

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1550

Chapter 420, Laws of 2023

68th Legislature
2023 Regular Session

TRANSITION TO KINDERGARTEN PROGRAM

EFFECTIVE DATE: July 23, 2023

Passed by the House April 23, 2023
Yeas 60 Nays 37

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 23, 2023
Yeas 30 Nays 19

DENNY HECK

President of the Senate

Approved May 11, 2023 9:47 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1550** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 11, 2023

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1550

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Appropriations (originally sponsored by Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse, and Doglio)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to assisting eligible children in need of
2 additional preparation to be successful in kindergarten by replacing
3 transitional kindergarten with a legislatively established and
4 authorized transition to kindergarten program; amending RCW
5 28A.225.160 and 43.88C.010; adding a new section to chapter 28A.300
6 RCW; creating a new section; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300
9 RCW to read as follows:

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

17 (2)(a) The office of the superintendent of public instruction
18 shall administer the transition to kindergarten program and shall
19 adopt rules under chapter 34.05 RCW for the administration of, the
20 allocation of state funding for, and minimum standards and
21 requirements for the transition to kindergarten program. Initial

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

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

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

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

20 (A) Have been determined to benefit from additional preparation
21 for kindergarten; and

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

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

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

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

39 (c) A requirement that all eligible children enrolled in a
40 transition to kindergarten program be assigned a statewide student

1 identifier and that the transition to kindergarten program be
2 considered a separate class or course for the purposes of data
3 reporting requirements in RCW 28A.320.175.

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

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

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

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

22 (C) Professional development opportunities.

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

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

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

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

1 (b) School districts, charter schools as allowed by subsection
2 (7) of this section, and state-tribal education compact schools must
3 consider the best practices developed under this subsection (4) when
4 adopting the policies required under subsection (2)(b) of this
5 section.

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

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

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

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

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

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

33 **Sec. 2.** RCW 28A.225.160 and 2009 c 380 s 3 are each amended to
34 read as follows:

35 (1) Except as provided in subsection (~~((+2))~~) (3) of this section
36 and otherwise provided by law, it is the general policy of the state
37 that the common schools shall be open to the admission of all persons
38 who are five years of age and less than (~~((twenty-one))~~) 21 years
39 residing in that school district. Except as otherwise provided by law

1 or rules adopted by the superintendent of public instruction,
2 districts may establish uniform entry qualifications, including but
3 not limited to birthdate requirements, for admission to kindergarten
4 and first grade programs of the common schools. Such rules may
5 provide for individualized exceptions based upon the ability, or the
6 need, or both, of an individual student. Nothing in this section
7 authorizes school districts, public schools, or the superintendent of
8 public instruction to create state-funded programs based on entry
9 qualification exceptions except as otherwise expressly provided by
10 law.

11 (2) For the purpose of complying with any rule adopted by the
12 superintendent of public instruction that authorizes a preadmission
13 screening process as a prerequisite to granting individualized
14 exceptions to the uniform entry qualifications, a school district may
15 collect fees to cover expenses incurred in the administration of any
16 preadmission screening process: PROVIDED, That in so establishing
17 such fee or fees, the district shall adopt rules for waiving and
18 reducing such fees in the cases of those persons whose families, by
19 reason of their low income, would have difficulty in paying the
20 entire amount of such fees.

21 ((+2)) (3) A student who meets the definition of a child of a
22 military family in transition under Article II of RCW 28A.705.010
23 shall be permitted to continue enrollment at the grade level in the
24 common schools commensurate with the grade level of the student when
25 attending school in the sending state as defined in Article II of RCW
26 28A.705.010, regardless of age or birthdate requirements.

27 NEW SECTION. **Sec. 3.** (1) The department of children, youth, and
28 families must make administrative changes to better align early
29 childhood education and assistance program implementation with state-
30 funded early learning programs serving three through five-year old
31 children offered by school districts, charter schools authorized
32 under RCW 28A.710.080(2), and state-tribal education compact schools.
33 The department must submit a report, in compliance with RCW
34 43.01.036, of the administrative changes to the appropriate
35 committees of the legislature by July 1, 2024.

36 (2) This section expires August 30, 2025.

37 **Sec. 4.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to
38 read as follows:

1 (1) The caseload forecast council is hereby created. The council
2 shall consist of two individuals appointed by the governor and four
3 individuals, one of whom is appointed by the chairperson of each of
4 the two largest political caucuses in the senate and house of
5 representatives. The chair of the council shall be selected from
6 among the four caucus appointees. The council may select such other
7 officers as the members deem necessary.

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

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

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

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

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

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

37 (a) The number of persons expected to meet entitlement
38 requirements and require the services of public assistance programs,
39 state correctional institutions, state correctional noninstitutional
40 supervision, state institutions for juvenile offenders, the common

1 school system, long-term care, medical assistance, foster care, and
2 adoption support;

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

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

10 (d) The number of children who are eligible, as defined in RCW
11 43.216.505, to participate in, and the number of children actually
12 served by, the early childhood education and assistance program.

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

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

23 (10) Beginning with the official forecast submitted in November
24 2022 and subject to the availability of amounts appropriated for this
25 specific purpose, the caseload forecast council shall forecast the
26 number of individuals who are assessed as eligible for and have
27 requested supported living services, a service through the core
28 waiver, an individual and family services waiver, and the basic plus
29 waiver administered by the developmental disabilities administration
30 as a courtesy. The caseload forecast council shall be presented with
31 the service request list as defined in RCW 71A.10.020 to aid in
32 development of this information.

33 (11) As a courtesy, beginning with the official forecast
34 submitted in November 2022, the caseload forecast council shall
35 forecast the number of individuals who are expected to reside in
36 state-operated living alternatives administered by the developmental
37 disabilities administration.

38 (12) The caseload forecast council shall forecast youth
39 participating in the extended foster care program pursuant to RCW

1 74.13.031 separately from other children who are residing in foster
2 care and who are under eighteen years of age.

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

7 (14) The caseload forecast council shall forecast eligible
8 children participating in the transition to kindergarten program
9 under section 1 of this act.

10 (15) Unless the context clearly requires otherwise, the
11 definitions provided in RCW 43.88.020 apply to this chapter.

12 ~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning
13 with the November 2021 forecast, the caseload forecast council shall
14 produce an unofficial forecast of the long-term caseload for juvenile
15 rehabilitation as a courtesy.

Passed by the House April 23, 2023.
Passed by the Senate April 23, 2023.
Approved by the Governor May 11, 2023.
Filed in Office of Secretary of State May 11, 2023.

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