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## Education Committee

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### HB 1450

**Brief Description:** Concerning transition to kindergarten programs.

**Sponsors:** Representatives Santos, Rude, Schmidt, Wylie, Parshley, Ortiz-Self, Nance, Pollet and Tharinger.

#### Brief Summary of Bill

- Directs the Superintendent of Public Instruction to administer Transition to Kindergarten (TTK) programs according to specified requirements, and to work with the Department of Children, Youth, and Families to authorize programs, approve sites, and set enrollment caps.
- Authorizes school districts to operate TTK programs according to specified requirements, including to promote coordinated systems of early childhood services and complete Early Achievers activities.
- Limits early entry to kindergarten to children who are likely to be successful in kindergarten.
- Requires the implementation of a data system across all state-funded early learning, elementary, and secondary education programs.

**Hearing Date:** 1/28/25

**Staff:** Megan Wargacki (786-7194).

#### **Background:**

##### Transitional Kindergarten.

Prior to 2023 some school districts and charter schools elected to offer programs referred to as Transitional Kindergarten (TK). The OSPI website described TK as a kindergarten program for

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children not yet age 5 who do not have access to high-quality early learning experiences prior to kindergarten and have been deemed, through a screening process or other instrument, to need additional preparation to be successful in kindergarten the following year.

The Office of the Superintendent of Public Instruction (OSPI) first published guidance on TK in 2019. The OSPI encouraged TK programs collaborate with and not adversely impact enrollment in community-based preschool programs. The OSPI advised that TK students be reported as kindergarteners without any legal or budgetary mandate; resulting in TK students generating state basic education allocations.

#### Transition to Kindergarten Program.

In 2023 Second Substitute House Bill 1550 (2SHB 1550) was enacted to continue and rename Transitional Kindergarten as the Transition to Kindergarten (TTK) program. This legislation established the TTK program in statute with the goal of assisting eligible children in need of additional preparation to be successful kindergarten students in the following school year.

*Rules.* The Office of the Superintendent of Public Instruction was directed to adopt rules for the administration of, the allocation of state funding for, and minimum standards and requirements for the TTK program. The rules must include specified minimum requirements for school districts, charter schools, and state-tribal education compact schools operating a TTK program.

The rules must limit TTK enrollment to eligible children who have been determined to benefit from additional preparation for kindergarten and are at least 4 years old by August 31 of the school year they enroll in the program. As practicable, TTK programs must prioritize families with the lowest incomes and children with the greatest need. Access to the TTK program is not an individual entitlement.

The rules must require administering the Washington Kindergarten Inventory of Developing Skills to all eligible TTK-enrolled children at the start of enrollment and at least once more during the school year, unless excused by a parent or guardian.

The rules must require that all eligible children enrolled in a TTK program be assigned a statewide student identifier and that the TTK program be considered a separate class or course for the purposes of specified data reporting requirements.

The rules must require that a local childcare and early learning needs assessment is conducted before beginning or expanding a TTK program that considers the existing availability and affordability of early learning providers using data available through the regionalized data dashboard maintained by the Department of Children, Youth, and Families (DCYF), or any other appropriate sources may be used to inform the needs assessment.

The rules must require TTK programs adhere to OSPI guidelines related to: (1) best practices for site readiness of facilities; (2) developmentally appropriate curricula; and (3) professional development opportunities. The OSPI must develop a process for conducting site visits to TTK

programs and providing feedback on the guideline elements.

The rules must prohibit: (1) charging tuition or other fees to state-funded eligible children for enrollment in a TTK program; and (2) establishing a policy of excluding an eligible child due only to the presence of a disability.

*Operation.* School districts, charter schools, and state-tribal education compact schools operating a TTK program must adopt policies regarding eligibility, recruitment, and enrollment for the program that, at a minimum, meet the requirements of the OSPI rules. When adopting TTK policies, school districts, charter schools, and state-tribal education compact schools must consider best practices developed by the OSPI, in collaboration with the DCYF, related to statewide coordinated eligibility, recruitment, enrollment, and selection. School districts, charter schools, and state-tribal education compact schools may blend or collocate a TTK program with other early learning programs.

*Funding.* Funding for the TTK program must be calculated using the actual number of annual average full-time equivalent eligible children enrolled in the TTK program and based on the following portions of the prototypical school funding model: class size; staff types; district-wide support services; materials, supplies, and operating costs; the Learning Assistance Program; and the Transitional Bilingual Instruction Program. A TTK child must be counted as a kindergarten student for purposes of the model's funding calculations, but be reported separately. In addition, funding for the TTK Program be based on the transportation distribution formula for public elementary and secondary schools, calculated using reported ridership for eligible children enrolled in the TTK Program.

Funding provided for the TTK program is not part of the state's statutory program of basic education and must be expended only for the support of operating a TTK program.

*Forecast.* The Caseload Forecast Council must forecast eligible children participating in the TTK program.

#### Uniform Entry Qualifications.

The OSPI may establish uniform entry qualifications for admission to kindergarten and first grade with individualized exceptions based on the ability, the need, or both of an individual student. Neither school districts, public schools, nor the OSPI is authorized to create state-funded programs based on entry qualification exceptions, except as otherwise expressly provided by law.

#### Early Learning Program Connection and Alignment.

The DCYF must make administrative changes to better align Early Childhood Education and Assistance Program (ECEAP) implementation with state-funded early learning programs serving 3 through 5-year-old children offered by school districts, charter schools, and state-tribal education compact schools. The DCYF must submit a report of the administrative changes to the Legislature by July 1, 2024.

The OSPI, in collaboration with the DCYF, must provide technical assistance to TTK program to support connections with local early learning providers.

#### Early Childhood Education and Assistance Program.

The ECEAP is a state preschool program offering free services to eligible 3 to 5-year-olds not yet eligible for kindergarten. Eligibility is generally based on family income or qualifying disabilities. Starting in the 2026-27 school year, the ECEAP will become an entitlement for eligible children. The DCYF contracts with school districts, nonprofit organizations, and other entities to provide ECEAP. Providers must meet performance standards in areas such as child outcomes, family engagement, staff training, classroom environment, curriculum, and program oversight. Class time requirements vary by program type: part day, school day, or working day.

Providers must participate in Early Achievers: the state's quality rating and improvement system for subsidized childcare and early learning providers. An ECEAP provider must achieve at least a level four rating within a set timeline to remain a provider.

#### **Summary of Bill:**

##### Transitional Kindergarten.

*Screening Report.* By October 1, 2025, school districts and charter schools that offered a program referred to as Transitional Kindergarten (TK) during the 2024-25 school year must submit a report to the Office of the Superintendent of Public Instruction (OSPI) describing the screening process or other instruments used to determine children's eligibility for the TK program.

*Conversion of Existing Transitional Kindergarten Programs.* By December 31, 2025, the OSPI must adopt and implement a conversion plan to help school districts (but not charter schools) transition TK programs offered during the 2024-25 school year to authorized Transition to Kindergarten (TTK) programs by September 1, 2026. The plan must include a process for coordinating approval of future TTK and Early Childhood Education and Assistance Program (ECEAP) sites and slots, to ensure equitable and effective distribution across communities.

By August 31, 2026, school districts and charter schools must cease operation of programs referred to as TK and may no longer report TK students as kindergarten students for purposes of receiving basic education allocations.

##### Kindergarten Eligibility.

Beginning with the 2026-27 school year, the OSPI rules must restrict early kindergarten admission to children deemed by the local Educational Service District to be "likely to be successful in kindergarten," using multiple objective criteria.

##### Transition to Kindergarten Program.

The OSPI must administer the TTK program as described below. The TTK program is

established to assist eligible children in need of additional preparation to be successful kindergarten students in the following school year.

*Authorizations and Approvals.* The OSPI may authorize school districts to offer a TTK program, approve TTK program sites at one or more of an authorized school district's schools, and cap eligible child enrollment for each authorized school district.

The OSPI must authorize any school district offering a TK program during the 2025-26 school year to transition to a TTK program under an OSPI-approved conversion plan. To qualify, the school district must meet the operations requirements described below by September 1, 2026, or earlier if required by the OSPI.

By December 31, 2025, the OSPI must establish a process for school districts to apply to operate or expand a TTK program. Application must specify the number of sites requested, intended enrollment, and details on how children will be screened for a developmental delay or kindergarten readiness. Screening is not required for children on the waitlist for Early Childhood Education and Assistance Program (ECEAP). The application must also outline the school district's plan for coordinated recruitment and enrollment with other early learning providers, including proposed memoranda of understanding.

To ensure equitable and effective access to high quality early learning programs, the OSPI must work with the Department of Children, Youth, and Families (DCYF) to authorize TTK programs, approve sites, and set enrollment caps, considering existing programs and future growth. The OSPI must also limit programs, sites, and enrollment as required by the omnibus appropriations act.

*Child Eligibility.* Children are eligible for the TTK program if they:

1. turn 5 years old between September 1 of the year of admission to the TTK program and the following August 31;
2. do not have access to enroll in a federal or state program providing high quality early learning services;
3. do not have access to, or have been referred by, a licensed early learning program provider; and
4. are either: (a) on the waitlist for, but not scheduled for enrollment in, an ECEAP; or (b) individually determined through a screening process or other instruments to have a developmental delay or otherwise needs additional preparation to be successful in kindergarten in the following school year.

*Operations.* Authorized school districts operating a TTK program must meet the following operations requirements. School districts, except those transitioning from a TK program during the 2025-26 school year to a TTK program under an OSPI-approved conversion plan, must engage in a planning year before operating a TTK program site. During this time, the districts must prepare for compliance with applicable OSPI rules.

Authorized school districts must work in collaboration with early learning partners to promote coordinated systems of comprehensive early childhood services. Authorized school districts must avoid adversely impacting enrollment in other high-quality early learning programs by using a coordinated recruitment and enrollment plan to prioritize enrollment in the program in the following order:

1. eligible children on the waitlist for, but not scheduled for enrollment in, an ECEAP site; then
2. eligible children who have been individually determined through a screening process or other instruments to have a developmental delay or otherwise need additional preparation to be successful in kindergarten in the following school year, with priority to the eldest children and the children with the lowest household incomes.

Nothing prohibits authorized school districts from blending or collocating early learning programs, such as the TTK program, ECEAP, Head Start, or private pay programs.

Authorized school districts must: enroll in the Early Achievers program within 30 days of being authorized by the OSPI to offer a TTK program; complete Level 2 Early Achiever activities within 12 months of enrollment; and be rated or request to be rated at a Level 3 or higher in the Early Achievers program within 30 months of enrollment. Additional requirements related to a remedial period, loss of eligibility, and continued receipt of funding pending review are provided.

Authorized school districts must require that TTK program sites use developmentally appropriate curricula and implement the following elements in alignment with ECEAP performance standards: classroom environment, pedagogical approach, and safety measures.

Each TTK program classroom must be staffed with a teacher who holds a valid Washington teacher certificate and who either: (1) holds an early childhood education endorsement or an early childhood special education endorsement; or (2) holds an elementary education endorsement and, within five years of initial assignment to the program, completes at least 24 college credits, or 60 clock hours, related to the state early childhood education core competencies established by the DCYF.

*Funding.* By each first of December, the OSPI must report to the Legislature with the number of state-funded eligible children enrolled in TTK program operated by authorized school districts in the current school year and the estimated number of eligible children that authorized school districts intend to enroll in the following school year.

The OSPI must distribute to authorized school districts an amount per eligible child enrolled in a TTK program that is equivalent to the amount per child enrolled in a school day class of an ECEAP, divided by 1.091, and multiplied by the school district's regionalization factor identified in the omnibus appropriations act, excluding the experience factor. The OSPI must prorate the amount per eligible child to account for enrollment in a TTK program that is less than a full school day or a full school year. The TTK program is not part of the state's instructional

program of basic education.

*Reapprovals and Reauthorizations.* The OSPI must establish processes to reapprove TTK program sites and reauthorize school districts periodically and, at a minimum, as required in the omnibus appropriations act. If an authorized school district or approved TTK program site will be discontinued or otherwise not provided with state funding, the OSPI must provide the authorized school district with at least one year of notice. For an authorized school district required to complete remedial activities to continue enrollment in the Early Achievers program, the initiation of the remedial period serves as the one year of notice.

*Resources.* The OSPI must collaborate with the DCYF to develop, and make publicly available, a model memorandum of understanding between authorized school districts and other early learning program providers. The model language must include a process for resolving concerns between early learning program providers, including school districts.

*Data.* Beginning September 1, 2026, the Education Research and Data Center must collect longitudinal, student-level data on all children enrolled in a TTK Program.

#### Duties of the Department of Children, Youth, and Families.

The DCYF must:

1. partner with the OSPI to coordinate distribution of high-quality early learning programs across communities;
2. identify developmentally appropriate curricula for use in TTK program and publish the list on the DCYF website;
3. direct early learning providers to work in collaboration with school districts authorized to offer a TTK program and to promote coordinated systems of comprehensive early childhood services; and
4. make administrative changes to better align ECEAP implementation with school district offered state-funded early learning programs serving 3 through 5-year-old children, and submit a report to the Legislature by July 1, 2026.

#### Data System.

The DCYF must implement, in partnership with the OSPI, a data system that uses a single student identifier across all state-funded early learning, elementary, and secondary education programs. The state-funded early learning programs must be required to collect and submit to the data system race and ethnicity data that includes subracial and subethnic categories as specified.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.