

SENATE BILL REPORT

2SHB 1550

As Passed Senate - Amended, April 12, 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, 3/27/23 [DPA-WM, DNP, w/oRec].

Ways & Means: 3/31/23, 4/04/23 [DPA (EDU), DNP, w/oRec].

Floor Activity: Passed Senate - Amended: 4/12/23, 39-10.

Brief Summary of Bill (As Amended by Senate)

- 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 statutory program of basic education.
- 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 the Caseload Forecast Council to forecast eligible children participating in this program.
- States that the individualized exceptions for admission to kindergarten

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.

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.

- Directs the Department of Children, Youth, and Families to make administrative changes to better align early learning programs and submit a report by July 1, 2024.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hunt, Mullet and Pedersen.

Minority Report: Do not pass.

Signed by Senator McCune.

Minority Report: That it be referred without recommendation.

Signed by Senators Hawkins, Ranking Member; Dozier.

Staff: Ailey Kato (786-7434)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Early Learning & K-12 Education.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Schoesler, Ranking Member, Capital; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Nguyen, Pedersen, Saldaña, Van De Wege, Wagoner and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Warnick, Assistant Ranking Member, Capital; Muzzall.

Minority Report: That it be referred without recommendation.

Signed by Senators Gildon, Assistant Ranking Member, Operating; Boehnke, Braun and Torres.

Staff: Kayla Hammer (786-7305)

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 Amended Bill: 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 statutory program of basic education.

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. Initial rules, which include expectations for school districts and public schools transitioning existing programs to the new requirements, 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.

OSPI rules must include, at a minimum, the following requirements:

- 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;
 1. school districts and public schools may prioritize families with the lowest incomes and children most in need of additional preparation when enrolling eligible children; and
 2. access to the transition to kindergarten program does not constitute an individual entitlement for any particular child;
- 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 a local child care and early learning needs assessment is conducted before beginning or expanding a program that considers existing availability and affordability of early learning providers, such as ECEAP programs, Head Start programs, and licensed child care centers and family home providers in the region and data available through DCYF may be used;
- a requirement that OSPI, in collaboration with DCYF, develop statewide coordinated

eligibility, recruitment, enrollment, and selection best practices and provide technical assistance to connect with local early learning providers:

1. nothing prohibits school districts and public schools from blending or co-locating a transition to kindergarten program with other early learning programs;
- a requirement that school districts and public schools adhere to guidelines developed by OSPI related to best practices, developmentally appropriate curricula, and professional development opportunities, and that OSPI develop a process to conduct site visits to offer feedback;
 - a prohibition on charging tuition or other fees for this program; and
 - a prohibition on establishing a policy of excluding an eligible child due only to the presence of a disability.

Funding. Funding for the program must be calculated using the actual number of annual average full-time equivalent eligible children enrolled 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; and
- the transitional bilingual instruction program.

Funding must also be based on the transportation distribution formula calculated using reported ridership for eligible children enrolled in the program.

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 state's statutory program of basic education and must be expended only for the support of operating a transition to kindergarten program.

Forecast. The Caseload Forecast Council must forecast eligible children participating in the transition to kindergarten program.

Admission Policy. Individualized exceptions for entry qualifications for kindergarten and first grade do not authorize school districts, public schools, or the Superintendent of Public Instruction to create state-funded programs based on entry qualifications except as otherwise expressly provided by law.

Administrative Changes. DCYF must make administrative changes to better align ECEAP implementation with state-funded early learning programs offered by school districts and public schools. DCYF must submit a report to the Legislature with these administrative changes by July 1, 2024.

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 (Early Learning & K-12 Education): *The committee recommended a different version of the bill than what was heard.* 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 (Early Learning & K-12 Education): 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 (Early Learning & K-12 Education):

No one.

Staff Summary of Public Testimony on Bill as Amended by Early Learning & K-12 Education (Ways & Means): PRO: Half of all kindergartners are not ready for kindergarten and the program helps with opportunity gaps. It is important to create options for early learnings. Appreciate the funding formula in the current version of the bill. Early childhood education leads to better outcomes. Some early learning programs already align with ECEAP programs.

CON: Transitional kindergarten programs do not work collaboratively with other early learning programs. With the current program there is no regulation and a lack of quality control which can lead to safety issues. The 4-year-old children in the program will pay the costs of implementing this bill as they won't have access to services they need. The House bill had requirements built in for the transition to kindergarten program teachers in order to work with 4-year old's and the no-nonsense provision in the House bill should be brought back. There are research-based high quality early learning programs through DCYF and schools should be required to meet the same standards.

OTHER: The current childcare model requires 3 & 4 year-olds in order to maintain lower costs for infants and this bill will reduces family choice and increase costs. Restore the House version.

Persons Testifying (Ways & Means): PRO: Jim Stoffer, Public School Advocate of Sequim; Jim Kowalkowski, Rural Education Center; Nasue Nishida, Washington Education Association; Brent Cummings, Director of Early Learning, Walla Walla Center for Children & Families; Jenny Plaja, Office of Superintendent of Public Instruction (OSPI).

CON: Katy Warren, WA State Assn of Head Start and ECEAP; Margot Grant Gould, KinderCare; Ramona Hattendorf, The Arc of King County; Kathy Carmen, Washington Childcare Center Association; Susan Brown, Washington Childcare Center Association; Laura Murphy, Washington Childcare Center Association; Angelia Hicks-Maxie, Washington Childcare Center Association; Donna Christensen, Washington Childcare Center Association; Lois Martin.

OTHER: Emily Murphy, Child Care Aware of Washington.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.