

SENATE BILL REPORT

2SHB 1550

As of March 22, 2023

Title: An act relating to assisting eligible children in need of additional preparation to be successful in kindergarten by replacing transitional kindergarten with a legislatively established and authorized transition to kindergarten program.

Brief Description: Assisting eligible children in need of additional preparation to be successful in kindergarten by establishing the transition to kindergarten program.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse and Doglio).

Brief History: Passed House: 3/6/23, 74-22.

Committee Activity: Early Learning & K-12 Education: 3/22/23.

Brief Summary of Bill

- States that the Legislature intends to continue and rename Transitional Kindergarten as the Transition to Kindergarten program, and that this program is not part of the state's program of basic education under Article IX of the State Constitution.
- Directs the Office of the Superintendent of Public Instruction to adopt rules for the administration and the allocation of state funding for this program and specifies minimum requirements for these rules.
- Provides a funding formula for the program using certain portions of the prototypical school funding model and requires certain data to be reported.
- States that the individual exceptions for admission to kindergarten and first grade programs may not be used as a basis for developing a new basic education program.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Basic Education. Basic education is a program defined and funded by the Legislature, intended to meet the state's paramount duty under Article IX of the State Constitution, and delivered by public schools. State law provides certain minimum components for the state's instructional program of basic education for kindergarten through 12th grade. For example, the program must consist of a minimum of 180 school days and 1000 instructional hours for kindergarten programs.

Funding for the state's program of basic education is based on the prototypical school funding allocation model. The stated intent of this model is to provide a state allocation to support school districts that offer the minimum instructional program of basic education in a school of a particular size with particular grade levels. The model uses commonly understood terms and inputs such as class size, hours of instruction, various categories of school staff, materials, supplies, and operating costs, and categorical programs. The Legislature adjusts the actual funding allocations based on the number of annual average full-time equivalent students in each grade level at each school.

Admission Policy. It is the general policy of the state that the common schools be open to the admission of all persons who are 5 years of age and less than 21. Except as provided in state law or the Office of the Superintendent of Public Instruction (OSPI) rules, districts may establish uniform entry qualifications, including but not limited to, birthdate requirements for admission to kindergarten and first grade programs. Such rules may provide exceptions based upon the ability, or the need, or both, of an individual student.

OSPI rule requires a child to be 5 years old as of midnight August 31st of the year of entry to be entitled to enter kindergarten unless an individual exception is made. School districts must provide for a screening process, instrument, or both, to measure the ability or the need, or both, of an individual student to succeed in earlier entry.

Washington Kindergarten Inventory of Developing Skills. To the extent funds are available, beginning in the 2012-13 school year, the Washington Kindergarten Inventory of Developing Skills (WaKIDS) must be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs. According to OSPI's website, WaKIDS is a whole-child assessment that allows teachers to observe children while they are engaged in everyday activities and assess their skills, knowledge, and abilities.

Transitional Kindergarten. According to OSPI's website, transitional kindergarten is a kindergarten program for children age 5 who have missed the cutoff for kindergarten or are turning 5 before the following school year and who do not have access to high-quality early learning experiences prior to kindergarten. Additionally, they have been deemed by a

school district through a screening process or other instrument to be in need of additional preparation to be successful in kindergarten the following year.

The Legislature has not adopted, referenced, or defined transitional kindergarten in any state law. There have been two operating budget provisos that have referenced transitional kindergarten, which were both vetoed. A 2020 proviso directed a study on transitional kindergarten and a 2022 proviso limited state allocations for these programs.

Department of Children, Youth, and Families Duties. The Department of Children, Youth, and Families (DCYF) implements state early learning policy and coordinates, consolidates, and integrates child care and early learning programs to administer programs and funding as efficiently as possible. Among other duties, DCYF licenses child care providers and administers the Early Childhood Education and Assistance Program (ECEAP), which is a state-funded voluntary preschool program serving children ages 3 and 4.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Striking Amendment): Transition to Kindergarten Program. The stated intent is to continue and rename Transitional Kindergarten as the Transition to Kindergarten program (program) and that the program be established in statute with the goal of assisting eligible children in need of additional preparation to be successful kindergarten students in the following school year.

This program is not part of the state's program of basic education under Article IX of the state Constitution.

Office of the Superintendent of Public Instruction Rules. OSPI must administer the program and must adopt rules for the administration of and allocation of state funding for the program. OSPI rules must include, at a minimum, the following requirements for the program:

- a limitation on program enrollment to eligible children, which are children who have been determined to benefit from additional preparation for kindergarten and are at least 4 years old by August 31st of the year they enroll in the program;
- a requirement that WaKIDS be administered to all children enrolled in the program at the beginning of their enrollment and at least one more time during the school year unless parents or guardians excuse their child from participation;
- a requirement that all eligible children be assigned a statewide student identifier and be considered a separate class or course for the purpose of data reporting;
- a requirement that school districts conduct a local child care and early learning needs assessment before beginning or expanding a program that considers existing availability and affordability of ECEAP programs, Head Start programs, and licensed child care centers and family home providers in the region and may use data available through DCYF;
- a process for DCYF to conduct site visits of a school district offering the program and

- provide feedback related to best practices, developmentally appropriate curricula, and professional development opportunities;
- a prohibition of school districts from charging tuition or other fees for this program; and
- a prohibition of school districts from establishing a policy of excluding an eligible child due only to the presence of a disability.

Funding. Funding for the program is based on the school district's reported full-time equivalent headcount of eligible children in the program and calculated under certain portions of the prototypical school funding model including:

- class size;
- staff types;
- district-wide support services;
- materials, supplies, and operating costs;
- the learning assistance program;
- the transitional bilingual instruction program; and
- transportation.

A transition to kindergarten child must be counted as a kindergarten student for the purposes of the funding calculations but must be reported separately. This funding is not part of the program of basic education and must be expended only for the support of operating a transition to kindergarten program.

Data. By December 1st of each odd-numbered year, OSPI must make data available to the Legislature that includes the number of state-funded eligible children enrolled in a transition to kindergarten program in the current school year.

Admission Policy. Rules providing exceptions for earlier admission to kindergarten and first grade programs based upon the ability, or the need, or both, of an individual student may not be used as a basis for developing a new basic education program.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony On Proposed Striking Amendment: PRO: Legislative action is needed on the topic of transitional kindergarten. This is an early learning program that needs to be developmentally appropriate and use early learning standards including that the program is play-based and educators have proper training. A pause is needed, so the program's growth and funding can be assessed. A coordinated

recruitment and enrollment process is needed to make sure children are in the programs that best suit them and to maximize existing funding. Transitional kindergarten can have negative unintentional consequences on early learning and child care providers because of the way those businesses operate. It is important that school districts and these providers communicate with each other.

Transitional kindergarten is an early intervention program that gives students a strong start to their education. These high-quality programs can facilitate strong gains in school readiness. This is especially important because of the pandemic. Transitional kindergarten programs are high-quality and age-appropriate because they are taught by teachers that have the preparation and skills to differentiate instruction. Only a small fraction of children are in early learning programs. Transitional kindergarten will increase the number of children served in early learning programs, and there is room to grow all programs. School districts are needed to fulfill the goal of providing universal access to preschool programs. The many types of early learning programs should be leveraged toward this goal. School districts must provide a continuum of placement opportunities for children with disabilities, and transitional kindergarten provides a classroom where these children can learn with typically developing peers. OSPI welcomes the opportunity to codify the standards for transitional kindergarten and support school districts to implement these programs. School districts can help serve children who are in child care deserts. Funding transitional kindergarten students as kindergarten students will have a positive impact on levy equalization and funding for the Learning Assistance Program, and the transitional bilingual instruction program. This program needs structure and a framework but not unnecessary burdens that could limit access to students who need this program. Educational service districts do not want to be in the role of admissions or compliance but would like to be in a supportive role.

CON: There is a need for transitional kindergarten in some parts of the state, especially rural areas. However, some existing transitional kindergarten programs are not developmentally appropriate. For example, some programs have high child-to-adult ratios, do not include nap time, and allows 4-year-olds to ride the bus with high school students. This bill should include clear quality standards to make sure this program is developmentally appropriate. It is important to make sure school districts are working with local early learning providers, so the system is integrated and private providers are not negatively impacted. For some child care providers, preschool programs help cover the high-cost of infant care. Raising the rates for infants and toddlers will not fill the gap. When preschool students leave these providers, it puts pressure on providers to raise the cost of tuition for younger children. There is a need to ensure continuity of care while transitional kindergarten programs become transition to kindergarten programs, and students of color are not harmed during this process. School districts have not adapted to the changing needs of families like early learning providers have. School districts do not provide programming all day and all year. Allowing transitional kindergarten to expand without guardrails is effectively dismantling the child care system. Without careful planning, families will not have pre-kindergarten options because transitional kindergarten

will become the only option. Preschool will no longer be a mixed-delivery system. Existing programs are having difficulty filling current slots because of the influx of transitional kindergarten. It is important to focus on where transitional kindergarten programs should exist and how they are implemented.

OTHER: Changing from transitional kindergarten programs to transition to kindergarten programs will cause redundancies and add requirements that will be significant barriers for school district implementation. Transitional kindergarten can continue and eligibility for ECEAP can be expanded. This two-fold approach will serve more students. Families should have options, so they can find a program that best meets their children's needs. Child care providers are still struggling and are under-funded. Without meaningful integration, fewer four-year-olds will be served in preschool programs.

Persons Testifying: PRO: Representative Sharon Tomiko Santos, Prime Sponsor; Representative Tana Senn; Wade Smith, Walla Walla Public Schools; Paul Clark, Colton School District; Kevin Knight, Superintendent Colville School District; Nasue Nishida, Washington Education Association; Jim Kowalkowski, Rural Education Center; Maddy Thompson, Policy Office of Governor Inslee; Allison Krutsinger, Department of Children Youth and Families; Jenny Plaja, The Office of Superintendent of Public Instruction; Melissa Gombosky, Association of Educational Service Districts (AESD); Jerry Pugh, Colfax School District; Jim Stoffer, Public School Advocate; Rep. Tana Senn, Washington State House of Representatives.

CON: Trish Beathard, Brinnon School District; Baljinder Sohal, Auburn School District; Susan Brown, Washington Childcare Center Association; Laura Murphey, Washington Childcare Center Association; Colleen Condon, Washington Childcare Center Association; Katy Warren, WA State Assn of Head Start and ECEAP; Kimber Burrows, Upriver Discovery School; Margot Grant Gould, KinderCare Learning Companies; Dr. Stephan Blanford, Children's Alliance; David Webster, Opportunity Council Early Learning and Family Services; Susan Fitzpatrick, Pacific Northwest Montessori Association; Mary DuPuis, Confederated Tribes of the Chehalis Reservation; Megan Juenemann; Jerrod Gonzales, Green Lake Preschool.

OTHER: Anne Arnold, Everett Public Schools; Deeann Puffert, Child Care Aware of Washington.

Persons Signed In To Testify But Not Testifying: No one.