

FINAL BILL REPORT

2SHB 1550

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Synopsis as Enacted

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).

House Committee on Education

House Committee on Appropriations

Senate Committee on Early Learning & K-12 Education

Senate Committee on Ways & Means

Background:

State Program of 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. The state's statutory instructional program of basic education for kindergarten through twelfth grade includes specified minimum components, for example: instruction in the state learning standards; supplemental instruction and services for students not meeting academic standards through the Learning Assistance Program; supplemental instruction and services for students whose primary language is not English through the Transitional Bilingual Instruction Program; special education for students with disabilities; and student transportation to and from school.

Funding for the minimum instructional program of basic education is allocated using the prototypical school funding model. The model's formula includes commonly understood terms and inputs, for example: average general education class size; minimum staff allocations per prototypical school and school district; materials, supplies, and operating costs; and categorical programs such as the Learning Assistance Program and the Transitional Bilingual Instruction Program. Actual allocations are adjusted based on the

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number of annual average full-time equivalent students in each grade level at each public school. "Public schools" include charter schools and state-tribal education compact schools.

Kindergarten Program.

All school districts must make a full-day kindergarten program available to children who are residents of the district. Except as otherwise provided by law, school districts may establish uniform entry qualifications for admission to kindergarten, for example by requiring a child to turn 5 years old as of August 31. The Office of the Superintendent of Public Instruction (OSPI) is permitted by statute to adopt rules to provide for exceptions to these uniform entry qualifications based upon the ability, or the need, or both, of an individual student. The rules of the OSPI require a screening process or instrument be used to determine a student's ability or need.

To receive state basic education allocations for a full-day kindergarten program, a school district or other public school must meet specified conditions, for example: (1) provide at least 1,000 instructional hours over 180 school days; (2) provide a curriculum that assists students in developing academic, communication, motor, and social-emotional skills; (3) establish developmentally appropriate learning environments; and (4) communicate and collaborate with early learning providers.

To the extent funds are available, the Washington Kindergarten Inventory of Developing Skills (WaKIDS) must be administered at the beginning of the school year to all students enrolled in a state-funded full-day kindergarten program, except for students who have been excused from participation by their parents or guardians.

Transitional Kindergarten.

Some school districts and charter schools have elected to offer a program referred to as Transitional Kindergarten (TK). The OSPI website states that TK is a kindergarten program for 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 OSPI first published guidance on TK in 2019. The Legislature has not adopted, referenced, or defined "transitional kindergarten" in any statutes. There have been two operating budget provisos that referenced TK and both were vetoed: a study on TK was vetoed in the 2020 Supplemental Budget and a requirement for the OSPI to limit state allocations for TK enrollments was vetoed in the 2022 Supplemental Budget. Agency rules for TK programs have not been adopted, but in December 2022 the OSPI filed a preproposal statement of inquiry for possible rulemaking on TK.

According to the OSPI, TK is kindergarten, so TK programs must meet the requirements for kindergarten. The OSPI recommends that TK teachers be certificated by the state with early childhood or early childhood special education endorsements. In addition, the OSPI

recommends that TK programs give attention to the developmental capabilities and needs specific to young children in school settings.

Statute requires that kindergarten include 1,000 annual instructional hours over 180 school days; however, the OSPI permits TK programs to prorate instructional hours from the start date of the program, which may begin between the beginning of the school year and January 31.

The OSPI directs school districts to report TK students as kindergarten students, although there is no corresponding statute or budget proviso that authorizes or requires this reporting. Because TK students are reported as kindergarten students, they generate state basic education allocations that include transportation funding, additional Transitional Bilingual Instructional Program funding, additional Learning Assistance Program funding, and other state and federal funding.

The OSPI encourages TK program administrators to work in collaboration with and not adversely impact enrollment in community-based preschool programs, including by participating in coordinated outreach, referral, and placement to assure best fit and appropriateness of services based on each child and family's need.

Other Early Learning Programs and Child Care.

The Department of Children, Youth, and Families (DCYF) implements state early learning policy and coordinates, consolidates, and integrates child care and early learning programs in order to administer programs and funding as efficiently as possible. Among other duties, the DCYF also licenses child care providers and administers the Early Childhood Education and Assistance Program (ECEAP).

Early Childhood Education and Assistance Program. The ECEAP is a state preschool program that provides no-charge services and supports to eligible 3- to 5-year-old children who are not age-eligible for kindergarten. In general, eligibility criteria relate to family income and whether a child has qualifying disabilities. The ECEAP is slated to become an entitlement for eligible children in the 2026-27 school year. The DCYF contracts with school districts, nonprofit organizations, and other entities for provision of the ECEAP.

Providers of the ECEAP must follow performance standards developed by the DCYF on the following topics: child outcomes; family engagement and partnerships; staff professional development, training, and other requirements; classroom environment; interactions and curriculum; and program administration and oversight. Class time requirements vary depending on the type of ECEAP program: part day, school day, or working day.

Caseload Forecast.

The Caseload Forecast Council prepares and approves the official state caseload forecasts. The forecast includes the number of persons expected to meet entitlement requirements and require the services of the public elementary and secondary education system, as well as the

number of children who are eligible to participate in, and the number of children actually served by, the ECEAP.

Summary:

Transition to Kindergarten Program.

The intent of the Legislature is to continue and rename Transitional Kindergarten as the Transition to Kindergarten (TTK) Program and that the TTK 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. The TTK Program is not part of the state's statutory program of basic education.

Rules. The Office of the Superintendent of Public Instruction must administer the TTK Program and must adopt rules for the administration of, the allocation of state funding for, and minimum standards and requirements for the TTK Program. Initial rules, which include expectations for school districts, charter schools, and state-tribal education compact schools transitioning existing programs to the requirements for TTK Programs must be adopted in time for the 2023-24 school year, and permanent rules must be adopted by the beginning of the 2024-25 school year.

The rules adopted by the OSPI 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 Program enrollment to eligible children. Eligible children include only those who: have been determined to benefit from additional preparation for kindergarten; and are at least four years old by August 31 of the school year they enroll in the program.

As practicable, school districts, charter schools, and state-tribal education compact schools must prioritize families with the lowest incomes and children most in need for additional preparation to be successful in kindergarten when enrolling eligible children in a TTK Program. Access to the TTK Program does not constitute an individual entitlement for any particular child.

The rules must require that, except for children who have been excused from participation by their parents or legal guardians, the Washington Kindergarten Inventory of Developing Skills must be administered to all eligible children enrolled in a TTK Program at the beginning of the child's enrollment in the program and at least one more time during the school year.

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 child care 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, such as the Early Childhood Education and Assistance Programs, Head Start programs, and licensed child care centers and family home providers in the region. 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 that school districts, charter schools, and state-tribal education compact schools adhere to guidelines, as developed by the OSPI, related to the following elements: (1) best practices for site readiness of facilities that are used for the program; (2) developmentally appropriate curricula designed to assist in maintaining high quality programs; and (3) professional development opportunities. The OSPI must develop a process for conducting site visits of any school district, charter school, or state-tribal education compact school operating a TTK Program and provide feedback on elements in the OSPI guidelines described above.

The rules must prohibit charging tuition or other fees to state-funded eligible children for enrollment in a TTK Program.

The rules must prohibit establishing a policy of excluding an eligible child due only to the presence of a disability.

Operation. School districts, charter schools authorized by a school district, and state-tribal education compact schools are immediately permitted to operate a TTK Program. Beginning with the 2025-26 school year, charter schools authorized by either a school district or by the Washington State Charter School Commission are also permitted to operate a TTK Program.

School districts, charter schools, and state-tribal education compact schools operating a TTK Program must adopt policies regarding eligibility, recruitment, and enrollment for this 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 colocate a TTK Program with other early learning programs.

Funding. Funding for the TTK Program must be based on the following:

1. the distribution formula for the following components of the prototypical school funding model calculated using the actual number of annual average full-time equivalent eligible children enrolled in the TTK Program: average general education

- class size; minimum staff allocations per prototypical school and school district; 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 these funding calculations, but must be reported separately; and
- 2. the distribution formula for transporting elementary and secondary school students, 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.

Early Entry to Kindergarten.

It is specified that exceptions to uniform entry qualifications for admission to kindergarten and first grade are "individualized" exceptions. In addition, it is specified that nothing authorizes school districts, public schools, or the OSPI 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 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 Programs to support connections with local early learning providers.

Votes on Final Passage:

House	74	22	
Senate	39	10	(Senate amended)
House			(House refused to concur/asked Senate to recede)
Senate	30	19	(Senate receded/amended)
House	60	37	(House concurred)

Effective: July 23, 2023