



To: Senate Education Committee
From: Sandra Cameron, VSBA Associate Executive Director
Flor Diaz-Smith, VSBA Vice President (Central VT Region), Chair of WCUUSD
Tara Sweet, VSBA Director (Franklin Region), Chair of Fletcher School Board
Re: Kindergarten enrollment age
Date: February 10, 2023

Thank you for the opportunity to speak with the committee about the S.34, an act relating to kindergarten enrollment age.

Currently, a school district determines a cut-off date between Aug 31 and Jan 1 to enroll five-year-old students (as “legal pupils”) in kindergarten. Further, school boards develop and superintendents implement policies addressing class size (based on a variety of factors; see Appendix A). This allows each school district to develop policies and procedures that reflect the unique needs of each school community.

In the absence of a resolution that addresses kindergarten enrollment age, the VSBA assembled representatives from all 11 VSBA regions (legislative committee) to discuss important elements as well as potential consequences of this proposal as a result of Act 166 (2022). The following position was developed by the VSBA legislative committee:

- 1) *All except one Board member in the committee served in a system with a September 1 or August 31 date; the remaining Board member served in a system with a September 30 date. This is indicative of the **small variability across the State of Vermont.***
- 2) *Some **level of flexibility is needed** in order to respond to the individual needs of students as well as the needs of the school community as a whole.*
- 3) *A standard date is not needed, but **if there is to be a standard kindergarten entry age cut-off, the date should be no later than September 1.** The later the kindergarten entry age cut-off date, the younger the child, the more problematic it becomes with regard to developmental appropriateness.*

The VSBA legislative committee also discussed that potential changes to kindergarten entry age need to be analyzed with respect to the impact on prekindergarten. Further, the

committee was, and is, particularly concerned about the need for flexibility at the local level so that they can respond to the needs of the school community.

On December 1, representatives from the VSBA legislative committee met with representatives from the Agency of Education and other stakeholders to share their position on the impact of standardizing the kindergarten entrance age. The AOE issued its report on December 16, 2022, stating that it **“found that cutoff dates have a large impact on student success, classroom sizes, and school enrollments.”**

Act 166 required a written report “on the impact of standardizing the entrance age threshold for public school kindergarten attendance.” S.34 includes language that was not specifically addressed in Act 166. This language would allow a school district to recommend deferred admittance to kindergarten for a student attaining five years of age on or before any date between August 31 and January 1, however it would prohibit the school district from denying admittance to kindergarten to a student who has attained five years in the same time frame if the parent or legal guardian sought to enroll such a student.

With regard to this language, the VSBA Board of Directors developed the following position at its board meeting on Feb. 8th:

The VSBA opposes additional language prohibiting a school district from denying enrollment of a child, if the parent seeks to enroll the child regardless of the district’s recommendation; this should be a local decision.

Note: Several Directors expressed interest in providing testimony on this topic.

Of note is S.56, relating to childcare and early childhood education. This bill proposes to amend 16 V.S.A. § 829 to define “prekindergarten child,” as **“a child who, on or before September 1,** is four years of age or is five years of age but is not yet enrolled in kindergarten.” The bill would further **provide “public prekindergarten education program” (high quality, publicly funded full-day prekindergarten education)** at a public school, available to prekindergarten children either within a child’s district of residence or paid for by a child’s district of residence if the district does not maintain an elementary school.”

- This bill specifies the cut-off date for prekindergarten (Sept 1); alignment with a cut-off date in kindergarten would provide consistency.
- This bill would provide full-day prekindergarten for all four-year-olds, thus addressing the needs of many children and families in the school community.

In conclusion, Vermont’s public education system is complex and multifaceted. Any shift, whether perceived as small or large, will affect the system and will result in the need to adapt. There are important developmental considerations for our youngest students. Ensuring students are developmentally ready for kindergarten has always been a critical factor and is even more important post-Covid.

Appendix A

CODE D6
(Required)¹

CLASS SIZE POLICY

It is the intent of the Board to comply with Sections 15 and 16 of Act 153 of 2010 requiring superintendents to work with school boards to develop policy guidelines for minimum and optimal average class sizes in regular and technical education classes. Class size guidelines will be used to inform annual decisions related to staffing and program offerings.

Implementation

1. The superintendent or his or her designee shall, in consultation with building principals, develop supervisory union wide class minimum, maximum² and optimum average class size guidelines that take into account the instructional needs of specific elementary grade intervals and required and elective courses at the secondary level.
2. Class size guidelines in the supervisory union may vary as necessary to reflect differences among school districts due to geography and other factors, such as school size and programmatic needs.
3. The guidelines shall also ensure compliance with state or federal requirements related to matters such as student-teacher ratios, special education, technical education and English Language Learners.
4. The superintendent shall report to the Board at least annually on the implementation of this policy, and shall include in his or her report information related to the use of the guidelines in determining actual class sizes and program offerings in the schools within the supervisory union.
5. This policy shall be posted on the supervisory union's website and forwarded to the Secretary of Education.³

(Note: The footnotes used in this model policy are intended to provide information only. They should not be included as part of the policy adopted by the school board.)

VSBA Version:	October 11, 2019
Date Warned:	
Date Adopted:	
Legal Reference:	
Cross Reference:	

¹ Section 15 Act 153 of 2010 requires superintendents to "work with the school boards of the member districts to develop and implement policies regarding minimum and optimal average class sizes for regular and technical education classes. The policies may be supervisory union-wide³, may be course or grade specific, and may reflect differences among school districts due to geography and other factors." 16 V.S.A. § 242(5).

² Act 153 does not require the inclusion of maximum average class sizes in this policy.

³ Section 16 of Act 153 of 2010 requires that, by January 15, 2011, each supervisory union and member district board: 1) adopt minimum and optimal average class size policies, 2) post the policy on the supervisory union website, and 3) forward the policy to the Commissioner of Education.

Please consider the following laws within the context of the proposal outlined in S.34:

16 VSA § 1073 defines “legal pupil” as "an individual who has attained the age of five years on or before January 1 next following the beginning of the school year. **However, a school district may require that students admitted to kindergarten have attained the age of five on or before any date between August 31 and January 1.**"

16 VSA § 1073(c) addresses prekindergarten and essential early education. “An individual **who is not a legal pupil may be enrolled in a public school in a prekindergarten** program offered by or through a public school pursuant to rules adopted under section 829 of this title or in a program of essential early education offered pursuant to section 2956 of this title.”

16 VSA § 1121 addresses attendance by children of school age and requires that **a person having the control of a child between the ages of six and 16 years shall cause the child to attend** a public school, an approved or recognized independent school, an approved education program, or a home study program.

16 V.S.A. § 242 (5) requires the superintendent to work with the school boards of the member districts to develop and **implement policies regarding minimum and optimal average class sizes for regular and career technical education classes. The policies may be supervisory union-wide, may be course- or grade-specific, and may reflect differences among school districts due to geography or other factors.**