



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 sections 170-290-0003, 170-290-0200, 170-290-0205, 170-290-0225, and WAC 170-290-0230 regarding definitions of “preschool age child” and “school-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 terms “preschool age child” and “school-age child” are currently undefined in Chapter 170-290 of the Washington Administrative Code. The proposed rules revise the chapter by defining these terms consistent with concurrent updates to Chapters 170-295 and 170-296A WAC defining “preschool age child” as “a child age thirty months through six years of age who is not attending kindergarten or elementary school”. The proposed rules revise base rate and special needs rate charts consistent with the definitions.

Public Comment. DEL filed proposed rules on April 10, 2014 as WSR 14-05-046. A public hearing was held on May 29, 2014 in Olympia. _____ testified at the hearing and _____ written comments were received before the May 29, 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	B. 1. DEL Response; and 2. Was the
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sections 170-290-0003, 170-290-0200, 170-290-0205, 170-290-0225, and WAC 170-290-0230 regarding definitions of “preschool age child” and “school-age child”	proposed rule changed as a result of the comment? If yes, how?
<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>	<ol style="list-style-type: none"> 1. DEL is not required by state or federal law to align the definition of “preschool age child” with definitions for similar terms in other state and federal laws and regulations, and research indicates no negative impact to quality or safety of care in defining “preschool age child” as proposed. 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 or subsidy rate categories, and therefore are not impacted or contradicted by the proposed rules. 2. The proposed rules were not changed as a result of this comment.
<p>WAC 170-290 By changing the definition we may be endorsing the practice of holding children back rather than designing learning opportunities and environments in kindergarten to meet their needs and help them be successful – a critical way for schools to demonstrate they are ready for all children.</p>	<ol style="list-style-type: none"> 1. 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. 2. The proposed rules were not changed as a result of this comment.
<p>Disagree. Changing up to 6 years is fine, to help accommodate those who are waiting until 6 to attend Kindergarten. Where I see the problem is labeling a 30 month old as a preschooler. You can't put them on the same level as a 6 year old. A preschool age child should be from starting at 36 months NOT 30 months.</p>	<ol style="list-style-type: none"> 1. Current research does not explicitly contraindicate defining “preschool age child” as young as 30 months. Further, current Child Care Center minimum licensing standards allow programs to place a child in a different age group based on developmental level and individual needs after consulting with the child’s parent and documenting developmental appropriateness. 2. The proposed rules were not changed as a result of this comment.
<p>These new rules will definitely effect my business and the families I serve. Families will be left with fewer choices in childcare. Fewer choices can result in fewer opportunities for children to flourish and thrive. Especially those children who are not socially or emotionally ready to participate in (public) institutionalized education. Not all 5 year olds are ready. Providing an environment that provides scaffolding children has proven to be</p>	<ol style="list-style-type: none"> 1. The proposed rules do not eliminate choices for families in subsidized care. Current rules do not specify a definition for “preschool age child” or “school-age child” but indicate that the former includes children through age five who have not entered kindergarten, and that the latter include children from age five who have. The proposed rules insert definitions of these terms and expand “preschool age child” to include children through age six not attending

successful in childcare programs. I urge you to reconsider the full effects of reorganizing the WAC. that will eliminate this This plan will hurt many programs and put them out of business again, eliminating fewer choices for families.

kindergarten or school. Parents can still determine whether to enroll a child age 5 or 6 in kindergarten or school, consistent with Revised Code of Washington (RCW) 28A.225.010 requiring parents to have their children between eight and eighteen years of age attend school.

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

- Based on the comments received, no changes were made to the final rules compared to the proposed rule.