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**SENATE BILL 5769**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Wellman, C. Wilson, and Nobles

Read first time 02/21/25. Referred to Committee on Ways & Means.

1 AN ACT Relating to transition to kindergarten programs; amending  
2 RCW 28A.300.072; and reenacting and amending RCW 43.88C.010.

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

4 **Sec. 1.** RCW 28A.300.072 and 2023 c 420 s 1 are each amended to  
5 read as follows:

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

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

1 ~~time for the 2023-24 school year, and permanent rules must be adopted~~  
2 ~~by the beginning of the 2024-25 school year)) in accordance with this~~  
3 ~~section.~~

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

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

15 (a) (i) A limitation on program enrollment to eligible children.  
16 Eligible children include only those who:

17 (A) Have been determined to benefit from additional preparation  
18 for kindergarten; and

19 (B) Are at least four years old by August 31st of the school year  
20 they enroll in the transition to kindergarten program;

21 (ii) A requirement, as practicable, for school districts, charter  
22 schools as allowed by subsection (7) of this section, and state-  
23 tribal education compact schools to prioritize families with the  
24 lowest incomes and children most in need for additional preparation  
25 to be successful in kindergarten when enrolling eligible children in  
26 a transition to kindergarten program;

27 (iii) Access to the transition to kindergarten program does not  
28 constitute an individual entitlement for any particular child.

29 (b) Except for children who have been excused from participation  
30 by their parents or legal guardians, a requirement that the  
31 Washington kindergarten inventory of developing skills as established  
32 by RCW 28A.655.080 be administered to all eligible children enrolled  
33 in a transition to kindergarten program at the beginning of the  
34 child's enrollment in the program and at least one more time during  
35 the school year.

36 (c) A requirement that all eligible children enrolled in a  
37 transition to kindergarten program be assigned a statewide student  
38 identifier and that the transition to kindergarten program be  
39 considered a separate class or course for the purposes of data  
40 reporting requirements in RCW 28A.320.175.

1 (d) A requirement that a local child care and early learning  
2 needs assessment is conducted before beginning or expanding a  
3 transition to kindergarten program that considers the existing  
4 availability and affordability of early learning providers, such as  
5 the early childhood education and assistance programs, head start  
6 programs, and licensed child care centers and family home providers  
7 in the region. Data available through the regionalized data dashboard  
8 maintained by the department of children, youth, and families or any  
9 other appropriate sources may be used to inform the needs assessment  
10 required by this subsection.

11 (e)(i) A requirement that school districts, charter schools as  
12 allowed by subsection (7) of this section, and state-tribal education  
13 compact schools adhere to guidelines, as developed by the office of  
14 the superintendent of public instruction, related to:

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

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

19 (C) Professional development opportunities.

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

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

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

31 (4)(a) The office of the superintendent of public instruction, in  
32 collaboration with the department of children, youth, and families,  
33 shall develop statewide coordinated eligibility, recruitment,  
34 enrollment, and selection best practices and provide technical  
35 assistance to those implementing a transition to kindergarten program  
36 to support connections with local early learning providers.

37 (b) School districts, charter schools as allowed by subsection  
38 (7) of this section, and state-tribal education compact schools must  
39 consider the best practices developed under this subsection (4) when

1 adopting the policies required under subsection (2)(b) of this  
2 section.

3 (5) Nothing in this section prohibits school districts, charter  
4 schools as allowed by subsection (7) of this section, and state-  
5 tribal education compact schools from blending or colocating a  
6 transition to kindergarten program with other early learning  
7 programs.

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

10 (i) The distribution formula established under RCW 28A.150.260  
11 (4)(a), (5), (6), (8), and (10)(a) and (b), calculated using the  
12 actual number of annual average full-time equivalent eligible  
13 children enrolled in the program. A transition to kindergarten child  
14 must be counted as a kindergarten student for purposes of the funding  
15 calculations referenced in this subsection, but must be reported  
16 separately.

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

20 (b) Beginning in the 2025-26 school year, the annual average  
21 full-time equivalent eligible children enrolled in the program funded  
22 in (a) of this subsection may not exceed the state-funded annual  
23 average full-time equivalent children enrolled in the program in the  
24 2024-25 school year as specified in the omnibus appropriations act.

25 (c) Funding provided for the transition to kindergarten program  
26 is not part of the state's statutory program of basic education under  
27 RCW 28A.150.200 and must be expended only for the support of  
28 operating a transition to kindergarten program.

29 (7) Charter schools authorized under RCW 28A.710.080(2) are  
30 immediately permitted to operate a transition to kindergarten program  
31 under this section. Beginning with the 2025-26 school year, any  
32 charter school authorized under RCW 28A.710.080 (1) or (2) is  
33 permitted to operate a transition to kindergarten program under this  
34 section.

35 **Sec. 2.** RCW 43.88C.010 and 2023 c 420 s 4, 2023 c 345 s 1, and  
36 2023 c 244 s 1 are each reenacted and amended to read as follows:

37 (1) The caseload forecast council is hereby created. The council  
38 shall consist of two individuals appointed by the governor and four  
39 individuals, one of whom is appointed by the chairperson of each of

1 the two largest political caucuses in the senate and house of  
2 representatives. The chair of the council shall be selected from  
3 among the four caucus appointees. The council may select such other  
4 officers as the members deem necessary.

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

8 (3) Approval by an affirmative vote of at least five members of  
9 the council is required for any decisions regarding employment of the  
10 supervisor. Employment of the supervisor shall terminate after each  
11 term of three years. At the end of the first year of each three-year  
12 term the council shall consider extension of the supervisor's term by  
13 one year. The council may fix the compensation of the supervisor. The  
14 supervisor shall employ staff sufficient to accomplish the purposes  
15 of this section.

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

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

27 (6) Members of the caseload forecast council shall serve without  
28 additional compensation but shall be reimbursed for travel expenses  
29 in accordance with RCW 44.04.120 while attending sessions of the  
30 council or on official business authorized by the council.  
31 Nonlegislative members of the council shall be reimbursed for travel  
32 expenses in accordance with RCW 43.03.050 and 43.03.060.

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

34 (a) The number of persons expected to meet entitlement  
35 requirements and require the services of public assistance programs,  
36 state correctional institutions, state correctional noninstitutional  
37 supervision, state institutions for juvenile offenders, the common  
38 school system, long-term care, medical assistance, foster care, and  
39 adoption support;

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

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

8 (d) The number of children who are eligible, as defined in RCW  
9 43.216.505, to participate in, and the number of children actually  
10 served by, the early childhood education and assistance program; and

11 (e) Beginning with the first official forecast after July 23,  
12 2023, the number of people eligible for the working families' tax  
13 credit under RCW 82.08.0206. The total number of people eligible for  
14 the working families' tax credit should include:

15 (i) The number of eligible people with no qualifying children;

16 (ii) The number of eligible people with one qualifying child;

17 (iii) The number of eligible people with two qualifying children;

18 and

19 (iv) The number of eligible people with three or more qualifying  
20 children.

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

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

31 (10) Beginning with the official forecast submitted in November  
32 2022 and subject to the availability of amounts appropriated for this  
33 specific purpose, the caseload forecast council shall forecast the  
34 number of individuals who are assessed as eligible for and have  
35 requested supported living services, a service through the core  
36 waiver, an individual and family services waiver, and the basic plus  
37 waiver administered by the developmental disabilities administration  
38 as a courtesy. The caseload forecast council shall be presented with  
39 the service request list as defined in RCW 71A.10.020 to aid in  
40 development of this information.

1 (11) As a courtesy, beginning with the official forecast  
2 submitted in November 2022, the caseload forecast council shall  
3 forecast the number of individuals who are expected to reside in  
4 state-operated living alternatives administered by the developmental  
5 disabilities administration.

6 (12) The caseload forecast council shall forecast youth  
7 participating in the extended foster care program pursuant to RCW  
8 74.13.031 separately from other children who are residing in foster  
9 care and who are under eighteen years of age.

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

14 (14) The caseload forecast council shall forecast the number of  
15 individuals who are functionally and financially eligible for  
16 medicaid waiver services administered by the developmental  
17 disabilities administration who also meet the criteria outlined in  
18 RCW 71A.12.370 and are expected to utilize a medicaid waiver service.

19 ~~(15) ((The caseload forecast council shall forecast eligible  
20 children participating in the transition to kindergarten program  
21 under RCW 28A.300.072.~~

22 ~~(16))~~ Unless the context clearly requires otherwise, the  
23 definitions provided in RCW 43.88.020 apply to this chapter.

24 ~~((17))~~ (16) During the 2021-2023 fiscal biennium, and beginning  
25 with the November 2021 forecast, the caseload forecast council shall  
26 produce an unofficial forecast of the long-term caseload for juvenile  
27 rehabilitation as a courtesy.

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