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**SUBSTITUTE HOUSE BILL 1450**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Education (originally sponsored by Representatives Santos, Rude, Schmidt, Wylie, Parshley, Ortiz-Self, Nance, Pollet, and Tharinger)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to transition to kindergarten programs; amending  
2 RCW 28A.300.072; creating a new section; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature intends to support  
5 eligible four year old children who either need additional  
6 preparation for kindergarten or who are living in extreme child care  
7 access deserts and, despite qualifying, do not have access to state  
8 or federal early learning or child care programs by establishing a  
9 state transition to kindergarten policy that supports students,  
10 families, and communities.

11 In 2023, the legislature attempted to manage an exception to the  
12 uniform entry qualifications for kindergarten that had been turned  
13 into a basic education program referred to as the transitional  
14 kindergarten program by: Continuing and renaming the program as the  
15 transition to kindergarten program; using nonbasic education  
16 allocations to fund the program; and directing the office of the  
17 superintendent of public instruction to adopt rules for school  
18 districts, charter schools, and state-tribal education compact  
19 schools operating a program.

20 The legislature now finds that the public policy interest of  
21 supporting a thriving early learning ecosystem requires the state to

1 reestablish a policy of individual exceptions to early enrollment in  
2 the public school system. The legislature intends for the  
3 reestablished state transition to kindergarten policy to strengthen  
4 coordination between early learning and child care programs by  
5 directing closer collaboration between the office of the  
6 superintendent of public instruction and the department of children,  
7 youth, and families. The legislature recognizes that, to prevent  
8 disruption of regional child care and early learning systems, the  
9 state transition to kindergarten policy must include additional  
10 collaboration between operators and proposed operators of the state  
11 transition to kindergarten policy and other early learning and child  
12 care programs. The legislature intends for the increased agency  
13 oversight and modified requirements on operators enrolling children  
14 under the state transition to kindergarten policy to minimize adverse  
15 impacts on nonpublic school early learning and child care programs.

16 **Sec. 2.** RCW 28A.300.072 and 2023 c 420 s 1 are each amended to  
17 read as follows:

18 ~~(1) ((The intent of the legislature is to continue and rename~~  
19 ~~transitional kindergarten as the transition to kindergarten program~~  
20 ~~and that the program be established in statute with the goal of~~  
21 ~~assisting eligible children in need of additional preparation to be~~  
22 ~~successful kindergarten students in the following school year. The))~~

23 (a) The state transition to kindergarten policy supports children,  
24 families, and communities by providing high quality early learning  
25 within the public school system to four year old children who either:  
26 Need additional preparation for kindergarten; or are living in  
27 extreme child care access deserts and, despite qualifying, do not  
28 have access to the early childhood education and assistance program,  
29 the federal head start program, or the working connections child care  
30 program. Eligible children enrolled in the public school system under  
31 the state transition to kindergarten ((program is not part of))  
32 policy are not participating in the state's statutory program of  
33 basic education under RCW 28A.150.200.

34 ~~((2)(a))~~ (b) The office of the superintendent of public  
35 instruction shall ~~((administer the transition to kindergarten program~~  
36 ~~and shall))~~ adopt rules under chapter 34.05 RCW for the  
37 administration of, the allocation of state funding for, and minimum  
38 standards and requirements for the implementation of the state  
39 transition to kindergarten ((program. Initial rules, which include

1 ~~expectations for school districts, charter schools as allowed by~~  
2 ~~subsection (7) of this section, and state-tribal education compact~~  
3 ~~schools transitioning existing programs to the new requirements~~  
4 ~~established in this section must be adopted in time for the 2023-24~~  
5 ~~school year, and permanent rules must be adopted by the beginning of~~  
6 ~~the 2024-25 school year)) policy.~~

7 (c) The office of the superintendent of public instruction shall,  
8 in collaboration with the department of children, youth, and  
9 families, and in accordance with the omnibus operating appropriations  
10 act, regulate the enrollment of eligible children under the state  
11 transition to kindergarten policy. To support the equitable and  
12 effective distribution of high quality early learning programs  
13 statewide, the office of the superintendent of public instruction,  
14 when regulating enrollment under this subsection (1)(c), shall: (i)  
15 Limit the number of sites approved to enroll eligible children under  
16 the state transition to kindergarten policy; (ii) distribute approved  
17 sites across the state, prioritizing areas classified as extreme  
18 child care access deserts; and (iii) restrict the number of state-  
19 funded eligible children permitted to enroll at each approved site.

20 (d) The office of the superintendent of public instruction shall  
21 implement a process for school districts, charter schools, and state-  
22 tribal education compact schools to request advance approval to  
23 enroll state-funded eligible children under the state transition to  
24 kindergarten policy. At a minimum, the application must include:

25 (i) The number of sites for which approval to enroll eligible  
26 children under the state transition to kindergarten policy is sought,  
27 along with the projected number of state-funded eligible children to  
28 be enrolled at each site;

29 (ii) A description of the screening processes or tools that will  
30 be used to evaluate prospective children and determine eligibility  
31 based on need;

32 (iii) A statement, with supporting documentation, indicating  
33 whether the applicant is located in an extreme child care access  
34 desert;

35 (iv) The results of the local child care and early learning needs  
36 assessment required by subsection (3)(d) of this section; and

37 (v) A verification from a statewide child care resource and  
38 referral organization that the applicant has worked in collaboration  
39 with and does not adversely impact enrollment in regional early  
40 learning and child care programs, such as early childhood education

1 and assistance programs, federal head start programs, licensed child  
2 care centers, and licensed family homes.

3 (2) (a) Before the start of each school year, beginning with the  
4 2025-26 school year, any school district, charter school, or state-  
5 tribal education compact school seeking state funding as outlined in  
6 subsection (6) of this section for enrolling eligible children under  
7 the state transition to kindergarten policy shall, before enrolling  
8 such children, obtain approval from the office of the superintendent  
9 of public instruction through the application process required by  
10 subsection (1) (d) of this section.

11 (b) School districts, charter schools (~~(as allowed by subsection~~  
12 ~~(7) of this section)), and state-tribal education compact schools  
13 (~~operating a~~) approved to enroll eligible children under the state  
14 transition to kindergarten ((program)) policy shall adopt local  
15 policies regarding eligibility, recruitment, and enrollment ((for  
16 this program)) that, at a minimum, meet the requirements of  
17 subsection (3) of this section.~~

18 (3) The rules adopted under subsection (~~(2)~~) (1) of this  
19 section must include, at a minimum, the following requirements for  
20 school districts, charter schools (~~(as allowed by subsection (7) of~~  
21 ~~this section)), and state-tribal education compact schools  
22 (~~operating a~~) approved to enroll eligible children under the state  
23 transition to kindergarten ((program)) policy:~~

24 (a) (i) A limitation on (~~program~~) enrollment under the state  
25 transition to kindergarten policy to eligible children (~~. Eligible~~  
26 ~~children include only those who:~~

27 ~~(A) Have been determined to benefit from additional preparation~~  
28 ~~for kindergarten; and~~

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

31 (ii) A requirement, as practicable, for school districts, charter  
32 schools (~~(as allowed by subsection (7) of this section)), and state-~~  
33 ~~tribal education compact schools to prioritize enrollment to the~~  
34 children of families with the lowest incomes and the children most in  
35 need for additional preparation to be successful in kindergarten  
36 ((when enrolling eligible children in a transition to kindergarten  
37 program;

38 ~~(iii) Access to the transition to kindergarten program does not~~  
39 ~~constitute an individual entitlement for any particular child.));~~

1 (b) Except for children who have been excused from participation  
2 by their parents or legal guardians, a requirement that the  
3 Washington kindergarten inventory of developing skills as established  
4 by RCW 28A.655.080 be administered to all eligible children enrolled  
5 ~~((in a))~~ under the state transition to kindergarten ~~((program))~~  
6 policy at the beginning of the child's enrollment ~~((in the program))~~  
7 and at least one more time during the school year~~((-))~~;

8 (c) A requirement that all eligible children enrolled ~~((in a))~~  
9 under the state transition to kindergarten ~~((program))~~ policy be  
10 assigned a statewide student identifier and that the ~~((transition to~~  
11 ~~kindergarten program))~~ eligible children's assigned class or course  
12 be considered a separate class or course for the purposes of data  
13 reporting requirements in RCW 28A.320.175~~((-))~~;

14 (d) A requirement that a local child care and early learning  
15 needs assessment is conducted before ~~((beginning or expanding a~~  
16 ~~transition to kindergarten program that considers the existing))~~  
17 completing the application process required by subsection (1)(d) of  
18 this section. The needs assessment must consider the availability and  
19 affordability of early learning providers, such as the early  
20 childhood education and assistance programs, head start programs, and  
21 licensed child care centers and family home providers in the region.  
22 Data available through the regionalized data dashboard maintained by  
23 the department of children, youth, and families or ~~((any))~~ other  
24 appropriate sources may be used to inform the needs assessment  
25 required by this subsection~~((-))~~;

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

30 (A) Best practices for site readiness of facilities ~~((that are~~  
31 ~~used for the program))~~;

32 (B) Developmentally appropriate curricula designed to assist in  
33 maintaining high quality ~~((programs))~~ instruction for enrolled  
34 children; and

35 (C) Professional development opportunities~~((-))~~;

36 (ii) The office of the superintendent of public instruction must  
37 ~~((develop a process for conducting))~~ conduct site visits of ~~((any))~~  
38 school districts, charter schools ~~((as allowed by subsection (7) of~~  
39 ~~this section, or))~~, and state-tribal education compact schools  
40 ~~((operating a))~~ approved to enroll eligible children under the state

1 transition to kindergarten (~~(program)~~) policy and provide feedback on  
2 elements listed in this subsection (3) (e) (~~(-)~~);

3 (f) A prohibition on charging tuition or other fees to state-  
4 funded (~~(eligible)~~) children (~~(for enrollment in a)~~) who are enrolled  
5 under the state transition to kindergarten (~~(program-)~~) policy; and

6 (g) A prohibition on establishing a policy of excluding (~~(an)~~)  
7 eligible (~~(child)~~) children due only to the presence of a disability.

8 (4) (a) The office of the superintendent of public instruction, in  
9 collaboration with the department of children, youth, and families,  
10 shall develop statewide, coordinated eligibility, recruitment,  
11 enrollment, and selection best practices and provide technical  
12 assistance to (~~(those implementing a)~~) school districts, charter  
13 schools, and state-tribal education compact schools, exploring the  
14 enrollment of eligible children under the state transition to  
15 kindergarten (~~(program to support)~~) policy by supporting connections  
16 with local early learning providers.

17 (b) School districts, charter schools (~~(as allowed by subsection~~  
18 ~~(7) of this section)~~), and state-tribal education compact schools  
19 must consider the best practices developed under this subsection (4)  
20 when adopting the local policies required under subsection (2) (b) of  
21 this section.

22 (5) Nothing in this section prohibits school districts, charter  
23 schools (~~(as allowed by subsection (7) of this section)~~), and state-  
24 tribal education compact schools from blending or collocating ((a))  
25 eligible children enrolled under the state transition to kindergarten  
26 (~~(program with other)~~) policy with children enrolled in early  
27 learning programs.

28 (6) (a) (~~(Funding for the)~~) Subject to (b) of this subsection,  
29 state funding for eligible children enrolled under the state  
30 transition to kindergarten (~~(program)~~) policy must be based on the  
31 following:

32 (i) The distribution formula established under RCW 28A.150.260  
33 (4) (a), (5), (6), (8), and (10) (a) and (b), calculated using the  
34 actual number of annual average full-time equivalent eligible  
35 children enrolled (~~(in the program)~~) under the state transition to  
36 kindergarten policy. A transition to kindergarten child must be  
37 counted as a kindergarten student for purposes of the funding  
38 calculations referenced in this subsection, but must be reported  
39 separately.

1 (ii) The distribution formula developed in RCW 28A.160.150  
2 through 28A.160.192, calculated using reported ridership for eligible  
3 children (~~enrolled in the program~~) under the state transition to  
4 kindergarten policy.

5 (b) (~~Funding provided for the transition to kindergarten program~~  
6 ~~is not part of the state's statutory program of basic education under~~  
7 ~~RCW 28A.150.200 and must be expended only for the support of~~  
8 ~~operating a transition to kindergarten program.~~

9 ~~(7) Charter schools authorized under RCW 28A.710.080(2) are~~  
10 ~~immediately permitted to operate a transition to kindergarten program~~  
11 ~~under this section. Beginning with the 2025-26 school year, any~~  
12 ~~charter school authorized under RCW 28A.710.080 (1) or (2) is~~  
13 ~~permitted to operate a transition to kindergarten program under this~~  
14 ~~section)) Beginning in the 2025-26 school year, the statewide annual~~  
15 average full-time equivalent eligible children enrollment funding as  
16 outlined in (a) of this subsection may not exceed the statewide  
17 annual average full-time equivalent eligible children enrolled during  
18 the 2023-24 school year.

19 (c) The legislature does not intend to include funding for the  
20 state transition to kindergarten policy within the state's obligation  
21 for basic education funding under Article IX of the state  
22 Constitution.

23 (7) Access to a class or course offered by a school district,  
24 charter school, or state-tribal education compact school through  
25 enrollment under the state transition to kindergarten policy does not  
26 constitute an individual entitlement for eligible children.

27 (8) For purposes of this section, the following definitions  
28 apply:

29 (a) "Charter school" means a school established under chapter  
30 28A.710 RCW;

31 (b) "Eligible children" means children who are at least four  
32 years old by August 31st of the school year they enroll in school  
33 under the state transition to kindergarten policy and who either: (i)  
34 Have been determined to benefit from additional preparation for  
35 kindergarten using an appropriate screening process or tool; or (ii)  
36 qualify for enrollment in, but do not have access to, the early  
37 childhood education and assistance program, the federal head start  
38 program, or the working connections child care program, due to living  
39 in an extreme child care access desert;

1 (c) "Extreme child care access desert" means a locale that is  
2 part of a cluster of extreme unmet need geographies and is part of a  
3 cluster of highly constrained supply locales;

4 (d) "Extreme unmet need locale" means a cluster of contiguous  
5 locations where the unmet need levels are high relative to unmet need  
6 levels in other neighborhoods statewide, and where these high  
7 neighborhood unmet need levels are highly correlated amongst  
8 contiguous neighborhoods in the cluster;

9 (e) "Highly constrained supply locale" means a cluster of  
10 contiguous neighborhoods where the level of supply constraint is high  
11 relative to constraint levels in other neighborhoods statewide, and  
12 where these high neighborhood levels of constrained supply are highly  
13 correlated amongst contiguous neighborhoods in the cluster;

14 (f) "Site" means a school, whether a common school, charter  
15 school, or state-tribal compact school, approved to enroll eligible  
16 children who are state-funded as outlined in subsection (6) of this  
17 section; and

18 (g) "State-tribal education compact school" means a school  
19 subject to chapter 28A.715 RCW.

20 NEW SECTION. Sec. 3. This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of  
22 the state government and its existing public institutions, and takes  
23 effect immediately.

--- END ---