

2SHB 1550 - S AMD 465

By Senator C. Wilson

ADOPTED 04/23/2023

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) The intent of the legislature is to continue and rename
6 transitional kindergarten as the transition to kindergarten program
7 and that the program be established in statute with the goal of
8 assisting eligible children in need of additional preparation to be
9 successful kindergarten students in the following school year. The
10 transition to kindergarten program is not part of the state's
11 statutory program of basic education under RCW 28A.150.200.

12 (2)(a) The office of the superintendent of public instruction
13 shall administer the transition to kindergarten program and shall
14 adopt rules under chapter 34.05 RCW for the administration of, the
15 allocation of state funding for, and minimum standards and
16 requirements for the transition to kindergarten program. Initial
17 rules, which include expectations for school districts, charter
18 schools as allowed by subsection (7) of this section, and state-
19 tribal education compact schools transitioning existing programs to
20 the new requirements established in this section must be adopted in
21 time for the 2023-24 school year, and permanent rules must be adopted
22 by the beginning of the 2024-25 school year.

23 (b) School districts, charter schools as allowed by subsection
24 (7) of this section, and state-tribal education compact schools
25 operating a transition to kindergarten program shall adopt policies
26 regarding eligibility, recruitment, and enrollment for this program
27 that, at a minimum, meet the requirements of subsection (3) of this
28 section.

29 (3) The rules adopted under subsection (2) of this section must
30 include, at a minimum, the following requirements for school
31 districts, charter schools as allowed by subsection (7) of this
32 section, and state-tribal education compact schools operating a
33 transition to kindergarten program:

1 (a)(i) A limitation on program enrollment to eligible children.
2 Eligible children include only those who:
3 (A) Have been determined to benefit from additional preparation
4 for kindergarten; and
5 (B) Are at least four years old by August 31st of the school year
6 they enroll in the transition to kindergarten program.
7 (ii) A requirement, as practicable, for school districts, charter
8 schools as allowed by subsection (7) of this section, and state-
9 tribal education compact schools to prioritize families with the
10 lowest incomes and children most in need for additional preparation
11 to be successful in kindergarten when enrolling eligible children in
12 a transition to kindergarten program;
13 (iii) Access to the transition to kindergarten program does not
14 constitute an individual entitlement for any particular child.
15 (b) Except for children who have been excused from participation
16 by their parents or legal guardians, a requirement that the
17 Washington kindergarten inventory of developing skills as established
18 by RCW 28A.655.080 be administered to all eligible children enrolled
19 in a transition to kindergarten program at the beginning of the
20 child's enrollment in the program and at least one more time during
21 the school year.
22 (c) A requirement that all eligible children enrolled in a
23 transition to kindergarten program be assigned a statewide student
24 identifier and that the transition to kindergarten program be
25 considered a separate class or course for the purposes of data
26 reporting requirements in RCW 28A.320.175.
27 (d) A requirement that a local child care and early learning
28 needs assessment is conducted before beginning or expanding a
29 transition to kindergarten program that considers the existing
30 availability and affordability of early learning providers, such as
31 the early childhood education and assistance programs, head start
32 programs, and licensed child care centers and family home providers
33 in the region. Data available through the regionalized data dashboard
34 maintained by the department of children, youth, and families or any
35 other appropriate sources may be used to inform the needs assessment
36 required by this subsection.
37 (e)(i) A requirement that school districts, charter schools as
38 allowed by subsection (7) of this section, and state-tribal education
39 compact schools adhere to guidelines, as developed by the office of
40 the superintendent of public instruction, related to:

1 (A) Best practices for site readiness of facilities that are used
2 for the program;

3 (B) Developmentally appropriate curricula designed to assist in
4 maintaining high quality programs; and

5 (C) Professional development opportunities.

6 (ii) The office of the superintendent of public instruction must
7 develop a process for conducting site visits of any school district,
8 charter school as allowed by subsection (7) of this section, or
9 state-tribal education compact school operating a transition to
10 kindergarten program and provide feedback on elements listed in this
11 subsection (3)(e).

12 (f) A prohibition on charging tuition or other fees to state-
13 funded eligible children for enrollment in a transition to
14 kindergarten program.

15 (g) A prohibition on establishing a policy of excluding an
16 eligible child due only to the presence of a disability.

17 (4)(a) The office of the superintendent of public instruction, in
18 collaboration with the department of children, youth, and families,
19 shall develop statewide coordinated eligibility, recruitment,
20 enrollment, and selection best practices and provide technical
21 assistance to those implementing a transition to kindergarten program
22 to support connections with local early learning providers.

23 (b) School districts, charter schools as allowed by subsection
24 (7) of this section, and state-tribal education compact schools must
25 consider the best practices developed under this subsection (4) when
26 adopting the policies required under subsection (2)(b) of this
27 section.

28 (5) Nothing in this section prohibits school districts, charter
29 schools as allowed by subsection (7) of this section, and state-
30 tribal education compact schools from blending or collocating a
31 transition to kindergarten program with other early learning
32 programs.

33 (6)(a) Funding for the transition to kindergarten program must be
34 based on the following:

35 (i) The distribution formula established under RCW 28A.150.260
36 (4)(a), (5), (6), (8), and (10)(a) and (b), calculated using the
37 actual number of annual average full-time equivalent eligible
38 children enrolled in the program. A transition to kindergarten child
39 must be counted as a kindergarten student for purposes of the funding

1 calculations referenced in this subsection, but must be reported
2 separately.

3 (ii) The distribution formula developed in RCW 28A.160.150
4 through 28A.160.192, calculated using reported ridership for eligible
5 children enrolled in the program.

6 (b) Funding provided for the transition to kindergarten program
7 is not part of the state's statutory program of basic education under
8 RCW 28A.150.200 and must be expended only for the support of
9 operating a transition to kindergarten program.

10 (7) Charter schools authorized under RCW 28A.710.080(2) are
11 immediately permitted to operate a transition to kindergarten program
12 under this section. Beginning with the 2025-26 school year, any
13 charter school authorized under RCW 28A.710.080 (1) or (2) is
14 permitted to operate a transition to kindergarten program under this
15 section.

16 **Sec. 2.** RCW 28A.225.160 and 2009 c 380 s 3 are each amended to
17 read as follows:

18 (1) Except as provided in subsection (~~((2))~~) (3) of this section
19 and otherwise provided by law, it is the general policy of the state
20 that the common schools shall be open to the admission of all persons
21 who are five years of age and less than (~~((twenty-one))~~) 21 years
22 residing in that school district. Except as otherwise provided by law
23 or rules adopted by the superintendent of public instruction,
24 districts may establish uniform entry qualifications, including but
25 not limited to birthdate requirements, for admission to kindergarten
26 and first grade programs of the common schools. Such rules may
27 provide for individualized exceptions based upon the ability, or the
28 need, or both, of an individual student. Nothing in this section
29 authorizes school districts, public schools, or the superintendent of
30 public instruction to create state-funded programs based on entry
31 qualification exceptions except as otherwise expressly provided by
32 law.

33 (2) For the purpose of complying with any rule adopted by the
34 superintendent of public instruction that authorizes a preadmission
35 screening process as a prerequisite to granting individualized
36 exceptions to the uniform entry qualifications, a school district may
37 collect fees to cover expenses incurred in the administration of any
38 preadmission screening process: PROVIDED, That in so establishing
39 such fee or fees, the district shall adopt rules for waiving and

1 reducing such fees in the cases of those persons whose families, by
2 reason of their low income, would have difficulty in paying the
3 entire amount of such fees.

4 ~~((2))~~ (3) A student who meets the definition of a child of a
5 military family in transition under Article II of RCW 28A.705.010
6 shall be permitted to continue enrollment at the grade level in the
7 common schools commensurate with the grade level of the student when
8 attending school in the sending state as defined in Article II of RCW
9 28A.705.010, regardless of age or birthdate requirements.

10 NEW SECTION. **Sec. 3.** (1) The department of children, youth, and
11 families must make administrative changes to better align early
12 childhood education and assistance program implementation with state-
13 funded early learning programs serving three through five-year old
14 children offered by school districts, charter schools authorized
15 under RCW 28A.710.080(2), and state-tribal education compact schools.
16 The department must submit a report, in compliance with RCW
17 43.01.036, of the administrative changes to the appropriate
18 committees of the legislature by July 1, 2024.

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

20 **Sec. 4.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to
21 read as follows:

22 (1) The caseload forecast council is hereby created. The council
23 shall consist of two individuals appointed by the governor and four
24 individuals, one of whom is appointed by the chairperson of each of
25 the two largest political caucuses in the senate and house of
26 representatives. The chair of the council shall be selected from
27 among the four caucus appointees. The council may select such other
28 officers as the members deem necessary.

29 (2) The council shall employ a caseload forecast supervisor to
30 supervise the preparation of all caseload forecasts. As used in this
31 chapter, "supervisor" means the caseload forecast supervisor.

32 (3) Approval by an affirmative vote of at least five members of
33 the council is required for any decisions regarding employment of the
34 supervisor. Employment of the supervisor shall terminate after each
35 term of three years. At the end of the first year of each three-year
36 term the council shall consider extension of the supervisor's term by
37 one year. The council may fix the compensation of the supervisor. The

1 supervisor shall employ staff sufficient to accomplish the purposes
2 of this section.

3 (4) The caseload forecast council shall oversee the preparation
4 of and approve, by an affirmative vote of at least four members, the
5 official state caseload forecasts prepared under RCW 43.88C.020. If
6 the council is unable to approve a forecast before a date required in
7 RCW 43.88C.020, the supervisor shall submit the forecast without
8 approval and the forecast shall have the same effect as if approved
9 by the council.

10 (5) A councilmember who does not cast an affirmative vote for
11 approval of the official caseload forecast may request, and the
12 supervisor shall provide, an alternative forecast based on
13 assumptions specified by the member.

14 (6) Members of the caseload forecast council shall serve without
15 additional compensation but shall be reimbursed for travel expenses
16 in accordance with RCW 44.04.120 while attending sessions of the
17 council or on official business authorized by the council.
18 Nonlegislative members of the council shall be reimbursed for travel
19 expenses in accordance with RCW 43.03.050 and 43.03.060.

20 (7) "Caseload," as used in this chapter, means:

21 (a) The number of persons expected to meet entitlement
22 requirements and require the services of public assistance programs,
23 state correctional institutions, state correctional noninstitutional
24 supervision, state institutions for juvenile offenders, the common
25 school system, long-term care, medical assistance, foster care, and
26 adoption support;

27 (b) The number of students who are eligible for the Washington
28 college bound scholarship program and are expected to attend an
29 institution of higher education as defined in RCW 28B.92.030;

30 (c) The number of students who are eligible for the Washington
31 college grant program under RCW 28B.92.200 and 28B.92.205 and are
32 expected to attend an institution of higher education as defined in
33 RCW 28B.92.030; and

34 (d) The number of children who are eligible, as defined in RCW
35 43.216.505, to participate in, and the number of children actually
36 served by, the early childhood education and assistance program.

37 (8) The caseload forecast council shall forecast the temporary
38 assistance for needy families and the working connections child care
39 programs as a courtesy.

1 (9) By January 1, 2023, the caseload forecast council shall
2 present the number of individuals who are assessed as eligible for
3 and have requested a service through the individual and family
4 services waiver and the basic plus waiver administered by the
5 developmental disabilities administration as a courtesy. The caseload
6 forecast council shall be presented with the service request list as
7 defined in RCW 71A.10.020 to aid in development of this information.

8 (10) Beginning with the official forecast submitted in November
9 2022 and subject to the availability of amounts appropriated for this
10 specific purpose, the caseload forecast council shall forecast the
11 number of individuals who are assessed as eligible for and have
12 requested supported living services, a service through the core
13 waiver, an individual and family services waiver, and the basic plus
14 waiver administered by the developmental disabilities administration
15 as a courtesy. The caseload forecast council shall be presented with
16 the service request list as defined in RCW 71A.10.020 to aid in
17 development of this information.

18 (11) As a courtesy, beginning with the official forecast
19 submitted in November 2022, the caseload forecast council shall
20 forecast the number of individuals who are expected to reside in
21 state-operated living alternatives administered by the developmental
22 disabilities administration.

23 (12) The caseload forecast council shall forecast youth
24 participating in the extended foster care program pursuant to RCW
25 74.13.031 separately from other children who are residing in foster
26 care and who are under eighteen years of age.

27 (13) The caseload forecast council shall forecast the number of
28 youth expected to receive behavioral rehabilitation services while
29 involved in the foster care system and the number of screened in
30 reports of child abuse or neglect.

31 (14) The caseload forecast council shall forecast eligible
32 children participating in the transition to kindergarten program
33 under section 1 of this act.

34 (15) Unless the context clearly requires otherwise, the
35 definitions provided in RCW 43.88.020 apply to this chapter.

36 ~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning
37 with the November 2021 forecast, the caseload forecast council shall
38 produce an unofficial forecast of the long-term caseload for juvenile
39 rehabilitation as a courtesy."

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1 On page 1, line 4 of the title, after "program;" strike the
2 remainder of the title and insert "amending RCW 28A.225.160 and
3 43.88C.010; adding a new section to chapter 28A.300 RCW; creating a
4 new section; and providing an expiration date."

EFFECT: Strikes the provisions of the underlying bill and replaces it with the following:

(1) States that the intent of the legislature is to continue and rename Transitional Kindergarten as the Transition to Kindergarten program and this program is not part of the state's statutory program of basic education under RCW 28A.150.200.

(2) Directs the Office of the Superintendent of Public Instruction (OSPI) to administer the Transition to Kindergarten program and specifies that initial rules must be adopted in time for the 2023-24 school year and permanent rules be adopted by the beginning of the 2024-25 school year.

(3) Requires OSPI to adopt rules for the administration of, the allocation of state funding, and the minimum standards and requirements for the program and specifies the following minimum requirements for any school district, charter school, and state-tribal education compact schools operating a transition to kindergarten program: (a) A definition of eligible child, a requirement, as practicable, to prioritize families with the lowest incomes and most in need of additional preparation to be successful in kindergarten, and that access to this program does not constitute an individual entitlement; (b) a requirement to administer the Washington Kindergarten Inventory of Developing Skills twice a school year; (c) a requirement that enrolled children have a statewide student identifier; (d) a requirement that a local child care and early learning needs assessment is conducted; (e) a requirement that school districts, charter schools, and state-tribal education compact schools adhere to OSPI guidelines related to certain topics; (f) a prohibition on charging tuition or fees for the program; and (g) a prohibition on establishing a policy of excluding an eligible child due only to the presence of a disability.

(4) Permits charter schools authorized under RCW 28A.710.080(2) to immediately operate a transition to kindergarten program, and permits charter schools authorized under RCW 28A.710.080 (1) and (2) to operate a transition to kindergarten program beginning with the 2025-26 school year.

(5) Directs OSPI, in collaboration with the Department of Children, Youth, and Families (DCYF), to develop statewide coordinated eligibility, recruitment, enrollment, and selection best practices and provide technical assistance to support connections with local early learning providers.

(6) Requires school districts, charter schools, and state-tribal education compact schools to adopt policies regarding eligibility, recruitment, and enrollment for this program that meets the minimum

requirements and considers the best practices developed by OSPI and DCYF.

(7) Provides a funding formula for the Transition to Kindergarten program based on the reported full-time equivalent of eligible children in the program and calculated under certain portions of the prototypical school funding model.

(8) Directs the Caseload Forecast Council to forecast eligible children participating in the transition to kindergarten program.

(9) States that individualized exceptions for admission to kindergarten and first grade programs does not authorize school districts, public schools, or the superintendent of public instruction to create state-funded programs based on entry qualification exceptions except as otherwise expressly provided by law.

(10) Directs DCYF to make administrative changes to better align early childhood education and assistance program implementation with state-funded early learning programs serving three through five-year olds offered by school districts, charter schools authorized under RCW 28A.710.080(2), and state-tribal education compact schools and requires a report by July 1, 2024.

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