundaries will comprise eligibility zones) are equally diverse. In the 2011-12 school year, 90 Washington school districts had an enrollment of 25 or fewer first graders, 81 had enrollments of 100 or fewer first grade students, while 45 have first grade enrollments of 500 to 4,241 children. With this diversity, no single type of provider will be available or effective in every area of the state. In addition, creating this wide pool of eligible providers is more cost-effective as it can take advantage of existing preschool providers and facilities.

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47 OSPI 2011-12 Report of Enrollment by School District
In addition, national research demonstrates that state preschool programs carried out by a variety of types of providers can deliver results for children. The most fundamental criterion for eligible providers is program quality.

*The Approval Process Will Be Streamlined and Effective.* The Technical Workgroup believes that the due diligence required in the application and contracting process, coupled with the rigorous assessment of quality described in Section C and routine contract and program monitoring, will be adequate to assure program quality and appropriate financial management. The requirement that contractors be in good standing with the contract provisions and applicable laws and incorporating quality measures in the contract renewal will allow DEL to terminate the contract of a provider that is not meeting requirements.

**Washington Preschool and ECEAP Program Provider Comparison**
The chart below provides a comparison of the current providers eligible to participate in ECEAP, with the providers recommended for Washington Preschool.

<table>
<thead>
<tr>
<th>ECEAP</th>
<th>Washington Preschool Recommendation</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible Providers</td>
<td>Public or private nonsectarian organizations</td>
<td>Open to more types of providers</td>
</tr>
<tr>
<td></td>
<td>Public and private entities, including nonprofits, for profit organizations and sectarian organizations providing that the program is free from sectarian instruction, activities or symbolism</td>
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</tr>
</tbody>
</table>

E. **Direct DEL to Implement Washington Preschool: Governance**
The Technical Workgroup believes that it will be most effective and efficient for a single state agency to manage the state preschool program(s). The success of Washington Preschool will depend in large part on its implementation, so the Technical Workgroup recommends an advisory committee and regular review of program standards and results. At the same time, the new preschool program will create opportunities to improve alignment of preschool and early elementary school. Thus, the Technical Workgroup makes the following recommendations.

**GOVERNANCE RECOMMENDATIONS**

18. *Direct DEL to Institute and Manage the Preschool Program.* Direct the DEL to implement and manage the new preschool program and accompanying funds and to work in consultation with OSPI to promote preschool through third Grade (P-3) educational alignment.

19. *Establish an Advisory Committee.* Direct DEL to use the Early Learning Advisory Council (ELAC) as an advisory committee to guide development of the new preschool program, consistent with ELAC’s statutory membership requirements and functions. Request that ELAC establish a subcommittee for this purpose with the requisite technical expertise and representation.

20. *Require an Annual Review of the Preschool Program, Implementation Issues and Results.* The annual review should include preschool program implementation issues and recommended adjustments to program standards (if any), evaluation results, preschool program outcomes, and progress on preschool to third grade alignment of curriculum and instruction. The review should be carried out by DEL in consultation with OSPI, drawing on the input and counsel of ELAC.

**Rationale for Governance Recommendations**

**DEL is a Capable Preschool Program Manager** - DEL has substantial expertise in this area, making this one of the more clear-cut choices that the Technical Workgroup faced. DEL should work closely with OSPI to improve the alignment of preschool and elementary school education and to analyze the progress of preschool children throughout their K-12 careers. The Advisory Committee is recommended in the interest of helping ensure that program results guide refinements as may be necessary during implementation.
F. Create a Single High-Quality Preschool Program: Role of ECEAP

Research shows that children of all abilities and family incomes may benefit from the program described in these recommendations. This led the Technical Workgroup to make the following recommendations:

**ROLE AND DISPOSITION OF ECEAP RECOMMENDATIONS**

21. *Merge ECEAP into the new program upon full implementation.* ECEAP enrollment slots should be converted to Washington Preschool in graduated steps so that children can benefit from the higher intensity and higher quality preschool program.

22. *Maintain two side-by-side programs during early implementation.* In the early phases, maintain the two programs and gradually convert ECEAP slots to the new program. Use this opportunity to evaluate the difference in classroom quality and educational gains among ECEAP, converted ECEAP and Washington Preschool sites. Guide implementation and make adjustments in program design as suggested by the evaluation findings.

**Rationale for Role of ECEAP Recommendation**

At full implementation, maintaining only one program will allow Washington to produce improved gains for children and reduce the complexity of running side-by-side programs. Maintaining ECEAP for a period of time, rather than converting ECEAP to the new program early on, is recommended to reduce cost in the early years and to increase services to mixed-income families.

G. Make Washington Preschool a Statutory Entitlement at Full Implementation

The Technical Workgroup researched legal and programmatic issues related to implementation of the preschool program as a program of basic education or as an entitlement (either statutory or constitutional). Basic education clearly provides the greatest access for children and the most protection of funding. However, the Technical Workgroup believes that, at this time, associated governance requirements and political challenges would put the focus on legal requirements and politics rather than on the impact of preschool. For this reason, the Technical Workgroup recommends that Washington Preschool become a statutory entitlement consistent with HB2731.

**ENTITLEMENT RECOMMENDATION**

23. *Make Preschool a Statutory Entitlement Program.* When full implementation is achieved, any eligible child shall be entitled to be enrolled in the program.

**Rationale for the Entitlement Recommendation**

This recommendation that preschool be available to all eligible children is based on the large body of research showing significant educational benefits of high-quality preschool for children of all abilities and income levels. Due to legal and political considerations, at this time, the Technical Workgroup recommends an entitlement approach. As Washington Preschool approaches full implementation, a provider of last resort (an entity that is required to provide the program in a community if no other entities step forward to do so) such as school districts, should be considered.

**Opportunities and Barriers: Basic Education and Entitlement**

This section presents the examination required in SB 6759 of the opportunities and barriers associated with at least two options for implementing a preschool program: as part of basic education, or as a statutory or constitutional entitlement. The Technical Workgroup researched the definitions and implementation processes for each alternative and then examined opportunities, issues and options for implementing the preschool program as part of basic education or as an entitlement. The term “issues and options” is used rather than barriers as the Technical Workgroup found that the “barriers” have positive aspects as well as challenges.
The Technical Workgroup believes that the balanced recommendations detailed in this report will produce the best possible results at the recommended costs per slot. At full implementation, all 3- and 4-year-old children should be entitled to participate in Washington Preschool. Whether as basic education or an entitlement program, requiring that all children have the opportunity to participate will result in both increased educational attainment and administrative costs associated with making the program available to all. Two appendices contain related information.

- Appendix A: Attorney General Opinion 2009, No 8
- Appendix D: Matrix of differences and similarities between preschool programs that are included as part of basic education versus programs that are an entitlement (from the Technical Workgroup’s July 2011 Status Report.)

The chart below defines the key terms, implementation processes and examples of basic education, entitlements and categorical expenditures. The next three charts describe the opportunities, issues and options for Washington Preschool that should be considered if the program is part of basic education or a statutory or constitutional entitlement.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Implementation</th>
<th>Example</th>
</tr>
</thead>
</table>
| Basic Education          | The minimum educational program defined to meet the State’s duty under Section 1 of Article IX of Washington State’s Constitution - “It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, | - Legal decisions  
- Policy bill  
- Budget appropriation  | Special education |
| Statutory Entitlement    | An entitlement is a guarantee of access to specific benefits as directed by enacted legislation. | - Policy bill  
- Budget appropriation  | HB 2731  (Established preschool for eligible children as an entitlement) |
| Constitutional Entitlement | An entitlement is a guarantee of access to benefits as defined in a provision of the Washington State Constitution, which could include a new constitutional amendment. | - Two-thirds vote in House and Senate  
- Governor signature  
- Vote of the people (50%+1)  | House Joint Resolution 4204 (Local school levies required a 60% +1 vote to pass maintenance levies |
| Categorical Expenditure  | A program or expenditure funded in the enacted budget. | - Budget appropriation  
- Policy bill is not necessary  | ECEAP  
National Board  
Teacher Certification  
Home visitation programs |
### Opportunities, Issues and Options as a Program of Basic Education

<table>
<thead>
<tr>
<th>Component</th>
<th>Considerations</th>
<th>Opportunities</th>
<th>Issues and Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>State Constitution grants OSPI supervisory authority over the public school system. Early learning would have to be defined as part of the public school system to be included as part of “basic education.”</td>
<td>• Provides most funding protection</td>
<td>• See below</td>
</tr>
</tbody>
</table>
| Governance         | OSPI, as an agency created and authorized under statute, or a program of state government subject to accountability by legislative oversight, would have primary responsibility, as defined above. | • Single agency oversees preschool and K-12 schools                                                                                                   | Either:  
- State preschool programs are managed by two state agencies (DEL-ECEAP/ OSPI- WA Preschool Program); or  
- OSPI contracts management to DEL, requiring some level of oversight at two state agencies. |                                                                                                                                                                                                                                      |
| Transportation     | Required to provide transportation for eligible students who would be unable to participate without transportation.                                                                                             | • Transportation enables more children to attend preschool                                                                                           | • More children have access to preschool, but cost is higher.                                                                                                             |
| Sectarian Influence | Washington State’s Constitution, basic education must be delivered through a general and uniform system of public schools. This would allow School Districts or Educational Service Districts to oversee programs locally. |                                                                                                                                                           | • Reduces options concerning the number and types of capable preschool providers (religiously influenced organizations would likely be ineligible for basic education funding).  
- May increase need for new facilities by prohibiting participation of a type of current provider with existing space. |                                                                                                                                                                                                                                      |
| Where Services are Delivered | Under Article 9, Section 2 of Washington State's Constitution, basic education must be delivered through a general and uniform system of public schools. This would allow School Districts or Educational Service Districts to oversee programs locally. | • Systematic statewide coverage through school districts and their contracts.                                                                     | • Affords and requires connection with K-12 schools.                                                                                                                     |

### Opportunities, Issues and Options as a Statutory Entitlement

<table>
<thead>
<tr>
<th>Component</th>
<th>Considerations</th>
<th>Opportunities</th>
<th>Issues and Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>Less protection of funding than Basic Education, but more than as a categorical expenditure</td>
<td>• At scale all families with 3 and 4 year olds would have access to voluntary high quality preschool</td>
<td>• Entitlement approach could create pressure to reduce quality in tough budget times.</td>
</tr>
<tr>
<td>Governance</td>
<td>No constitutional requirement. Implementing agency selected by the state legislature and the Governor.</td>
<td>• More flexibility in determining implementing agency</td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td>Optional</td>
<td>• More flexibility in determining transportation</td>
<td></td>
</tr>
</tbody>
</table>
| Sectarian Influence | If not purporting to implement the "education" mandate under article IX of the state constitutions, an early learning program would likely be reviewed under the less restrictive requirements of article I, section 11, which prohibits public money from being appropriated or applied to any religious worship, exercise, or instruction. | • Ability to contract with for-profit and sectarian providers (providing program contains no sectarian instruction, activities and/or symbolism).  
- Reduces need for new facilities as more existing preschool and child care providers will participate. |                                                                                                                                                                                                                                      |
Opportunities, Issues and Options as a Constitutional Entitlement

<table>
<thead>
<tr>
<th>Component</th>
<th>Considerations</th>
<th>Opportunities</th>
<th>Issues and Options</th>
</tr>
</thead>
</table>
| Overall            | Some funding protection. Difficult to dismantle      | • At scale all families with 3 and 4 year olds would have access to voluntary high quality preschool, within funding made available.  
                                                                        • Freedom from Basic Education restrictions such as OSPI supervision, and delivery restricted to public schools | • Hard to establish. Requires 2/3rds majority of the legislature plus a vote of citizens  
                                                                        • Absent the tie to paramount duty, difficult to discern any benefit above that of a statutory entitlement  
                                                                        • Less flexibility than a statutory entitlement |
| Governance         | As specified in the Constitution.                   | • More flexibility in determining supervising agency                                                    |                                                                                                        |
| Transportation     | Optional                                            |                                                                                                        | • Flexibility                                                                                           |
| Sectarian Influence| Flexible providing that the program is free of religious instruction, activities or symbolism |                                                                                                        |                                                                                                        |

Timeline: Phase-in Gradually, Implement Fully by Fiscal Year 2024-25
The Technical Workgroup believes that voluntary high-quality preschool and full-day kindergarten are equally important for improving educational achievement gains. This, combined with the need for prudence in this economic climate, leads the Technical Workgroup to recommend that Washington:

**Phase-in Recommendation**
25. Phase in the preschool program gradually so that it reaches full implementation in school year 2024-25.

Financial Model Assumptions
The funding recommendation and cost projections are based on the following assumptions, which represent the Technical Workgroup's strategic thinking about the funds required to substantially improve educational outcomes for children, at the lowest realistic cost to the state.

Differentiated slot cost. As shown in the table to the right, cost per slot will vary due to differing levels of subsidization based on family income and developmental risk factors. Co-pays make up the difference between full cost and state share. As illustrated in slot costs, additional increments of staff resources will be provided for children who: a) are very low-income or are homeless or in foster care; or b) have an IEP; or c) are an English Language Learner.

<table>
<thead>
<tr>
<th>Per Child Cost by Family Income and Risk Factors</th>
<th>Per Child Cost by Family Income and Risk Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>$8,413</td>
<td>$8,413</td>
</tr>
<tr>
<td>$7,466</td>
<td>$7,466</td>
</tr>
<tr>
<td>$7,237</td>
<td>$7,237</td>
</tr>
<tr>
<td>$7,099</td>
<td>$7,099</td>
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<tr>
<td>$7,008</td>
<td>$6,558</td>
</tr>
<tr>
<td>$6,033</td>
<td>$5,133</td>
</tr>
<tr>
<td>$5,984</td>
<td>$4,184</td>
</tr>
<tr>
<td>$5,640</td>
<td>$2,040</td>
</tr>
<tr>
<td>$1,951</td>
<td>$1,951</td>
</tr>
<tr>
<td>$1,338</td>
<td>$1,338</td>
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</tbody>
</table>

Final Recommendations of the Early Learning Technical Workgroup 27
**Participation estimate.** At full implementation, the Technical Workgroup estimates that families of 62 percent of 4-year-olds and 33 percent of 3-year-olds will choose to participate in the new preschool program (83,785 of approximately 176,190 preschoolers). Population estimates were provided by the Office of Financial Management. Estimates are based on the 2009 American Community Survey. (Note: Numbers are estimates. Poverty data was not available for all persons. People with missing poverty data are missing from this estimate.) Estimates are calculated based on family income as a percentage of FPL. The maximum annual income for a family of three is provided as an example.

The bands of income in the table to the right are tied to intensity of services and graduated co-pays. A portion of these children will be in special education preschool with an IEP or English Language Learners; see the 2010-11 count of these children under “Additional Risk Factors” in the same table.

**Differentiated slot cost.** As shown in the figure above, cost per slot will vary due to differing levels of subsidization based on family income and developmental risk factors. Co-pays make up the difference between cost and state share. As illustrated in slot costs, additional increments of staff resources will be provided for children who: a) are very low-income or are homeless or in foster care b) have an IEP; or c) are an English Language Learner.

**New and existing slots.** Of these 83,785 estimated participating preschoolers noted above, 52,816 will be new preschool slots. The other 30,969 children are now served by ECEAP, Head Start, American Indian and Alaska Native Head Start, Seasonal Head Start and special education preschool.

**Graduated co-pays for higher income families**
Families with incomes above 250 percent of the federal poverty level will be responsible for graduated co-pays.

**Preschool program staffing.** Staffing levels are based on the staffing necessary to create, manage and maintain the preschool quality standards. Preschool program staff compensation is generally based on market rates. However, teacher salaries are based on University of Washington recommendations prepared for Washington Learns (July 2008), as there is currently little labor market data for BA-degreed preschool teachers in Washington.

**Family income is a proxy for high-risk children for costing purposes.** In actual implementation, it is recommended that the research-based prioritization point system developed by DEL be used to identify and prioritize high-risk children.

<table>
<thead>
<tr>
<th>Washington Preschool Participation Estimates by Family Income</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Family Income</strong></td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>FPL 0-130%</td>
</tr>
<tr>
<td>FPL 130.1-185</td>
</tr>
<tr>
<td>FPL 185.1-200</td>
</tr>
<tr>
<td>FPL 200.1-250</td>
</tr>
<tr>
<td>FPL 250.1-300</td>
</tr>
<tr>
<td>FPL 300.1-400</td>
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<tr>
<td>FPL 400.1-500</td>
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<tr>
<td>FPL&gt; 500</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Risk Factors for these children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individualized Education Plan</td>
</tr>
<tr>
<td>English Language Learners (16.7%) of K</td>
</tr>
</tbody>
</table>

**Percentage New Washington Preschool Slots and Existing Slots**

![Percentage New Washington Preschool Slots and Existing Slots](chart)

- Head Start
- ECEAP
- 3-5yo Special Ed
- WA Preschool

Final Recommendations of the Early Learning Technical Workgroup
Phase-In
This section contains recommendations for phase-in and implementation followed by costs for each of the first three years.

Recommended Phase-In Strategy
To allow for a reasonable start-up scale and to support development of the preschool through third grade continuum, the Technical Workgroup recommends the following:

- Begin the new program with 936 3- and 4-year-olds who live in elementary school attendance areas where there is state-funded full-day kindergarten and lower than average access to Head Start and ECEAP.
- Select sites through a competitive process.

Phase-in recommendations are as follows:

<table>
<thead>
<tr>
<th>PHASE-IN RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>26. <strong>Appropriate Planning Funds for FY 2012-13.</strong> Appropriate $118,267 and allot an FTE in fiscal year 2012-13 to DEL for development of program standards, data management system and a competitive request for proposals for Phase One sites.</td>
</tr>
<tr>
<td>27. <strong>Hold the Number of ECEAP Slots Constant during Phase In.</strong> Make no reduction in the number of ECEAP slots during the phase-in of Washington Preschool, except for those slots that are directly converted to Washington Preschool slots.</td>
</tr>
<tr>
<td>28. <strong>Identify Contractors Through a Competitive Request for Proposals.</strong> The RFP process should be open to new providers and to existing ECEAP and Head Start Providers. Proposal evaluation factors should include, but not be limited to:</td>
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<tr>
<td>29. <strong>Priority for Phase-in Should be Based on Community Need.</strong> Phase-in by groupings based on community need as follows.</td>
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<tr>
<td>26. <strong>During Phase-In hold 50 percent of slots for high-risk children.</strong> Hold 50 percent of slots for high-risk children as determined by the prioritization point system. Select the remaining 50 percent of children from applicants, by lottery on or about June 1 of each year.</td>
</tr>
<tr>
<td>30. <strong>Initiate early implementation in three phases.</strong> The Technical Workgroup recommends the early implementation plan noted below.</td>
</tr>
</tbody>
</table>
The steps and funding required for this first phase are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Actions</th>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-13</td>
<td>DEL: Develop program standards, evaluation plan and data systems. Complete facilities survey. Conduct competitive statewide RFP for 936 slots/10-15 preschool providers in full-day kindergarten elementary school attendance areas underserved by current publicly-funded programs</td>
<td>1 FTE + related goods, services, travel Facilities Survey</td>
<td>$118,267</td>
</tr>
<tr>
<td>2013-14</td>
<td>DEL: Develop evaluation plan and data systems, train providers. Preschool Providers: Hire and train site supervisory staff, prepare facilities and classrooms (~26), hire program staff and enroll children</td>
<td>1 FTE Goods, Services, etc. Facilities Program Development</td>
<td>$948,267</td>
</tr>
</tbody>
</table>

Rationale for the Implementation Recommendation

The Technical Workgroup recommends holding the total number of ECEAP slots plus ECEAP slots converted to the new program constant during phase-in because of the importance of preschool to educational attainment of high-risk children. A competitive request for proposals to identify preschool providers is recommended in the interest of securing high-quality providers and providing fair access to a limited number of slots.

The priority for phase-in slots is intended to demonstrate the results of high-quality preschool and promote intentional links between preschool and elementary schools. Analysis of the current level of ECEAP and Head Start services shows that 51 school districts are extremely underserved (having 72 or more eligible children unserved by ECEAP or Head Start.) Of these underserved districts, 31 are state-funded full-day kindergarten districts with a total of 123 elementary schools. This will allow ample opportunity for early phase-in in areas with high numbers of vulnerable children48. Recommendations for later phases would serve communities with higher numbers of higher-risk children first and eventually to serve the balance of the state.

Next Steps for Creating the Washington Preschool Program

The Technical Workgroup identified the following steps for implementation of the preschool program:

1. **Prepare for Implementation.** The following actions will be required to prepare for implementation:
   a. Create program performance standards and make any necessary additions to the Early Learning Management System (ELMS).
   b. Prepare and conduct a competitive request for proposals for Phase One contractors.
   c. Enter into an interagency agreement with a state research university or conduct a request for proposals for program evaluation.

2. **Develop Braided Funding Models.** It is important that 3- and 4-year-olds have high-quality learning and development for all of the hours that they are in care. The Technical Workgroup believes that there are significant opportunities to boost educational gains for children and achieve programmatic cost efficiencies through alignment of policy, regulations and funding among Washington Preschool, child care subsidies, Head Start and special education preschool. The Technical Workgroup recommends identification and

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48 Based on 2010-11 school year data and on the assumption that if access was equitable across the state, each district's percentage of the state's ECEAP & Head Start slots would be similar to its percentage of the state's first graders with free lunch.
resolution of policy barriers and creation of models for braiding funds to integrate these programs as much as possible. Additionally, the Technical Workgroup recommends that DEL work with the Office of Head Start to explore options for increasing the alignment of Head Start and Washington Preschool.

3. **Identify Appropriate Related Degrees and Methods for Demonstrating Teacher Competence.** Teacher qualifications require degrees in early childhood education or a related field. Lead teacher qualifications include an option for bachelor’s degree in any subject and demonstrated competence. Appropriate early childhood-related degrees or coursework should be specified and a method for demonstrating competence should be identified. This should be done in consultation with the Professional Development Consortium so that requirements are aligned with Washington’s quality rating and improvement system.

4. **Establish Policies for State Contribution to Preschool Facilities Operated by Public and Private Entities.** Lack of facilities has prevented some low-income communities from participating in ECEAP. As preschool expands, this can be expected to become a larger issue. According to a September 2011 estimate, the cost of a portable two-classroom building with plumbing (low-cost new facilities used by school districts) is between $200,000 and $250,000 to serve 72 preschool children. This is beyond the reach of Washington’s lowest-income communities. DEL should be directed to conduct a preschool facilities survey and to develop a preschool facilities plan and policy recommendations by December 15, 2012. The following two issues should be considered as part of this work:
   a. Funding to be contributed by the state, eligibility of public and private entities to apply for and receive state preschool facilities funds, allowable uses and ownership rights for facilities receiving state support.
   b. Changing the K-12 capital funding formula to allow classrooms used for preschool and child care to be counted as classrooms in use. Currently school classrooms used for preschool are counted as surplus space, which inhibits preschool to third grade alignment and reduces facilities available for preschool.

5. **Analyze Transportation Needs and Establish Funding Policies.** The extent to which lack of transportation constitutes a barrier to preschool participation is unknown and should be analyzed in the early years of Washington Preschool implementation. The Technical Workgroup recommends that transportation options be developed to address any identified barriers so that more children can benefit from preschool.
Appendices

A. Attorney General Opinion 2009, No. 8
B. Substitute Senate Bill 6759
C. Second Substitute House Bill 2731
D. Differences and similarities between preschool programs that are included as a part of “basic education” versus programs that are an “entitlement”
E. Summary of high-quality preschool programs in Washington, other states
Appendix A
Attorney General Opinion 2009, No. 8
EDUCATION—PUBLIC SCHOOL SYSTEM—RELIGION—SUPERINTENDENT OF PUBLIC INSTRUCTION—Constitutional Implications Of Adding Early Learning To Statutory Definition Of Basic Education

1. The Legislature may create a basic education program of early learning that is limited to students who are at risk of educational failure. However, article IX, section 1 of the Washington Constitution would preclude limiting such a program to students from low-income households, absent a showing that low family income is an accurate proxy for the risk of educational failure. This would include showing that other students facing the risk of educational failure are not excluded based on family income.

2. Public funds may be used for the operation of early learning programs by sectarian organizations only if the programs remain free of sectarian control or influence, and if the funds are not used for a religious purpose.

3. An early learning program defined to constitute a component of “basic education” must be supervised by the Superintendent of Public Instruction.

4. If the Legislature defines “basic education” to include a program of early learning, but the state lacks facilities to fully implement such a program immediately, the Legislature must establish a plan to overcome or correct such limitations within a reasonable period of time.

5. The Legislature may establish qualifications required for teachers in an early learning program that is incorporated within “basic education.”

6. The Washington Constitution does not require that transportation be provided for students in a basic education program of early learning, except perhaps where the absence of transportation would make basic education unavailable.

*******************************
December 11, 2009

Honorable Rosemary McAuliffe Honorable Claudia Kauffman
State Senator, 1st District State Senator, 47th District PO
PO Box 40401 Box 40447
Olympia, WA 98504-0401 Olympia, WA 98504-0447

Honorable Eric Oemig State Honorable Fred Jarrett State
Senator, 45th District PO Box Senator, 41st District PO Box
40445 40441
Olympia, WA 98504-0445 Olympia, WA 98504-0441

Cite As:
AGO 2009 No. 8
Dear Senators:

By letter previously acknowledged, you requested our opinion on several questions concerning a task force recommendation and proposed legislation to create an early learning program for certain of Washington's children. For clarity and efficiency of analysis, we have paraphrased and reorganized your questions as follows:

1. Article IX, sections 1 and 2 of the Washington Constitution require the state to make ample provision for the education of all resident children and to maintain a general and uniform system of public schools. Does either section constrain the state's ability to create a basic education program of early learning for only at-risk students from low-income families?

2. Does either article I, section 12 of the Washington Constitution or the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution constrain the state's ability to create a basic education program of early learning for only at-risk children from low-income families?

3. Some existing state early learning grants are provided to sectarian organizations under article I, section 11 of the Washington Constitution. If the Legislature were to include an early learning program for at-risk, low-income children ages three and four in the definition of “basic education,” would the constitutionality of such a program be assessed instead under article IX, section 4 of the Washington Constitution?

4. If the answer to question 3 is yes, would article IX, section 4 of the Washington Constitution prohibit the granting or appropriation of state funds to sectarian organizations?

5. Under article III, section 22 of the Washington Constitution, the Superintendent of Public Instruction supervises all matters pertaining to public schools. If the Legislature were to pass legislation that replaced the current Early Childhood Education and Assistance Program, as applied to at-risk children, with a new basic education program of early learning, would the new program need to be administered by the Office of the Superintendent of Public Instruction?

6. If the Legislature were to create a new basic education program of early learning that replaced the Early Childhood Education and
Assistance Program, would the previously-mentioned constitutional provisions permit the state to maintain currently-established waiting lists of eligible students for the new basic education early learning program? Would the answer be different if the state currently does not have the building or staff capacity to provide an early learning program for all eligible children?

7. If the Legislature were to create a new basic education program of early learning, do the constitutional requirements for basic education require that teachers in the early learning program be certified and have completed an education degree program?

8. If the Legislature were to include transportation to and from school as part of the K-12 basic education program, would it also have to provide transportation to students who participate in a basic education program of early learning?

BRIEF ANSWERS

1. Article IX, sections 1 and 2 of the Washington Constitution do not preclude the state from creating a basic education program of early learning for children who otherwise would be at risk of educational failure. We conclude, however, that legislation providing a basic education program only to students from low-income families would be inconsistent with article IX, section 1, absent a showing that low family income is an accurate proxy for the risk of educational failure. This would include showing that other students facing the risk of educational failure are not excluded based on family income.1

2. Because the United States Supreme Court has not recognized a fundamental right to education, and the contemplated basic education early learning program does not implicate a suspect class, a challenge under the Equal Protection Clause should be reviewed under rational basis review. Because the Washington Supreme Court has not recognized a fundamental right to education, there is no cognizable “privilege” conferred that would trigger heightened review under article I, section 12 of the Washington Constitution, and a challenge under that section also should be reviewed under rational basis review. Accordingly, the primary constraint imposed by article I, section 12 and the Equal Protection Clause is that the criteria used to determine eligibility for the program must be rationally related to the program’s objective: providing an early learning program to children who otherwise are at risk of educational failure.

1 The provisions of the state constitution that are discussed in this opinion are set forth in full as an appendix to this opinion.
3. Once an early learning program is included as part of “basic education” in Washington, it must comply with both article I, section 11 and article IX, section 4 of the Washington Constitution.

4. Read together, article I, section 11 and article IX, section 4 of the Washington Constitution prohibit the granting or appropriation of public funds to support religious instruction or any basic education program that is subject to sectarian control or influence. Public funds may be granted or appropriated for the operation of early learning programs by sectarian organizations only if the programs remain free of sectarian control or influence, and the funds are not used for a religious purpose. We conclude that the granting or appropriation of state funds to sectarian organizations for the purposes described in SB 5444 can be accomplished in compliance with article I, section 11. However, absent a fact-specific analysis of the structure and operation of each sectarian organization, the particular early learning program operated by that organization, and the conditions imposed on the organization and enforced by the state, we cannot conclude that the granting or appropriation of state funds to sectarian organizations for the purposes described in SB 5444 can be accomplished in compliance with article IX, section 4.

5. A new basic education program of early learning must be supervised by the Superintendent of Public Instruction; however, the Legislature may create an agency or institution to administer the program under the Superintendent’s supervision.

6. Whether the state could maintain currently-established waiting lists of eligible students for the new basic education early learning program ultimately would require a fact-specific analysis. However, the Legislature would be establishing a new program, and Washington courts have evidenced a willingness to give latitude and time to a new educational program established by the Legislature. If the program includes a reasonable plan to address waiting lists and building and staff shortages in a reasonable time, we would not expect those shortcomings to support a successful constitutional challenge to a basic education program of early learning.

7. The Washington Constitution does not require that teachers in the contemplated early learning program be certified or that they have completed an education degree program. Qualifications for teachers are determined by the Legislature.

8. The Washington Constitution does not require that transportation be provided for students in a basic education program of early learning except, perhaps, where a student would be deprived of basic education if transportation were not available. However, where transportation is provided for other components of basic education, it would be prudent also to provide transportation for children attending a basic education program of early learning.
FACTUAL BACKGROUND

In your opinion request, you explain that your questions concern proposed legislation. You refer us specifically to Sections 110 and 111 of SB 5444, introduced but not enacted in the last session of the Legislature. You further advise us that Sections 110 and 111 of SB 5444 implement a recommendation of a Joint Task Force On Basic Education Finance created by the Legislature in 2007 to review the current basic education definition and funding formulas and to develop a new definition and funding structure options for basic education in Washington. See SB 5627 (2007).

The Task Force issued its final report on January 14, 2009, which recommended “defining basic education to include funding for pre-school programs for all children age three and four whose family income is at or below 130 percent of the federal poverty level, and whose parents choose to enroll in the program.” Final Report of the Joint Task Force on Basic Education Finance 14 (Jan. 14, 2009). Section 110(1) of proposed SB 5444 essentially mirrors this recommendation by providing that “the legislature intends to establish a basic education program of early learning for at-risk children that is part of the program of basic education under this chapter[.]” Section 110(3) of proposed SB 5444 defines “at-risk children” to mean “children aged three, four, and five who are not eligible for kindergarten and whose family income is at or below one hundred thirty percent of the federal poverty level, as published annually by the federal department of health and human services.” Participation in the program would be voluntary.

We analyze your questions in the context of this proposed legislation.

ANALYSIS

Because your questions ask about constitutional constraints on the Legislature’s authority, we preface our analysis by noting the general principles Washington courts apply when considering the constitutionality of legislation.

On many occasions, the Washington Supreme Court has recognized the Legislature’s authority to determine how to satisfy the state’s obligation to provide ample funding for the education of all of the state’s children through a general and uniform system of public schools. See, e.g., Federal Way Sch. Dist. 210 v. State, No. 80943-7, 2009 WL 3766092 (Wash. Nov. 12, 2009); Tunstall v. Bergeson, 141 Wn.2d 201, 221, 5 P.3d 691 (2000), cert. denied, 532 U.S. 920 (2001); Seattle Sch. Dist. 1 v. State, 90 Wn.2d 476, 518–20, 585 P.2d 71 (1978); Newman v. Schl ab, 184 Wash. 147, 153, 50 P.2d 36 (1935); Sch. Dist. 20, Spokane Cy. v. Bryan, 51 Wash. 498, 502, 99 P. 28 (1909). The Court has emphasized that while it ultimately has the responsibility to determine whether legislation satisfies constitutional standards, it is not the function of the judiciary to micro-manage Washington’s education system. See Brown v. State, 155 Wn.2d 254, 261–62, 119 P.3d 341 (2005); Tunstall, 141 Wn.2d at 223; see also Seattle Sch. Dist. 1, 90 Wn.2d at 496, 520 (“While the Legislature must act pursuant to the constitutional
mandate to discharge its duty, the general authority to select the means of discharging that duty should be left to the Legislature.

Legislation is presumed to be constitutional, and the burden is on a person challenging an enacted statute to prove its unconstitutionality beyond a reasonable doubt. City of Bellevue v. Lee, 166 Wn.2d 581, 585, 210 P.3d 1011 (2009); Tunstall, 141 Wn.2d at 220. The “heavy burden” of establishing that a statute is unconstitutional is met only if the challenger demonstrates through “argument and research” that there “is no reasonable doubt that the statute violates the constitution.” Amunrud v. Bd. of Appeals, 158 Wn.2d 208, 215, 143 P.3d 571 (2006); Larson v. Seattle Popular Monorail Auth., 156 Wn.2d 752, 757, 131 P.3d 892 (2006). As the Court has explained, this “demanding standard of proof” is justified because, “as a coequal branch of government that is sworn to uphold the constitution, we assume the Legislature considered the constitutionality of its enactments and afford great deference to its judgment.” Tunstall, 141 Wn.2d at 220.

1. Article IX, sections 1 and 2 of the Washington Constitution require the state to make ample provision for the education of all resident children and to maintain a general and uniform system of public schools. Does either section constrain the state’s ability to create a basic education program of early learning for only at-risk students from low-income families?

Article IX, sections 1 and 2 do not preclude the state from creating a basic education program of early learning for children who otherwise would be at risk of educational failure. We conclude, however, that legislation providing a basic education program only to students from low-income families is inconsistent with article IX, section 1, absent a showing that low family income is an accurate proxy for the risk of educational failure. This would include showing that other students facing the risk of educational failure are not excluded based on family income.

Article IX, section 1 of the Washington Constitution. Article IX, section 1 provides that “[i]t is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.” As interpreted by the Washington Supreme Court, this provision imposes a duty on the Legislature to define “basic education” and support it with ample funding from dependable and regular tax sources. Seattle Sch. Dist. 1, 90 Wn.2d at 519–22; accord McGowan v. State, 148 Wn.2d 278, 283–84, 60 P.3d 67 (2002).

Article IX, section 1 also prohibits any “distinction or preference on account of race, color, caste, or sex.” Providing early education opportunities only to low-income families might be considered to be discrimination based on “caste,” in violation of article IX, section 1. While

2 You have not asked us to address what constitutes “ample” funding for an early education program, and

we do not do so.
no decision of the Washington Supreme Court has defined “caste,” the dissenting opinion in Northshore School District 417 v. Kinnear, 84 Wn.2d 685, 530 P.2d 178 (1974), overruled in part by Seattle School District 1 v. State, 90 Wn.2d 476, 585 P.2d 71 (1978), excerpted from a dictionary definition of “caste” to focus on “differences of wealth,” from which it can be inferred that economic status is an important component of “caste.” See Northshore Sch. Dist. 417, 84 Wn.2d at 756 n.12.

The Final Report of the Joint Task Force on Basic Education Finance recommended that basic education be defined to include a program of early learning only for at-risk students from low-income families. Section 110 of SB 5444 would establish such a program, defining “at-risk children” solely by reference to family income level. SB 5444, § 110(3). Limiting the availability of a component of basic education to some children, but not others, based only on economic status, raises a possible conflict with the constitutional mandate that the state “make ample provision for the education of all children residing within its borders, without distinction or preference on account of . . . caste[.]” Wash. Const. art. IX, § 1 (emphasis added).

Article IX, section 1 does not preclude the Legislature from providing a program of early education preferentially to children who need such a program to access subsequent components of the program of basic education in Washington. We conclude, however, that without a sufficient demonstration that family income is an accurate index of educational need, the use of family income to determine eligibility for an early education program that is part of the state’s program of basic education likely would violate article IX, section 1. In other words, once a program of early education is incorporated as a component of basic education, it is no more permissible to limit its availability based on economic status than it would be, similarly, to limit the availability of elementary schools or secondary schools.

Article IX, section 2 of the Washington Constitution. Turning to article IX, section 2, that section provides, in part: “The legislature shall provide for a general and uniform system of public schools.” Article IX, section 2 long has been understood as imposing a fundamental duty upon the state to create a general and uniform public school system. See, e.g., Federal Way Sch. Dist. 210, 2009 WL 3766092 at *4, ¶ 18; Tunstall, 141 Wn.2d at 221; Seattle Sch. Dist. 1, 90 Wn.2d at 522; Newman, 184 Wash. at 152. The Legislature has authority to select the means of discharging this duty. Seattle Sch. Dist. 1, 90 Wn.2d at 520.

This uniformity requirement does not mandate a one-size-fits-all approach to education. It is not satisfied by rote equality of facilities and instruction for all students, but rather through “free access to certain minimum and reasonably standardized educational and instructional facilities” and a “degree of uniformity which enables a child to transfer from one district to another within the same grade without substantial loss of credit or standing.” Federal Way Sch. Dist. 210, 2009 WL 3766092 at *4, ¶ 18 (quoting Northshore Sch. Dist. 417, 84 Wn.2d at 729).3 It

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3 Much of the decision in Northshore School District was overruled in Seattle School District. The holdings in Northshore School District cited in this paragraph were not overruled.
does not preclude educational assistance to individuals or groups of individuals who need such assistance to “acquire those skills and training that are reasonably understood to be fundamental and basic to a sound education.” Northshore Sch. Dist., 84 Wn.2d at 729. “[T]he State is not obligated to provide an identical education to all children within the state regardless of the circumstances in which they are found.” Tunstall, 141 Wn.2d at 220. To conclude otherwise would require us to infer from the constitutional language a limitation on the Legislature’s authority that the Washington Constitution does not actually express. See Washington State Farm Bureau Fed’n v. Gregoire, 162 Wn.2d 284, 290, 174 P.3d 1142 (2007) (Legislature has plenary power to act, except as constitutionally limited).

In summary, we conclude that a basic education program of early learning for children who are at risk of educational failure could be implemented without violating article IX, sections 1 and 2 of the Washington Constitution. We do not read either section as mandating absolutely identical educational experiences for all children in disregard of their differing educational needs. See Tunstall, 141 Wn.2d at 220 (recognizing the differing circumstances of children). Accordingly, if the Legislature finds, in the exercise of its plenary authority to define basic education, that some children need a particular service and others do not, we see nothing in the constitution that would deny the Legislature the choice to provide the service to those who need it, without extending it to those who do not. That is, the Legislature need not choose between either ignoring the needs of children who are at risk of educational failure, or providing early education to all children, including those who do not need it to succeed. Consistent with article IX, section 1, however, where the Legislature defines an educational program as part of basic education, the program must be available freely to any child who needs that program, without “distinction or preference on account of race, color, caste, or sex.”

2. Does either article I, section 12 of the Washington Constitution or the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution constrain the state’s ability to create a basic education program of early learning for only at-risk children from low-income families?

A basic education program of early learning only for children from low-income families could be implemented without violating either article I, section 12 or the Fourteenth Amendment, if it can be demonstrated that the use of family income to determine eligibility for the program is rationally related to the program’s objective: providing an early learning program to children who otherwise are at risk of educational failure. Absent a demonstration that family income is rationally related to educational risk, there is no rational basis for concluding that children who are at risk of educational failure are being served.

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Under the Equal Protection Clause, the state may not “deny to any person within its jurisdiction the equal protection of the laws.” A statute that is challenged under the Equal Protection Clause ordinarily is upheld if it is rationally related to a legitimate government purpose. See Kadrmas v. Dickinson Pub. Schs., 487 U.S. 450, 458 (1988). If the statute
interferes with a “fundamental right” or discriminates against a “suspect class,” an equal protection challenge triggers strict scrutiny, under which the statute must be supported by a compelling government interest and distinctions drawn in the statute must be necessary to further the statute’s purpose. See San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1, 17 (1973).

Neither the United States Supreme Court nor the Washington Supreme Court has held that education is a fundamental right that should trigger strict scrutiny when the government interferes with an individual’s access to it. The United States Supreme Court has explicitly rejected that proposition. See Kadrmas, 487 U.S. at 458 (citing Plyler v. Doe, 457 U.S. 202, 223 (1982); San Antonio Indep. Sch. Dist., 411 U.S. at 16, 33–36). Although the Washington Supreme Court has held that article IX, section 2 imposes on the state a “fundamental duty” to create a common school system, Tunstall, 141 Wn.2d at 221, the Court has not translated that duty into a “fundamental right to education” that could be asserted in an equal protection challenge, explaining that such an abstract right, taken to its logical extreme, improperly “would subject all legislation involving education to strict scrutiny.” Tunstall, 141 Wn.2d at 226 n.21.

To qualify as a suspect class for purposes of an equal protection analysis, the class must have suffered a history of discrimination; have as the characteristic defining the class an obvious, immutable trait that frequently bears no relation to ability to perform or contribute to society; and show that it is a minority or politically powerless class. City of Cleburne v. Cleburne Living Ctr., 473 U.S. 432, 440–41 (1985); American Legion Post 149 v. Dep’t of Health, 164 Wn.2d 570, 609 n.31, 192 P.3d 306 (2008). Race, alienage, and national origin are examples of suspect classifications. City of Cleburne, 473 U.S. at 440; American Legion Post 149, 164 Wn.2d at 609. Accordingly, where an early learning program is made available to children who are at risk of educational failure, no suspect class is implicated that would raise an equal protection concern. Even where the eligibility is determined using family income as a proxy for educational risk, as in SB 5444, a successful equal protection challenge would be unlikely since socioeconomic condition—whether high or low—is not a suspect class. Kadrmas, 487 U.S. at 458 (citing Ortwein v. Schwab, 410 U.S. 656, 660 (1973)); Bowman v. Waldt, 9 Wn. App. 562, 569, 513 P.2d 559 (1973).4

It, therefore, appears that the contemplated early learning program does not interfere with a judicially-recognized fundamental right, and implicates no suspect class. Accordingly, rational basis review would govern an equal protection challenge, under which a legislatively-established

4 Although the Washington Supreme Court has noted the possibility that a classification based on wealth “may form a semi-suspect class,” it has held that more is required to justify even an intermediate level of scrutiny. In re the PRP of Runyan, 121 Wn.2d 432, 853 P.2d 424 (1993). The Court there explained that “intermediate scrutiny will be applied only if the statute implicates both an important right and a semi-suspect class not accountable for its status.” Id. at 448. Where, as in SB 5444, the target class (poor children) is given assistance (access to any early learning program), a person outside the target class would have difficulty demonstrating he or she is in a suspect class (or semi-suspect class) under the criteria identified in City of Cleburne, 473 U.S. at 440–41, and American Legion Post 149, 164 Wn.2d at 609 n.31 (history of discrimination; irrelevant defining trait; political powerlessness).
program in which eligibility criteria are rationally related to legitimate educational interests would be accorded a strong presumption of validity and likely would survive an equal protection challenge under the Fourteenth Amendment. See generally Heller v. Doe, 509 U.S. 312, 319–20 (1993) (a classification involving neither fundamental rights nor a suspect class is accorded a strong presumption of validity and cannot run afoul of the Equal Protection Clause if there is a rational relationship between any disparity of treatment and some legitimate governmental purpose). See also American Legion Post 149, 164 Wn.2d at 608–09; Andersen v. King Cy., 158 Wn.2d 1, 31, 138 P.3d 963 (2006) (plurality) (citing Heller, 509 U.S. at 319). 5

Article I, section 12 of the Washington Constitution. Article I, section 12 provides that “[n]o law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.” Where the Equal Protection Clause is concerned with the discriminatory deprivation of rights to classes of persons, article I, section 12 is concerned with the discriminatory granting of rights to some classes to the disadvantage of others. Grant Cy. Fire Prot. Dist. 5 v. City of Moses Lake, 150 Wn.2d 791, 807–09, 83 P.3d 419 (2004); accord Madison v. State, 161 Wn.2d 85, 96–97, 163 P.3d 757 (2007) (plurality). Article I, section 12 is analyzed independently from the federal Equal Protection Clause. Grant Cy., 150 Wn.2d at 805–11.

The contours of the analysis used to assess alleged violations of article I, section 12 are not yet fully developed. See Madison, 161 Wn.2d at 95 (plurality); Andersen, 158 Wn.2d at 127 (Chambers, J., concurring in dissent). It is clear, however, that the only “privileges” addressed in article I, section 12 are those that implicate a fundamental right belonging to citizens of the state by reason of their state citizenship. American Legion Post 149, 164 Wn.2d at 607; Grant Cy. Fire Prot. Dist. 5, 150 Wn.2d at 812–13. A right to education has not been identified as a fundamental right of citizenship for purposes of article I, section 12. See American Legion Post 149, 164 Wn.2d at 607; Grant Cy. Fire Prot. Dist. 5, 150 Wn.2d at 813; State v. Vance, 29 Wash. 435, 458, 70 P. 34 (1902). 6

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5 Nor may a statute be challenged based upon an argument that it is not “narrowly tailored” to serve its purpose when the statute is not subject to strict scrutiny. See Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. 1, 551 U.S. 701, 783 (2007) (Kennedy, J., concurring) (applying the “narrow tailoring” requirement only to statutes subject to strict scrutiny).

6 In a case alleging sex discrimination in access to interscholastic sports teams, the Court suggested in dictum that in Washington there is a fundamental right to education free from discrimination:

The Supreme Court of Washington has not yet expressly held that education free of discrimination based upon sex is a fundamental right within the meaning of Const. art. 1, § 12 so as to call for strict scrutiny of a classification claimed to infringe upon that right. That in Washington, education (physical and cultural), free from discrimination based on sex, is a fundamental constitutional right, is a conclusion properly drawn from Const. art. 9, § 1 adopted in 1889.

Darrin v. Gould, 85 Wn.2d 859, 869–70, 540 P.2d 882 (1975). The quoted passage is dictum, however, because the Court ultimately decided the case based on article XXXI, Washington’s equal rights amendment. Id. at 870, 877.
Where no fundamental right of citizenship is at issue, Washington courts follow federal equal protection analysis to decide whether a violation of article I, section 12 has occurred. Madison, 161 Wn.2d at 97–98 (plurality); Andersen, 158 Wn.2d at 9 (plurality). As explained above, rational basis review is appropriate here, under which a legislatively-established program in which eligibility criteria are rationally related to legitimate educational interests would be accorded a strong presumption of validity and likely would survive a challenge under article I, section 12.7

We conclude that under existing case law, the basic education program of early learning described in SB 5444 probably would not be subjected to strict scrutiny under article I, section 12 of the Washington Constitution or the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, because there is no “fundamental right to education” recognized by either the United States Supreme Court or the Washington Supreme Court, and because neither Court has recognized economic status as a suspect class. Accordingly, the primary constraint imposed by article I, section 12 and the Equal Protection Clause is the burden that the state must meet in a rational basis review: The classification must be rationally related to the legitimate educational interests served by the program. In other words, if family income is used to determine eligibility for the program, that basis for eligibility must be rationally related to the program’s objective: providing an early learning program to children who otherwise are at risk of educational failure.

3. Some existing state early learning grants are provided to sectarian organizations under article I, section 11 of the Washington Constitution. If the Legislature were to include an early learning program for at-risk, low-income children ages three and four in the definition of “basic education,” would the constitutionality of such a program be assessed instead under article IX, section 4 of the Washington Constitution?

If an early learning program were included as part of “basic education” in Washington, it would have to comply with article IX, section 4 of the Washington Constitution, but such inclusion would not release the program from the requirements of article I, section 11. Rather, the new program would be subject to both article I, section 11 and article IX, section 4.

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7 In a due process analysis, the Washington Supreme Court stated that courts “should be reluctant to identify new fundamental rights because, in doing so, a matter is effectively placed ‘outside the arena of public debate and legislative action.’” American Legion Post 149, 164 Wn.2d at 600 (quoting Washington v. Glucksberg, 521 U.S. 702, 720 (1997)). If the Court nevertheless were to find that Washingtonians have a fundamental right to education by reason of their state citizenship, the early learning program described in SB 5444 might be considered a “privilege” under article I, section 12, because it would be part of basic education. If that program were subjected to strict scrutiny, the state presumably would have to show that eligibility based on family income is precisely tailored to serve the compelling educational interest served by the early education program.
All Washington state programs expending public funds are subject to the prohibition in article I, section 11 of the Washington Constitution, which provides that “[n]o public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment[.]” This provision is violated if public money or property is transferred or made available for a religious purpose. *State ex rel. Gallwey v. Grimm*, 146 Wn.2d 445, 455–66, 48 P.3d 274 (2002) (citing *Malyon v. Pierce Cy.*, 131 Wn.2d 779, 799–800, 935 P.2d 1272 (1997)).

Programs that are part of the system of public schools are subject to article IX, section 4, as well as article I, section 11. *Gallwey*, 146 Wn.2d at 455–66. Article IX, section 4 of the Washington Constitution requires that “[a]ll schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.” By expanding the definition of “basic education” to include an early learning program for at-risk, low-income children, the Legislature effectively would make such a program part of the “general and uniform system of public schools” referenced in article IX, section 2 of the Washington Constitution.6

Article I, section 11 and article IX, section 4 do not operate in isolation from one another. Both sections arose from the same “driving concern of the state constitutional convention [regarding] religious influence in, and control over, public education.” *Malyon*, 131 Wn.2d at 794. As explained in *State ex rel. Dearle v. Frazier*, 102 Wash. 369, 375, 173 P. 35 (1918), the two provisions operate together to “prevent the teaching of any of the beliefs, creeds, doctrines, opinions, or dogmas of any sect” in the public school system and to “prevent the appropriation of money for parochial and denominational schools[.]”

4. **If the answer to question 3 is yes, would article IX, section 4 of the Washington Constitution prohibit the granting or appropriation of state funds to sectarian organizations?**

Because article I, section 11 and article IX, section 4 of the Washington Constitution both apply to programs that are part of “basic education” in Washington, we turn to your question whether article IX, section 4 prohibits the granting or appropriation of state funds to sectarian organizations in support of an the early learning program described in SB 5444. Article IX, section 4, read together with article I, section 11, prohibits the granting or appropriation of public funds to support religious instruction or any basic education program that is subject to sectarian control or influence. Consistent with these provisions, public funds may be granted or

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6 See *School Dist. 20, Spokane Cy.*, 51 Wash. at 504 (“common school,” within meaning of article IX, section 2 is one that is common to all children of proper age and capacity, and which is free and subject to, and under control of, qualified voters of the school district); *Litchman v. Shannon*, 90 Wash. 186, 191, 155 P. 783 (1916) (“public schools” are schools established under the laws of the state, maintained at public expense by taxation, and open without charge to all children in the district); see also *McGowan*, 148 Wn.2d at 293 (holding implicitly that basic education is to be defined by reference to types of “educational services” or “instruction”).
appropriated for the operation of early learning programs by sectarian organizations only if the programs remain free of sectarian control or influence and the funds are not used for a religious purpose. Factors useful in identifying sectarian control or influence are presented in the cases discussed below.

Article IX, section 4 of the Washington Constitution imposes a strict separation of religion and public education. In Weiss v. Bruno, 82 Wn.2d 199, 509 P.2d 973 (1973), overruled on other grounds by Gallwey, 146 Wn.2d at 455–66,⁹ the Court applied a two-part test for determining whether article IX, section 4 was violated: (1) Does the challenged program or enactment support the school or school program in question with any public funds; and (2) if so, is the school or school program under sectarian control or influence? Weiss, 82 Wn.2d at 206–09. If the answer to both questions is yes, the challenged program or enactment violates article IX, section 4. Id.

Your question assumes that state funds would be granted or appropriated to sectarian organizations to carry out the early learning program and that the early learning program would be part of the state’s program of basic education. Consequently, the answer to the first Weiss inquiry is yes: The early learning program described in SB 5444 would be supported by public funds. Although public support is assumed here, we note that the Court in Weiss took a broad view of what constitutes “support,” holding that “[a]ny use of public funds that benefits schools under sectarian control or influence—regardless of whether that benefit is characterized as ‘indirect’ or ‘incidental’—violates this provision [article IX, section 4].” Weiss, 82 Wn.2d at 211; see also Mitchell v. Consol. Sch. Dist. 201, 17 Wn.2d 61, 66–67, 135 P.2d 79 (1943) (statute providing free transportation for school children attending sectarian schools violates article IX, section 4 and article I, section 11 “unless it may be said that the transportation of pupils to and from the [sectarian] school is of no benefit to the school itself”).

Because public support for the early learning program described in SB 5444 is assumed, consistency with article IX, section 4 therefore depends on the answer to the second Weiss inquiry: whether individual early learning programs established under SB 5444 are free from sectarian control or influence. Weiss, 82 Wn.2d at 208–09. Sectarian control may be manifest, as it was in Weiss, where the schools at issue were owned and operated by a religious institution and under the control of parish pastors. Id. at 209. In less obvious situations, Washington courts have not set forth a list of specific factors for determining whether a school or program is free from sectarian control or influence, but the factual analysis in Weiss suggests some relevant requirements that must be satisfied to find that a particular program is not under sectarian control or influence: (1) The program and its curriculum may not provide instruction in religion or religious practice; (2) Devotional religious symbols or items may not be displayed in the room(s) used for the program; (3) The program may not discriminate against students or staff based on

⁹ In Gallwey, the Court stated “[n]othing in today’s decision is intended to disturb this court’s holding in Weiss as it relates to common schools.” Gallwey, 146 Wn.2d at 466.
religion or sect; (4) The content of the program and its curriculum may not be determined by a religious institution or its representatives or leaders. Weiss, 82 Wn.2d at 209–11. Weiss does not state or imply that these are exclusive or comprehensive factors in determining whether a school or program is under sectarian influence or control; they merely reflect the facts in the record considered in that particular case. Under other facts and circumstances, additional factors or different factors could be relevant.

Your question assumes state funds would be granted or appropriated to sectarian organizations. It might be possible to establish standards and limitations to ensure that individual early learning programs operated by those organizations are free from sectarian control or influence. Such standards and limitations incorporated into SB 5444 or a similar bill could deflect a facial challenge under article IX, section 4. As we noted above, the factors identified in Weiss could be useful in developing statutory standards and limitations, but that list of factors is neither complete nor exclusive.

Even if SB 5444 or a similar bill including statutory standards and limitations were enacted and withstood a facial challenge, specific grants or appropriations to sectarian organizations would be subject to as-applied challenges alleging a violation of article IX, section 4. Such a challenge would require a fact-specific analysis of the structure and operation of the sectarian organization and the particular early learning program operated by that organization, and the conditions imposed on the organization and enforced by the state.

Consequently, we cannot advise you that the granting or appropriation of state funds to sectarian organizations for the purposes described in SB 5444 can be accomplished in compliance with article IX, section 4. Compliance ultimately cannot be determined without analysis of the specific facts and circumstances.

5. Under article III, section 22 of the Washington Constitution, the Superintendent of Public Instruction supervises all matters pertaining to public schools. If the Legislature were to pass legislation that replaced the current Early Childhood Education and Assistance Program, as applied to at-risk children, with a new basic education program of early learning, would the new program need to be administered by the Office of the Superintendent of Public Instruction?

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10 The term “facial challenge” is used to describe a lawsuit in which a plaintiff contends that a particular law is unconstitutional in all possible applications. Washington State Grange v. Washington State Republican Party, 128 S. Ct. 1184, 1190 (2008). In such a case, a plaintiff can succeed only if there are no circumstances under which the law could be constitutionally applied, and the Court will not speculate about hypothetical or imaginary cases in which unconstitutional results may be possible. Id. A statute that is constitutional on its face might still be challenged as unconstitutional in specific applications. Id. at 1191. A constitutional challenge to a specific application of a law is called an “as-applied challenge.”
A new basic education program of early learning must be supervised by the Superintendent of Public Instruction; however, the Legislature may create an agency or institution to administer the program under the Superintendent's supervision.

Article III, section 22 of the Washington Constitution provides, in part, that "[t]he superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law." As indicated above, by defining “basic education” to include an early learning program, the Legislature is defining the state’s public school system to include an early learning program. Because the Superintendent of Public Instruction is designated in the constitution as the supervisor of the state’s public school system, the Superintendent necessarily would be the supervisor of the early learning program as well. As we observed in an earlier opinion, this constitutional authority of the Superintendent cannot be made subordinate to that of another officer or body. AGO 1998 No. 6 at 4 (citing AGO 1961-62 No. 2). Nor may the authority to supervise early learning, if it is defined as an element of basic education, be vested in any other officer or body not under the Superintendent’s supervision. AGO 1998 No. 6 at 4.

The constitution does not, however, limit the Legislature’s authority to design the organizational structure under which the public education system is administered. See Washington State Farm Bureau Fed’n, 162 Wn.2d at 290 ("It is a fundamental principle of our system of government that the Legislature has plenary power to enact laws, except as limited by our state and federal constitutions."). While article III, section 22 precludes the Legislature from assigning supervisory authority over basic education to any other officer or body besides the Superintendent, it otherwise leaves “the Legislature . . . quite free to shape the state’s education system as it may choose, and to define the Superintendent’s role within that system.” AGO 1998 No. 6 at 4. Accordingly, article III, section 22 does not preclude the Legislature from creating an agency or department to administer a new basic education program of early learning, so long as the Superintendent retains his or her constitutional authority to supervise the program.

6. If the Legislature were to create a new basic education program of early learning that replaced the Early Childhood Education and Assistance Program, would the previously-mentioned constitutional provisions permit the state to maintain currently-established waiting lists of eligible students for the new basic education early learning program? Would the answer be different if the state currently does not have the building or staff capacity to provide an early learning program for all eligible children?

Since the Legislature would be establishing a new program, Washington courts would be likely to recognize some need for time to establish the program and its resources, but the answer to both questions ultimately would depend on the facts. In Seattle School District 1, 90 Wn.2d at 537–38, the Court evidenced a willingness to give latitude and time to a new educational program established by the Legislature. This willingness is consistent with the Court’s recognition that the Legislature establishes the means for discharging its statutory duty
under article IX, sections 1 and 2 of the Washington Constitution. *Seattle Sch. Dist. 1, 90 Wn.2d at 520.*

Article IX, section 1 requires that the Legislature define “basic education” and support it with ample funding from dependable and regular tax sources. *McGowan, 148 Wn.2d at 283–84; Seattle Sch. Dist. 1, 90 Wn.2d at 519–22.* As explained above, once the Legislature includes an early learning program within the definition of “basic education,” article IX, section 1 mandates that it be provided with ample funding. Whether currently-established waiting lists could be maintained consistent with article IX, section 1 likely would depend on why they are maintained and whether all children ultimately are served. For example, if children on waiting lists did not receive early learning instruction (whether because of inadequate funding, building or staff shortages, or some other reason), a violation of article IX, section 1 would be more likely than if the lists were used to allocate students among early learning programs with different start dates, but with every qualified student eventually being served.

Article IX, section 2 requires the Legislature to “provide for a general and uniform system of public schools.” As explained in *Parents Involved in Community Schools, 149 Wn.2d at 672–74,* this section was intended to ensure a free, statewide system of nonsectarian schools with uniform content and administration of education. The focus is on the uniformity in the educational program provided, not in the detail of funding or administration, and the Court presumes that program is constitutional. *See Federal Way Sch. Dist. 210, 2009 WL 3766092 at* *¶¶ 18–24.* A challenger conceivably could overcome that presumption of constitutionality if, for example, use of the existing waiting lists resulted in a significant disparity of educational opportunity or content across the state, or if building or staff shortages persisted over a long enough time period; again, the success of any such challenge would depend on the facts.

If access to a basic education program of early learning were limited by building or staff capacity, the legislative establishment of a reasonable plan to overcome or correct the limitations could be consistent with sections 1 and 2 of article IX of the Washington Constitution. In a challenge under article IX, sections 1 and 2, the Court deferred to the Legislature’s evolving formulas for funding basic education. *Federal Way Sch. Dist. 210, 2009 WL 3766092 at* *¶¶ 4–5.* Similarly, in the equal protection context, the Court in *Dandridge v. Williams,* 397 U.S. 471, 487 (1970), noted that a state should not have to “choose between attacking every aspect of a problem or not attacking the problem at all.” Assuming, therefore, that the Legislature established a plan for providing the building and staff capacity in a reasonable amount of time, and assuming there were not persistent disparities among school districts as to availability of the program, the contemplated early learning program probably would withstand a constitutional challenge premised on alleged building or staff shortages. 11

11 It may be that the use of private facilities, including those owned or operated by sectarian organizations, and the operation of early learning programs by sectarian organizations are means of responding to inadequate building and staff capacity. However, inadequate capacity cannot justify or excuse noncompliance with article I, section 11 and article IX, section 4, as we explained in response to your fourth question. *See Weiss, 82 Wn.2d at*
7. If the Legislature were to create a new basic education program of early learning, do the constitutional requirements for basic education require that teachers in the early learning program be certified and have completed an education degree program?

No. The qualifications for teachers are not set in the Washington Constitution, but only in statute. See RCW 28A.410. The constitution does not require certification, and does not restrict the Legislature’s authority to set qualifications in statute. See Wash. Const. art. IX (providing for a system of common schools without specifying required qualifications for teachers); Cedar Cy. Comm. v. Munro, 134 Wn.2d 377, 386, 950 P.2d 446 (1998) (explaining that the Legislature’s authority is unrestrained except as limited by the constitution). Teacher qualifications for early learning are accordingly within the Legislature’s authority to determine.

8. If the Legislature were to include transportation to and from school as part of the K-12 basic education program, would it also have to provide transportation to students who participate in a basic education program of early learning?

We have found no controlling appellate decision in Washington holding, as a matter of constitutional law, that if transportation is provided for one part of basic education, it must be provided for all parts of basic education. However, the Court in Lane v. Ocosta School District 172, 13 Wn. App. 697, 703, 537 P.2d 1052 (1975), implied that there may be a duty to provide transportation to school if a student otherwise would be deprived of his or her right to attend school. Similarly, on remand from Seattle School District 1, 90 Wn.2d 476, the trial court ruled that all programs outside the basic education act were part of the state’s basic education duty—special education, remedial assistance, bilingual instruction, and some transportation—because they were needed to provide some students access to basic education. Seattle Sch. Dist. 1 v. State, Thurston County Superior Court No. 81-2-1713-1. Under the reasoning of these courts, transportation might be required where necessary to provide access to an early learning program that has been made part of the state’s program of basic education.

If a court were asked to decide whether the Washington Constitution requires comparable transportation for children in a basic education program of early learning where transportation already is provided to students in the K-12 basic education program, we would expect it to apply the principle articulated in Lane—that transportation to school is mandated for children in a basic education program of early learning where they otherwise would be unable to attend the program, thereby depriving them of a component of basic education. The Legislature has substantial discretion in determining which transportation services must be provided to

206–07 (article IX, section 4 does not permit even a “de minimis” violation). See also Perry v. Sch. Dist. 81, Spokane, 54 Wn.2d 886, 896, 344 P.2d 1036 (1959) (public school teachers’ mere distribution of registration cards for voluntary, off-campus religious instruction held to be use of school facilities supported by public funds to promote a religious program in violation of article IX, section 4).
students. Presumably, the Legislature has exercised that discretion based upon an assessment of student need for transportation services; applying the *Lane* principle, transportation for children attending a basic education program of early learning should be provided if their need for transportation is comparable to that of K-12 students.

We trust the foregoing will be useful to you.

ROBERT M. MCKENNA  
Attorney General

Alan D. Copsey  
Deputy Solicitor General

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## APPENDIX

### TABLE OF STATE CONSTITUTIONAL PROVISIONS CITED IN THIS MEMORANDUM

<table>
<thead>
<tr>
<th>Citation and Subject</th>
<th>Text</th>
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<tbody>
<tr>
<td>Art. I, § 11 Religious Freedom</td>
<td>Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional, and mental institutions, or by a county’s or public hospital district’s hospital, health care facility, or hospice, as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.</td>
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<tr>
<td>Art. I, § 12 Privileges and Immunities</td>
<td>No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.</td>
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<tr>
<td>Art. III, § 22 Superintendent of Public Instruction; Duties and Salary</td>
<td>The superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.</td>
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<tr>
<td>Art. IX, § 1 Education: Preamble</td>
<td>It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.</td>
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<tr>
<td>Art. IX, § 2 Public School System</td>
<td>The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.</td>
</tr>
<tr>
<td>Art. IX, § 4 Sectarian Control or Influence Prohibited</td>
<td>All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.</td>
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Appendix B
Substitute Senate Bill 6759
CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6759

Chapter 234, Laws of 2010

61st Legislature
2010 Regular Session

VOLUNTARY PROGRAM OF EARLY LEARNING--PLAN

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 11, 2010
YEAS 48 NAYS 0

BRAD
OWEN
President of the Senate

Passed by the House March 10, 2010
YEAS 81 NAYS 16

FRANK
CHOPP
Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 6759 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS
HOEMANN
Secretary

Approved March 29, 2010, 2:15 p.m.

FILED
March 30,
2010

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to a plan for a voluntary program of early learning; amending RCW 43.215.090 and 28A.290.010; and creating new sections.

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

NEW SECTION. Sec. 1. The department of early learning, the superintendent of public instruction, and thrive by five's joint early learning recommendations to the governor, and the quality education council's January 2010 recommendations to the legislature both suggested that a voluntary program of early learning should be included within the overall program of basic education. The legislature intends to examine these recommendations and Attorney General Opinion Number 8 (2009) through the development of a working group to identify and recommend a comprehensive plan.

NEW SECTION. Sec. 2. (1) Beginning April 1, 2010, the office of the superintendent of public instruction, with assistance and support from the department of early learning, shall convene a technical working group to develop a comprehensive plan for a voluntary program
of early learning. The plan shall examine the opportunities and barriers of at least two options:

(a) A program of early learning under the program of basic education; and

(b) A program of early learning as an entitlement, either statutorily or constitutionally protected.

(2) The working group shall, at a minimum, include in the plan the following recommendations for each option:

(a) Criteria for eligible children;

(b) Program standards, including, but not limited to, direct services to be provided, number of hours per school year, teacher qualifications, and transportation requirements;

(c) Performance measures;

(d) Criteria for eligible providers, specifying whether or not they may be:

(i) Approved, certified, or licensed by the department of early learning; and

(ii) Public, private, nonsectarian, or sectarian organizations;

(e) Governance responsibilities for the superintendent of public instruction and the department of early learning;

(f) Funding necessary to implement a voluntary program of early learning, including, but not limited to, early learning teachers, professional development, facilities, and technical assistance;

(g) A timeline for implementation; and

(h) The early childhood education and assistance program's role in the new program of early learning.

(3) While developing the plan, the working group shall review early learning programs in Washington state, including the early childhood education and assistance program and the federal head start program, as well as programs in other states.

(4) The working group shall be composed of:

(a) At least one representative each from the following: The department of early learning, the office of the superintendent of public instruction, the nongovernmental private-public partnership created in RCW 43.215.070, and the office of the attorney general;

(b) Two members of the early learning advisory council established in RCW 43.215.090 to be appointed by the council; and
(c) Additional stakeholders with expertise in early learning to be appointed by the early learning advisory council.

(5) The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the quality education council created in RCW 28A.290.010. The working group shall submit a progress report by July 1, 2011, and final report with the plan by November 1, 2011, to the early learning advisory council and the quality education council.

Sec. 3. RCW 43.215.090 and 2007 c 394 s 3 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning ((community needs and progress)) issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that ((crosses systems and sectors to promote)) guides the department in promoting alignment of private and public sector actions, objectives, and resources, and ((to ensure)) ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Council members shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.
(5) The council shall consist of not more than ((twenty-five)) twenty-three members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the department of health, the higher education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint ((at least)) seven leaders in early childhood education, with at least one representative with experience or expertise in each of the areas such as the following ((areas)):

Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) ((Two)) One representative((s)) of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter . . . , Laws of 2010 (section 2 of the act).

(8) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in
carrying out the duties of the board in accordance with RCW 43.03.050
and 43.03.060.

((4)) (9) The department shall provide staff support to the council.

Sec. 4. RCW 28A.290.010 and 2009 c 548 s 114 are each amended to
read as follows:

(1) The quality education council is created to recommend and
inform the ongoing implementation by the legislature of an evolving
program of basic education and the financing necessary to support such
program. The council shall develop strategic recommendations on the
program of basic education for the common schools. The council shall
take into consideration the capacity report produced under RCW
28A.300.172 and the availability of data and progress of implementing
the data systems required under RCW 28A.655.210. Any recommendations
for modifications to the program of basic education shall be based on
evidence that the programs effectively support student learning. The
council shall update the statewide strategic recommendations every four
years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the
legislature and governor;

(b) Identify measurable goals and priorities for the educational
system in Washington state for a ten-year time period, including the
goals of basic education and ongoing strategies for coordinating
statewide efforts to eliminate the achievement gap and reduce student
dropout rates; and

(c) Enable the state of Washington to continue to implement an
evolving program of basic education.

(2) The council may request updates and progress reports from the
office of the superintendent of public instruction, the state board of
education, the professional educator standards board, and the
department of early learning on the work of the agencies as well as
educational working groups established by the legislature.

(3) The chair of the council shall be selected from the
councilmembers. The council shall be composed of the following
members:

(a) Four members of the house of representatives, with two members
representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter 548, Laws of 2009.

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter 548, Laws of 2009. The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall submit a report to the legislature by January 1, 2012, detailing its recommendations for a comprehensive plan for a voluntary program of early learning. Before submitting the report, the council shall seek input from the early learning advisory council created in RCW 43.215.090.
The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the council. Senate committee services and the house of representatives office of program research may provide additional staff support.

Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Passed by the Senate March 11, 2010.
Passed by the House March 10, 2010.
Approved by the Governor March 29, 2010.
Filed in Office of Secretary of State March 30, 2010.
Appendix C
Second Substitute House Bill 2731
CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 2731

Chapter 231, Laws of 2010
(partial veto)

61st Legislature
2010 Regular Session

VOLUNTARY PRESCHOOL OPPORTUNITIES--AT-RISK CHILDREN

EFFECTIVE DATE: 06/10/10

Passed by the House March 11, 2010
Yeas 70 Nays 27

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 10, 2010
Yeas 33 Nays 15

BRAD OWEN
President of the Senate

Approved March 29, 2010, 2:05 p.m.,
with the exception of Section 1
which is vetoed.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SECOND SUBSTITUTE HOUSE BILL 2731 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER Chief Clerk

CERTIFICATE

FILED

Christine Gregoire
Governor of the State of Washington

March 30, 2010

Secretary of State
State of Washington
AN ACT Relating to implementing a program of early learning for educationally at-risk children; amending RCW 43.215.020 and 43.215.405; adding new sections to chapter 43.215 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.

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

*NEW SECTION. Sec. 1. The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, some young children need supplemental instruction in preschool to assure that they have the opportunity to participate meaningfully and reach the necessary levels of achievement in the regular program of basic education. The legislature further finds that children who participate in high quality preschool programs have improved educational and life outcomes and are more likely to graduate from high school and pursue higher education, experience successful employment opportunities, and have increased earnings. Therefore the legislature intends to create a program of early learning that, when fully implemented, shall be an entitlement program for eligible children.
The legislature also finds that the state early childhood education and assistance program was established to help children from low-income families be prepared for kindergarten, and that the program has been a successful model for achieving that goal. Therefore, the legislature intends that the first phase of implementing the entitlement program of early learning shall be accomplished by utilizing the program standards and eligibility criteria in the early childhood education and assistance program. The legislature also intends that the implementation of subsequent phases of the program established by the ready for school act of 2010 will be aligned with the implementation of the state's all-day kindergarten program in order to maximize the gains resulting from investments in the two programs.

*Sec. 1 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community-based early learning providers" includes for-profit and nonprofit licensed providers of child care and preschool programs.

(2) "Program" means the program of early learning established in section 3 of this act for eligible children who are three and four years of age.

NEW SECTION. Sec. 3. PROGRAM STANDARDS. (1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in section 4 of this act. The program must be a comprehensive program providing early childhood education and family support, options for parental involvement, and health information, screening, and referral services, as family need is determined. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

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

(3) The director shall adopt rules for the following program
components, as appropriate and necessary during the phased implementation of the program:

(a) Minimum program standards, including lead teacher, assistant teacher, and staff qualifications;
(b) Approval of program providers; and
(c) Accountability and adherence to performance standards.

(4) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the director under this section;
(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;
(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and
(d) Providing technical assistance to contracted providers.

NEW SECTION. Sec. 4. FUNDING AND STATEWIDE IMPLEMENTATION. (1) Funding for the program of early learning established under this chapter must be appropriated to the department. Allocations must be made on the basis of eligible children enrolled with eligible providers.

(2) The program shall be implemented in phases, so that full implementation is achieved in the 2018-19 school year.

(3) For the initial phase of the early learning program in school years 2011-12 and 2012-13, the legislature shall appropriate funding to the department for implementation of the program in an amount not less than the 2009-2011 enacted budget for the early childhood education and assistance program. The appropriation shall be sufficient to fund an equivalent number of slots as funded in the 2009-2011 enacted budget.

(4) Beginning in the 2013-14 school year, additional funding for the program must be phased in beginning in school districts providing all-day kindergarten programs under RCW 28A.150.315.

(5) Funding shall continue to be phased in incrementally each year until full statewide implementation of the early learning program is achieved in the 2018-19 school year, at which time any eligible child shall be entitled to be enrolled in the program.
(6) The department and the office of financial management shall annually review the caseload forecasts for the program and, beginning December 1, 2012, and annually thereafter, report to the governor and the appropriate committees of the legislature with recommendations for phasing in additional funding necessary to achieve statewide implementation in the 2018-19 school year.

(7) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.320 RCW to read as follows:

For the program of early learning established in section 3 of this act, school districts:

(1) Shall work cooperatively with program providers to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(2) May contract with the department of early learning to deliver services under the program.

Sec. 6. RCW 43.215.020 and 2007 c 394 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;
(b) To make early learning resources available to parents and caregivers;

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

d) To administer child care and early learning programs;

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

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

g) To work cooperatively and in coordination with the early learning council;

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

(i) To develop and adopt rules for administration of the program of early learning established in section 3 of this act; and

(j) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information through the internet and other means.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 7. RCW 43.215.405 and 2006 c 265 s 210 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903.

(1) "Advisory committee" means the advisory committee under RCW 43.215.420.

(2) "Department" means the department of early learning.
(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services; a child eligible for special education due to disability under RCW 28A.155.020; and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903 and are designated as eligible for funding by the department under RCW 43.215.430 and 43.215.440.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;
(b) Increase their knowledge of child development and parenting skills;
(c) Further their education and training;
(d) Increase their ability to use needed services in the community;
(e) Increase their self-reliance.

NEW SECTION. Sec. 8. Sections 2 through 4 and 9 of this act are each added to chapter 43.215 RCW.

NEW SECTION. Sec. 9. This act may be known as the ready for school act of 2010.

Passed by the House March 11, 2010.
Passed by the Senate March 10, 2010.
Approved by the Governor March 29, 2010, with the exception of certain items that were vetoed.
Filed in Office of Secretary of State March 30, 2010.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 1, Second Substitute House Bill 2731 entitled:

"AN ACT Relating to implementing a program of early learning for educationally at-risk children."

Section 1 indicates the Legislature's intent regarding the future of early learning in our state. The Legislature is undertaking a study of the optimal approach for implementing a voluntary program for early learning in Senate Bill 6759 which I am signing today. I look forward to future legislation implementing the results of that study. Because the language in this section presupposes the outcome of the study called for in Senate Bill 6759, I am vetoing this section.

For this reason, I have vetoed Section 1 of Second Substitute House Bill 2731.

With the exception of Section 1, Second Substitute House Bill 2731 is approved."
Appendix D
Differences and similarities between preschool programs that are included as a part of “basic education” versus programs that are an “entitlement” (As of June 22, 2011)
<table>
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<tr>
<td>- In both a Basic Education program and an Entitlement program, the program could be a “universal program” available to all students of a certain age or a program making only “at-risk” students eligible for these educational services.</td>
<td>- Discretionary. One option would be to provide for children who would otherwise be unable to attend or programs could use a portion of a per-child allocation for transportation.</td>
<td>Targeted – at risk</td>
<td>Targeted – at risk</td>
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<td>- However, anything short of a universal program requires objectively-defined and legally-defensible criteria to define risk (as a proxy for educational need). Assessment tool could be used to determine risk.</td>
<td>- Possible administration scenarios 1) Supervised by DEL or OSPI 2) Regulated by DEL or OSPI 3) Administered by DEL or OSPI</td>
<td>Age: 3- and 4-year-olds (by August 31 of school year)</td>
<td>Age: 3- to 5-year-olds (by August 31 of school year)</td>
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<td>- Income could be one risk factor. Current income eligibility based on the % above the poverty level are:</td>
<td>Delivered by a private provider, funded by state and federal monies.</td>
<td>Income: 110% FPL</td>
<td>Income: 130% FPL</td>
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<td>110% (ECEAP) 130% (Head Start) 185% (Free/Reduced price lunch eligibility)</td>
<td>- DEL contracts with 40 contractors who provide services at 267 sites. Regulated by DEL. RCW, WAC, contractual performance standards. DEL monitors deliverables, electronic data reports, monthly calls, and on-site program reviews. Child care licensing not required when preschool component is in a school or four hours a day or less.</td>
<td>Up to 10% of enrolled children can be over the income limit, with developmental or env. risk factors Eligible children are prioritized for limited slots: 4-year-olds, lowest incomes, multiple risk factors, foster care, homeless, special education. RCW 43.215.405(5), WAC 170-100-080, ECEAP Performance Standard B-13, B-15</td>
<td>Maximum 35% of slots can go to families between 100-130% of FPG. Allows enrollment based on child care subsidy (up to 175% FPL in WA.) Categorical eligibility of children who are homeless or in foster care. Priority to families most in need. Up to 10% can be over income limits.</td>
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<td>- Additional risk factors would need to be incorporated into child eligibility criteria.</td>
<td>- No restrictions</td>
<td>Discretionary - Programs can use a portion of per-child allocation for transportation.</td>
<td>Discretionary - Programs can use a portion of per-child allocation for transportation.</td>
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<td>- Under both Basic Education and Entitlement, there would be an “entitlement” to participate in the program for eligible students. Thus, the program would likely be required to be available statewide.</td>
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| Transportation | - Required to provide transportation for eligible students who would be unable to participate without transportation. | - Discretionary. One option would be to provide for children who would otherwise be unable to attend or programs could use a portion of a per-child allocation for transportation. | Discretionary - Programs can use a portion of per-child allocation for transportation. | |

<table>
<thead>
<tr>
<th>Governance</th>
<th>- Supervised by OSPI. The State Constitution grants OSPI supervisory authority over basic education.</th>
<th>- No restrictions</th>
<th>Delivered by a private provider, funded by state and federal monies.</th>
<th>Federal govt. provides grants directly to individual providers within the state. Regulated by federal govt. Federal law, program performance standards, policy memos. Electronic data entry, risk management calls, on site program reviews. Child care licensing not required when preschool component is in a school or four hours a day or less.</th>
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<tr>
<td>- Possible administration scenarios: 1) OSPI could administer program 2) OSPI contract with DEL to administer program 3) Administration could be legislatively determined subject to OSPI retaining ultimate supervisory authority</td>
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<p>| Sectarian Influence | - The Washington constitution has two religious establishment clauses: Article 9, Section 4 does not apply. Under Article 1, Section 11, program must only have secular objective and be free of sectarian influence. | - Article 9, Section 4 does not apply. Under Article 1, Section 11, program must only have secular objective and be free of sectarian influence. | RCW 43.215.415 Providers must be nonsectarian. ECEAP Performance Standards | |</p>
<table>
<thead>
<tr>
<th>A Program under &quot;Basic Education&quot;</th>
<th>An &quot;Entitlement&quot; Program</th>
<th>Current Guidelines ECEAP</th>
<th>Current Guidelines Head Start</th>
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<tr>
<td>supported wholly or in part by the public funds shall be forever free from sectarian control or influence.” This has been construed to prohibit basic education funds going to sectarian institutions.</td>
<td>religious instruction, worship or exercise. Under the Establishment Clause of the First Amendment to the U.S. Constitution, program must avoid excessive entanglement between church and state, suggesting environment be free of religious representations and activities.</td>
<td>E-2, E Materials and equipment must be free from religious representations. Contractors must not plan religious activities in the curriculum. This does not preclude children or families from sharing their traditions.</td>
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<td>.. Article 1, Section 11 of the State Constitution prohibits public money from being applied to religious instruction, worship or exercise, but would likely allow a secular program to be delivered in a sectarian setting.</td>
<td>- No constitutional restrictions. Legislature may allow services to be provided at any location that can meet the requirements.</td>
<td>Services can be provided in any location that can meet the performance standards. Current classrooms are in public schools, colleges, community organizations, Head Start buildings, child care centers and faith-based facilities.</td>
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<td>Where services are delivered</td>
<td>- Under Article 9, Section 2, Basic Education must be delivered through a general and uniform system of public schools.</td>
<td>- Entitlement suggests program must serve children in all geographic locations across the state.</td>
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<td>- This strongly suggests that the program would be required to serve otherwise eligible children in all geographic regions across the state.</td>
<td>- This would allow school districts or Educational Service Districts to oversee programs locally.</td>
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<td>Program Standards - Education</td>
<td>- Except as noted above, the length of the school year, the hours of instruction, the adult-child ratio, and the curriculum are not dependent on whether the program is a “Basic Education” program or an “Entitlement” program.</td>
<td>School year</td>
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<tr>
<td>1. Hours</td>
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<tr>
<td>2. Adult-child ratio, class size</td>
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<td>3. Curricula</td>
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<tr>
<td>School year</td>
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<tr>
<td>Hours:</td>
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<tr>
<td>Minimum 2.5 hours per day, minimum 320 classroom hours per year.</td>
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<td>Days/Weeks</td>
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<td>No less than 30 calendar weeks.</td>
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<td>Adult-Child Ratio/Class Size:</td>
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<td>1:9, class max 20</td>
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<td>Curricula:</td>
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<tr>
<td>Must be aligned with the state Early Learning &amp; Development Benchmarks, develop-mentally &amp;</td>
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<td>School year</td>
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<tr>
<td>Hours:</td>
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<tr>
<td>Minimum 3.5 hours per day, 448 hours per year.</td>
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<td>Days/Weeks</td>
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<td>128 days over 32 weeks (≈448 hours) per year.</td>
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<td>Adult-Child Ratio/Class Size:</td>
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<td>Ratio and class size (15-20) vary by child age and for double-sessions. In similar range with ECEAP.</td>
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<td>Curricula:</td>
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<tr>
<td>Must be based on scientifically valid research; age and developmentally</td>
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|                                     | - The program standards for partnering with families are not dependent on whether the program is a “Basic Education” program or an “Entitlement” program. | Family partnership standards include:  
- Case load limits  
- Requirements for strength-based family support.  
- Requirements for parent involvement, education and leadership development. | individually appropriate and culturally relevant.  
The education standards also have requirements about the physical environment indoors & out, activities that must be included in the daily routine, adult-child interactions, child guidance, no expulsion policy, parent-teacher conferences and kindergarten transition activities. | appropriate.  
Other education standards on same topics as ECEAP. |
| Program Standards -Health and Safety | - The program standards for health and safety are not dependent on whether the program is a “Basic Education” program or an “Entitlement” program. | Includes standards on:  
- health coordination services, policies and procedures, parent consent, recordkeeping, parent notifications, health screening, dental screening, medical exams, immunizations, medication management, first aid, infectious disease prevention, food sanitation, meals & snacks (nutrition), facility & equipment safety & transportation safety. | Similar to ECEAP. Requires that some family support contact is via home visits. | Similar to ECEAP. Transportation safety requirements are more extensive and expensive than ECEAP (seat belts & aides on buses). |
| Program Standards - Other | - Except as noted above, other standards are not dependent on whether the program is a “Basic Education” program or an “Entitlement” program. | ECEAP Performance Standards also include:  
- continuous improvement systems, community partnerships, health advisory groups, Parent Policy Council, | | Similar range of topics to ECEAP. |
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<td><strong>Staff Qualifications</strong></td>
<td>Staff qualifications are not dependent on whether the program is a “Basic Education” program or an “Entitlement” program. However, there may be a desire to have lead teachers “certificated” under a “Basic Education” program.</td>
<td>Lead teacher = AA or higher with 30 credits ECE, or teacher certification with early childhood endorsement. 15 hours inservice training per year. Assistant teacher = 12 ECE quarter credits or Child Development Associate credential (CDA) 5 years to complete PD plan, if not qualified at time of hire. Also, qualifications for family support staff, health and mental health consultants, and dietitians.</td>
<td>Lead teacher= must have AA by 2011. By 2013, 50% must have a BA in ECE or related. Programs can obtain a 180 day waiver of qualifications for teachers. 15 hours inservice training per year. Assistant teachers = no current requirements. Must have CDA by 2013. No requirements for family support staff. By 2013, all education coordinators have a BA degree in ECE or related.</td>
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<td><strong>Outcome Measures</strong></td>
<td>Outcome measures (e.g., common child assessment/inventory aligned with Benchmarks and WaKIDS, health outcomes, family outcomes) would not be dependent of whether the program is a “Basic Education” program or an “Entitlement” program.</td>
<td>Reported to DEL: Demographic, income, family and health data reported at enrollment, and (for some measures) at end-of-year. DECA assessment a minimum of twice a year. Assessment of physical and cognitive development a minimum of twice a year. Optional in 2010-11, family outcomes interviews.</td>
<td>Must use Child Outcomes Framework, analyze data from 8 developmental domains three times per year, and use it for program planning. Required to use CLASS tool to assess teachers and instruction.</td>
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<td><strong>Allocation (per-child average)</strong></td>
<td>Under Basic Education, the per child allocation would likely be more closely tied to costs of providing the program. However, it is possible that some of the costs would not be defined as being within the definition of Basic Education, such as family support efforts.</td>
<td>$6662 per-child 8,024 slots</td>
<td>$8,905 9,904 Region X slots Includes line item developmental and training funds.</td>
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<td><strong>Phase-in Timeline</strong></td>
<td>In both cases, determined by the Legislature.</td>
<td>HB 2731 expands, starting with ECEAP standards and current funding, so that all eligible children are entitled to services</td>
<td>N/A</td>
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<td><strong>Special Education</strong></td>
<td>- Students would be eligible for the same Special Education services that are available to K-12 students</td>
<td>- Same as ECEAP and Head Start (see right)</td>
<td>Child Screenings (developmental, vision, hearing, growth) required within 90 days, followed by referrals for further evaluation as indicated. All age-eligible children with an IEP are eligible. Enrollment is based on local prioritization. About 9% of ECEAP children have an IEP. 10% of children enrolled must be children with disabilities, by first day of service.</td>
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by 2018-19.
Appendix E
Summary of high-quality preschool programs in Washington, other states
The following chart compares the components of ECEAP and Head Start:

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<tr>
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<th>ECEAP</th>
<th>Head Start</th>
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<tbody>
<tr>
<td>Date Founded</td>
<td>1985</td>
<td>1965</td>
</tr>
<tr>
<td>Funding Source</td>
<td>State</td>
<td>Federal</td>
</tr>
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</table>
| Average Funds per Slot to Grantees/Contractors | $6,662 per slot | - Head Start: $9,175 per slot  
- American Indian/Alaska Native Head Start: $8,423 per slot  
- Migrant and Seasonal Head Start: $8,409 per slot  
These amounts include the dedicated staff training and development funds. |
| Administration                 | Washington State Department of Early Learning: Eight staff design, contract, provide oversight, monitor, and provide training and technical assistance. | U.S. Department of Health and Human Services/Administration for Children and Families. Larger staff than ECEAP in relation to program size, including federal staff for design and distribution of funds; regional staff for oversight and monitoring; and contracted staff for training and technical assistance. |
| Available Slots for Children in 2010-11 | 8,024 slots | 9,887 in Head Start  
1,075 in American Indian/Alaska Native Head Start  
3,570 in Migrant/Seasonal Head Start |
| Ages of Children Served        | 3 and 4 years old by August 31 of the school year, with a priority for 4-year-olds. | 3 to 5 years |
| Populations Served             | - Families up to 110 percent of federal poverty level.  
- Families not income-eligible but impacted by development risk factors (e.g., delays) or environmental risk factors (e.g., child protective services involvement) up to 10 percent statewide.  
- Children who qualify for the special education, regardless of income.  
- Children in foster care or receiving TANF qualify based on income.  
- Children from families with the lowest incomes, homeless, in foster care or with multiple risk factors are prioritized for the limited slots. | - Families up to 130 percent of federal poverty level (prioritizing those below 100 percent).  
- Families not income-eligible but impacted by development risk factors (e.g., delays) or environmental risk factors (e.g., child protective services involvement) up to 10 percent per grantee.  
- Children with special needs (required to be 10 percent of enrolled children).  
- Children who are homeless, in foster care or child welfare, or receiving TANF, regardless of income. |
<table>
<thead>
<tr>
<th>ECEAP</th>
<th>Head Start</th>
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<tr>
<td><strong>Children with Specific Risk Factors – 2009-10</strong></td>
<td><strong>Foster Care: Head Start 4 percent; AI/AN Head Start 10%, Migrant Head Start less than 1 percent</strong>&lt;br&gt;<strong>Homeless: Head Start 6 percent; AI/AN Head Start 3 percent; Migrant Head Start 2 percent</strong>&lt;br&gt;<strong>Individual Education Program (IEP) for children with disabilities: Head Start 13 percent; AI/AN Head Start 16 percent; Migrant Head Start 2 percent</strong></td>
</tr>
<tr>
<td><strong>Minimum Classroom Hours</strong></td>
<td><strong>Required: minimum of 320 preschool classroom hours per year.</strong></td>
</tr>
<tr>
<td><strong>Family Partnership</strong></td>
<td><strong>At least 3 home visits per child per year.</strong></td>
</tr>
<tr>
<td><strong>Health Screening and Exam</strong></td>
<td><strong>Child receives a health and developmental screening by the first 45 days of enrolling in the program, a well-child exam, and a dental screening within 90 days.</strong></td>
</tr>
<tr>
<td><strong>Grantees/Contractors</strong></td>
<td><strong>The state contracts with local organizations to operate ECEAP sites. Contractors may be public or private nonsectarian organizations, including school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations.</strong></td>
</tr>
<tr>
<td><strong>Teacher Qualifications</strong></td>
<td><strong>The federal Office of Head Start provides grants to operate local Head Start and Early Head Start sites. Grantees may be any local public or nonprofit agency, including community-based and faith-based organizations, government agencies, tribal governments or for-profit agencies, pursuant to the requirements of the Head Start Act.</strong></td>
</tr>
<tr>
<td><strong>Lead teachers must have one of the following:</strong>&lt;br&gt;1 Associate degree or higher with 30 quarter credits in early childhood education; or&lt;br&gt;2 A Washington state teaching certificate with an endorsement in Early Childhood Education (PreK-3) or in Early Childhood Special Education. Assistant teachers must have one of the following:&lt;br&gt;3 12 quarter credits in early childhood education; or&lt;br&gt;4 A child development associate (CDA) credential.</td>
<td><strong>As of 10/1/2011, a teacher in each classroom must have one of the following:</strong>&lt;br&gt;1 Associate, bachelor’s or advanced degree in early childhood education; or&lt;br&gt;2 Associate, bachelor’s or advanced degree in a related field and coursework equivalent to a major relating to early childhood education, with experience teaching preschool; or&lt;br&gt;3 Bachelor’s degree, admission to the Teach for America program, success in an early childhood content exam, and attendance at a Teach for America summer training institute that includes teaching preschool children. Starting in 2013, 50 percent of the lead teachers in center-based Head Start agencies nationwide must have at least a bachelor’s degree in early childhood education, or in a related field with coursework equivalent to a major in early childhood education. Assistant teachers: Starting in 2013, all teaching assistants in center-based Head Start agencies must: 1 Have a child development associate (CDA) credential; or&lt;br&gt;2 Be enrolled in a CDA program to be completed in two years; or&lt;br&gt;3 Have an associate or bachelor’s degree in any area, or be enrolled in a program leading to this degree.</td>
</tr>
<tr>
<td><strong>ECEAP</strong></td>
<td><strong>Head Start</strong></td>
</tr>
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</tr>
<tr>
<td><strong>Staff Training and Development</strong></td>
<td>ECEAP lead teachers and family support specialists must attend at least 15 hours of professional development workshops or classes per year. All staff who work with children must have training in first aid and infant/child cardiopulmonary resuscitation; disease prevention; disaster planning; and preventing, identifying and reporting child abuse and neglect. DEL provides training and technical assistance to ECEAP and contractors support additional training with their regular per slot funds.</td>
</tr>
<tr>
<td><strong>Early Learning Framework (Outcomes)</strong></td>
<td>ECEAP contractors must use an early learning framework to plan developmentally appropriate early childhood education. This framework informs the environment, daily routine, curriculum, adult-child interactions, guidance, screening and referral, assessment and individualization, and parent-teacher conferences. The curriculum must be aligned with the Washington State Early Learning and Development Benchmarks.</td>
</tr>
<tr>
<td>Programs</td>
<td>Quality Standards Checklist Total</td>
</tr>
<tr>
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</tr>
<tr>
<td>Oklahoma Pre-K Program</td>
<td>9</td>
</tr>
<tr>
<td>Georgia Pre-K Program</td>
<td>8</td>
</tr>
<tr>
<td>West Virginia Pre-K Program</td>
<td>7</td>
</tr>
<tr>
<td>Arkansas Pre-K Program</td>
<td>9</td>
</tr>
<tr>
<td>Maryland Pre-K Program</td>
<td>9</td>
</tr>
<tr>
<td>Illinois Pre-K Program</td>
<td>9</td>
</tr>
<tr>
<td>Kentucky Pre-K Program</td>
<td>8</td>
</tr>
<tr>
<td>Iowa SVPP</td>
<td>8</td>
</tr>
<tr>
<td>Louisiana LA4</td>
<td>9</td>
</tr>
<tr>
<td>North Carolina Pre-K Program</td>
<td>10</td>
</tr>
<tr>
<td>Washington Pre-K Program</td>
<td>9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Programs</th>
<th>Hours of operation per day</th>
<th>Days of operation per week</th>
<th>Minimum age for eligibility</th>
<th>Besides age, how is eligibility determined for individual children?</th>
<th>Income requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma Pre-K Program</td>
<td>Part day, 2.5 instructional hours/day; Full day, 6 instructional hours/day</td>
<td>5 days/week</td>
<td>4 by Sept. 1</td>
<td>All children in districts offering the program, or in the entire state, may enroll</td>
<td>None</td>
</tr>
<tr>
<td>Georgia Pre-K Program</td>
<td>Full day, 6.5 hours/day</td>
<td>5 days/week</td>
<td>4 by Sept. 1</td>
<td>All children in districts offering the program, or in the entire state, may enroll</td>
<td>None</td>
</tr>
<tr>
<td>West Virginia Pre-K Program</td>
<td>Determined locally</td>
<td>Determined locally</td>
<td>4 by Sept. 1</td>
<td>Eligibility is determined by individual child or family characteristics</td>
<td>None</td>
</tr>
<tr>
<td>Arkansas Pre-K Program</td>
<td>Full day, 7 hours/day</td>
<td>5 days/week</td>
<td>3 by Sept. 15</td>
<td>Eligibility is determined by individual child or family characteristics</td>
<td>200% FPL</td>
</tr>
<tr>
<td>Maryland Pre-K Program</td>
<td>Part day, 2.5 hours/day; Full day, 6.5 hours/day</td>
<td>5 days/week</td>
<td>4 by Sept. 1</td>
<td>Eligibility is determined by individual child or family characteristics</td>
<td>Eligibility for free or reduced-price lunch (185% FPL)</td>
</tr>
<tr>
<td>Illinois Pre-K Program</td>
<td>Determined locally, at least 2.5 hours/day</td>
<td>5 days/week</td>
<td>3 by Sept. 1</td>
<td>Eligibility is determined by individual child or family characteristics</td>
<td>None</td>
</tr>
<tr>
<td>Kentucky Pre-K Program</td>
<td>Part day, 2.5 hours/day plus one meal</td>
<td>4 or 5 days/week</td>
<td>3 by Oct. 1</td>
<td>Eligibility is determined by individual child or family characteristics</td>
<td>150% FPL</td>
</tr>
<tr>
<td>Iowa SVPP</td>
<td>Part day, 10 hours/week</td>
<td>Determined locally</td>
<td>4 by Sept. 15</td>
<td>All children in the state may enroll</td>
<td>None</td>
</tr>
<tr>
<td>Louisiana LA4</td>
<td>Full day, 6 hours/day</td>
<td>5 days/week</td>
<td>4 by Sept. 30</td>
<td>All children in districts offering the program, or in the entire state, may enroll</td>
<td>Eligibility for free or reduced-price lunch (185% FPL)</td>
</tr>
<tr>
<td>North Carolina Pre-K Program</td>
<td>School day, 6-6.5 hours/day</td>
<td>5 days/week</td>
<td>4 by Aug. 31</td>
<td>Eligibility is determined by individual child or family characteristics</td>
<td>75% SMI or below</td>
</tr>
<tr>
<td>Washington Pre-K Program</td>
<td>Determined locally</td>
<td>Determined locally</td>
<td>3 by Aug. 31</td>
<td>Eligibility is determined by individual child or family characteristics</td>
<td>110% FPL</td>
</tr>
<tr>
<td>Programs</td>
<td>Risk factors besides income that can be used to determine eligibility</td>
<td>Sliding payment scale based on income?</td>
<td>Maximum class size</td>
<td>Staff-child ratio requirement</td>
<td></td>
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</tr>
<tr>
<td>Oklahoma Pre-K Program</td>
<td>NA</td>
<td>No</td>
<td>4-year-olds, 20</td>
<td>4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>Georgia Pre-K Program</td>
<td>NA</td>
<td>No</td>
<td>4-year-olds, 20</td>
<td>4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>West Virginia Pre-K Program</td>
<td>Child disability or developmental delay</td>
<td>No</td>
<td>3-and 4-year-olds, 20</td>
<td>3-and 4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>Arkansas Pre-K Program</td>
<td>Child disability or developmental delay, Low parental education level, History of abuse, neglect, or family violence, Non-English speaking family members, Parental substance abuse, Teen parent, Low birth weight or other child health risk, Child history of foster care</td>
<td>Yes, for children whose gross family income is 200-250% FPL</td>
<td>3-and 4-year-olds, 20</td>
<td>3-and 4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>Maryland Pre-K Program</td>
<td>Homelessness or unstable housing, Other state-specified risk factors</td>
<td>No</td>
<td>4-year-olds, 20</td>
<td>4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>Illinois Pre-K Program</td>
<td>Child disability or developmental delay, Low parental education level, History of abuse, neglect, or family violence, Homelessness or unstable housing, Non-English speaking family members, Parental substance abuse, Risk that child will not be ready for kindergarten, Teen parent, Low birth weight or other child health risk, Child history of foster care, Parental active military duty, Locally determined risk factors such as social isolation in very rural communities</td>
<td>No</td>
<td>3-and 4-year-olds, 20</td>
<td>3-and 4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>Kentucky Pre-K Program</td>
<td>Child disability or developmental delay, Locally determined risk factors</td>
<td>Determined locally</td>
<td>3-and 4-year-olds, 20</td>
<td>3-and 4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>Iowa SVPP</td>
<td>NA</td>
<td>Determined locally</td>
<td>4-year-olds, 20</td>
<td>4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>Louisiana LA4</td>
<td>None</td>
<td>Yes, for children who do not meet the income requirement</td>
<td>4-year-olds, 20</td>
<td>4-year-olds, 1:10</td>
<td></td>
</tr>
<tr>
<td>North Carolina Pre-K Program</td>
<td>Child disability or developmental delay, Non-English speaking family members, Parental active military duty, Other state-specified risk factors such as a chronic health condition or educational/developmental delays</td>
<td>No</td>
<td>4-year-olds, 18</td>
<td>4-year-olds, 1:9</td>
<td></td>
</tr>
<tr>
<td>Washington Pre-K Program</td>
<td>Child disability or developmental delay, Low parental education level, History of abuse, neglect, or family violence, Homelessness or unstable housing, Non-English speaking family members, Parental substance abuse, Risk that child will not be ready for kindergarten, Teen parent, Low birth weight or other child health risk, Child history of foster care</td>
<td>No</td>
<td>3-and 4-year-olds, 20</td>
<td>3-and 4-year-olds, 1:9</td>
<td></td>
</tr>
<tr>
<td>Programs</td>
<td>Screening and referral requirements</td>
<td>Support services required for all programs</td>
<td>Minimum teacher degree requirement</td>
<td>Minimum assistant teacher degree requirement</td>
<td>Teachers on public school salary scale?</td>
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</tr>
<tr>
<td>Oklahoma Pre-K Program</td>
<td>Vision, Hearing, Health, Developmental; Dental - determined locally</td>
<td>Parent involvement activities, Child health services, Nutrition information, Referral for social services, Transition to K activities, Other support services</td>
<td>BA/BS and ECE certification (public and nonpublic)</td>
<td>Must meet NCLB requirements (public and nonpublic)</td>
<td>Yes</td>
</tr>
<tr>
<td>Georgia Pre-K Program</td>
<td>Vision, Hearing, Dental</td>
<td>Parent involvement activities, Transition to K activities, Other support services determined locally</td>
<td>AA (public and nonpublic)</td>
<td>CDA (public and nonpublic)</td>
<td>No</td>
</tr>
<tr>
<td>West Virginia Pre-K Program</td>
<td>Vision, Hearing, Health, Developmental, Dental</td>
<td>Transition to K activities, Other support services determined locally</td>
<td>BA in ECE or pre-K special education (pre-K only programs); AA (blended programs)</td>
<td>HSD (public and nonpublic)</td>
<td>Yes (public); No (nonpublic)</td>
</tr>
<tr>
<td>Arkansas Pre-K Program</td>
<td>Vision, Hearing, Health, Developmental, Dental</td>
<td>Parenting support or training, Parent involvement activities, Child health services, Nutrition information, Referral for social services, Transition to K activities</td>
<td>BA/BS in ECE or CD (public); BA/BS in ECE or CD (one for every)</td>
<td>CDA (public and nonpublic)</td>
<td>Yes</td>
</tr>
<tr>
<td>Maryland Pre-K Program</td>
<td>Vision, Hearing, Health, Lead screenings, Immunizations; Developmental, Dental - determined locally</td>
<td>Parenting support or training, Parent involvement activities, Child health services, Transition to K activities, Other support services</td>
<td>BA (public and nonpublic)</td>
<td>HSD (public and nonpublic)</td>
<td>Yes</td>
</tr>
<tr>
<td>Illinois Pre-K Program</td>
<td>Vision, Hearing, Health, Developmental</td>
<td>Parent education or job training, Parenting support or training, Parent involvement activities, Referral for social services, Transition to K activities</td>
<td>BA (public and nonpublic)</td>
<td>AA (public and nonpublic)</td>
<td>Yes</td>
</tr>
<tr>
<td>Kentucky Pre-K Program</td>
<td>Vision, Hearing, Health, Developmental</td>
<td>Parent education or job training, Parenting support or training, Parent involvement activities, Parent health services, Child health services, Nutrition information, Referral for social services, Transition to K activities</td>
<td>BA (public and nonpublic)</td>
<td>HSD (public); No minimum degree (nonpublic)</td>
<td>Yes (public); No (nonpublic)</td>
</tr>
<tr>
<td>Iowa SVPP</td>
<td>Vision, Hearing, Health, Developmental, Dental</td>
<td>Parenting support or training, Parent involvement activities, Child health services, Referral for social services</td>
<td>BA (public and nonpublic)</td>
<td>CDA or Iowa Paraprofessional certificate (public and nonpublic)</td>
<td>Yes (public); No (nonpublic)</td>
</tr>
<tr>
<td>Louisiana LA4</td>
<td>Vision, Hearing, Health, Developmental; Dental, Mental Health - determined locally</td>
<td>Parent education or job training, Parenting support or training, Parent involvement activities, Child health services, Nutrition information, Referral for social services, Transition to K activities, GED and literacy training for parents</td>
<td>BA (public and nonpublic)</td>
<td>HSD (public and nonpublic)</td>
<td>Yes</td>
</tr>
<tr>
<td>North Carolina Pre-K Program</td>
<td>Vision, Hearing, Health, Developmental, Dental, Immunizations</td>
<td>Parent involvement activities, Transition to pre-K and K activities, Other support services</td>
<td>BA (public); AA and working toward BA and birth-K license within four years (nonpublic)</td>
<td>CDA or NCLB requirements (public), CDA (nonpublic)</td>
<td>Yes</td>
</tr>
<tr>
<td>Washington Pre-K Program</td>
<td>Vision, Hearing, Health, Developmental, Dental, Height, Weight</td>
<td>Parenting support or training, Parent involvement activities, Child health services, Nutrition information, Referral for social services, Transition to K activities, Other support services</td>
<td>AA or BA (public and nonpublic)</td>
<td>CDA or 12 quarter credits ECE (public and nonpublic)</td>
<td>No</td>
</tr>
<tr>
<td>Programs</td>
<td>Total 2008-2009 spending</td>
<td>School funding or state aid formula?</td>
<td>State/All spending per child</td>
<td>Agencies eligible to receive funding directly</td>
<td>How much of total spending came from...</td>
</tr>
<tr>
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<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Oklahoma Pre-K Program</td>
<td>$283,048,740</td>
<td>Yes</td>
<td>$4,084/$7,853</td>
<td>Public schools</td>
<td>State, $147,185,345; Federal, $33,965,849; Non-required local, $101,897,546</td>
</tr>
<tr>
<td>Georgia Pre-K Program</td>
<td>$331,955,553</td>
<td>No</td>
<td>$4,234/$4,239</td>
<td>Public schools, Head Start, Private CC, Faith-based centers, Technical schools, Universities, Military bases, Charter schools</td>
<td>State, $331,542,255; Federal, $413,298</td>
</tr>
<tr>
<td>West Virginia Pre-K Program</td>
<td>$114,835,307</td>
<td>Yes</td>
<td>$5,264/$8,743</td>
<td>Public schools</td>
<td>State, $69,147,853; Federal, $43,241,948; Non-required local, $2,445,506</td>
</tr>
<tr>
<td>Arkansas Pre-K Program</td>
<td>$171,973,151</td>
<td>No</td>
<td>$5,421/$8,399</td>
<td>Public schools, Head Start, Private CC, Faith-based centers, Family CC</td>
<td>State, $103,500,000; TANF, $7,500,000; Required local, $60,973,151</td>
</tr>
<tr>
<td>Maryland Pre-K Program</td>
<td>$222,730,841</td>
<td>Yes</td>
<td>$3,765/$8,304</td>
<td>Public schools</td>
<td>State, $100,974,791; Federal, $9,323,645; Required local, $112,432,405</td>
</tr>
<tr>
<td>Illinois Pre-K Program</td>
<td>$327,024,460</td>
<td>No</td>
<td>$3,438</td>
<td>Public schools, Head Start, Private CC, Faith-based centers, Family CC, University-based and community college-based higher education programs</td>
<td>State, $327,024,460</td>
</tr>
<tr>
<td>Kentucky Pre-K Program</td>
<td>$106,158,791</td>
<td>Yes</td>
<td>$3,497/$4,941</td>
<td>Public schools</td>
<td>State, $75,127,700; Federal, $16,439,280; Non-required local, $14,591,811</td>
</tr>
<tr>
<td>Iowa SVPP</td>
<td>$28,491,374</td>
<td>Yes</td>
<td>$2,945</td>
<td>Public schools</td>
<td>State, $28,491,374</td>
</tr>
<tr>
<td>Louisiana LA4</td>
<td>$85,500,000</td>
<td>No</td>
<td>$5,492/$5,623</td>
<td>Public schools, Approved charter schools</td>
<td>State, $83,500,000; Non-required local, $2,000,000</td>
</tr>
<tr>
<td>North Carolina Pre-K Program</td>
<td>$242,831,570</td>
<td>No</td>
<td>$5,414/$7,713</td>
<td>Public schools, Head Start, Public-private agencies (local Smart Start partnerships), Other non-profit organizations</td>
<td>State, $170,471,908; Federal, $46,808,616; Non-required local, $25,461,046</td>
</tr>
<tr>
<td>Washington Pre-K Program</td>
<td>$55,942,961</td>
<td>No</td>
<td>$6,890</td>
<td>Public schools, Head Start, Private CC, Local governments, Colleges/ universities, Educational Service Districts</td>
<td>State, $55,942,961</td>
</tr>
</tbody>
</table>
