



DEPARTMENT OF EARLY LEARNING
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TO: Interested Stakeholders

FROM: Matt Judge, Department of Early Learning Rules Coordinator

SUBJECT: **Concise Explanatory Statement**
Final Adoption of Amended WAC section 170-296A-0010 regarding the definition of “preschool age child”.

RCW [34.05.325](#)(6) requires that when a state agency adopts a permanent rule (known as Washington Administrative Code or WAC), the agency must prepare a “*Concise Explanatory Statement*” (CES). This statement is a public document that summarizes:

- Comments, summarized by category, received at public hearings or in written form on the proposed version of the rule;
- Whether the final rule was changed as a result of the comments; and
- Changes from the proposed to the final version of the rule.

The Department of Early Learning (DEL) sends the Concise Explanatory Statement to everyone who testified at public hearings, sent a written comment, or asks to receive the CES. The CES is also posted on the DEL website (see <http://www.del.wa.gov/laws/development/Default.aspx>, *DEL Rules Under Development*).

This document also serves as the summary of public hearing comments to the agency head required under RCW [34.05.325](#)(4).

I. Background

The term “preschool age child” is currently defined in WAC 170-296A-0010 as “a child thirty months through five years of age not attending kindergarten or elementary school.” The proposed rules revise this definition such that a “preschool age child” is “a child age thirty months through six years of age who is not attending kindergarten or elementary school”.

Public Comment. DEL filed proposed rules on April 10, 2014 as WSR 14-09-033. A public hearing was held on May 28, 2014 in Olympia. ____ testified at the hearing and 10 written comments were received before the May 28, 2014 comment deadline. Comments on the proposed rules are summarized in section II of this document.

II. Summary of Issues Raised in Public Comments, and DEL’s Responses, Noting if the Proposed Rule was Changed as a Result

A. Public Comments regarding WAC section 170-296A-0010 regarding the definition of “preschool age child”	B. 1. DEL Response; and 2. Was the proposed rule changed as a result of the comment? If yes, how?
Disagree. A child 5 is a kindergartener and 6 is	1. Current research does not explicitly

<p>a 1st grader whether they attend public school or not they are still school age and should not have the restrictions that a preschooler needs. They are independent and still qualify as a school ager they are not in any way a preschooler they do not need help potty training, the don't need help with scissors, there's no concern over eating toys are doing things toddlers and preschoolers do. If a child is home schooled or just not in school in the traditional way they still have the same knowledge and abilities as a school ager meaning that auditory or visual contact should be fine.</p>	<p>contraindicate defining "preschool age child" as old as six years of age. Defining children age six not attending kindergarten or school as preschool age will allow licensed child care center programs greater flexibility as to groupings of mixed age preschool and school-age children with minimal impact to family home child care programs.</p> <p>2. The proposed rules were not changed as a result of this comment.</p>
<p>Disagree. Since publicly funded preschool is available for all children who are five years of age by August 31st of the school year, the child care definitions should align. I would not want to see an unintended consequence develop in which parents are urged to keep their child out of kindergarten for a year because child care still sees them as preschoolers. I am also concerned about potential impact on ECEAP programs, who limit their enrollment to preschool children ages 3 and 4. By extending the definition of preschool, there may be a future unintended consequence to ECEAP programs and definitions of eligible children.</p>	<p>1. There is no requirement that child care licensing definitions of "preschool age child" and "school-age child" must align with the compulsory school attendance and admission law stating that common schools shall be open to person who are five years of age. Under current rules, children age five may be categorized as preschool age or school-age depending on whether they attend kindergarten or school. The proposed rules make no change to that approach except to extend it to children six years of age. Current rules take no position as to whether a child five years of age should or should not attend kindergarten or school, nor do the proposed rules take any position as to children six years of age. ECEAP rules limit <i>eligibility</i> to children age three and four. ECEAP eligibility rules do not constitute a definition of "preschool age child" for purposes of licensed child care minimum standards, and therefore are not impacted or contradicted by the proposed rules.</p> <p>2. The proposed rules were not changed as a result of this comment.</p>
<p>Disagree. WAC 170-296A-0010 and other WACs that are being amended regarding the definition of "pre-school age": The proposed change in age will be inconsistent with the definition of "school-aged" children that is in RCW 28A.225.160 and related WACs, which is five years of age as of midnight, August 31. This will cause confusion and it will appear the two agencies have inconsistent rules. On option is to specifically address the problem that is being addressed by the rule (e.g., children in multi-age programs that include 6 year olds) and make an exception to the five-year old age limit.</p>	<p>1. There is no requirement that child care licensing definitions of "preschool age child" and "school-age child" must align with the compulsory school attendance and admission law stating that common schools shall be open to person who are five years of age. Under current rules, children age five may be categorized as preschool age or school-age depending on whether they attend kindergarten or school. The proposed rules make no change to that approach except to extend it to children six years of age. Current licensing rules already provide for limited exceptions allowing mixed age groups of</p>

	<p>preschool age and school-age children. The proposed rules allow for greater flexibility than these limited exceptions.</p> <p>2. The proposed rules were not changed as a result of this comment.</p>
<p>I don't see that this is very clearly written. Is this so children with Special Needs can be accommodated longer by Head Start? Will parents be allowed to make a determination to not enroll a child in Kindergarten? Instead stay in all Early Learning Facilities?</p>	<p>1. The proposed rules do not affect the definitions of "preschool age child" or "school-age child" in the Head Start program. Under Revised Code of Washington (RCW) 28A.225.010 parents are required have their children between eight and eighteen years of age attend school. The proposed rules do not affect this requirement and take no position as to whether a child age five or six should or should not attend kindergarten or school.</p> <p>2. The proposed rules were not changed as a result of this comment.</p>

III. Changes to the final rule compared to the proposed rule.

No changes were made to the proposed rules based on comments received.