
TESTIMONY

Testimony To: House/Senate Committee on [name of committee]
Respectfully Submitted by: **Ted Fisher**, Director of Communications and
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Services Division
Subject: S.34 – Agency of Education Recommended Position
Date: February 7, 2023

Thank you for the opportunity to provide testimony on S.34 – An act relating to kindergarten enrollment age.

Background

Last session the General Assembly directed the Agency to review the requirements for kindergarten entrance age and report on the impact of standardizing the same.

Current Law

Vermont's kindergarten entrance age is codified in Vermont's definition of a legal pupil in [16 V.S.A. § 1073](#), with legal pupils defined as a student who turns five years old before January 1 following the beginning of the school year. The law however allows school districts to set their own cut off date any time between August 31 and January 1.

AOE Legislative Report

Pursuant to [Act 166 of 2022, Sec. 5](#) the Agency submitted a legislative report: [Standardizing the Kindergarten Entrance Age](#) in December of 2022. This report recommended the following:

- That the General Assembly take **no action** to standardize the kindergarten entrance age, for reasons outlined in the following paragraphs.
- That if the General Assembly decided legislative action is needed, the General Assembly should codify a kindergarten entrance date of **September 1** for students turning age five.
- That the General Assembly not take action to effectively **lower the kindergarten entrance** age (by selecting a date later than September 1 or otherwise).

The Agency formulated these recommendations based on conversations with stakeholders, a review of other states, and a scan of publicly available kindergarten entrance policies.



The Agency found the following:

1. The overwhelming majority of school districts in Vermont set an entrance date of September, with some districts allowing for a waiver for students born after the cutoff date. De facto practice therefore, is a kindergarten entrance date of September 1.
2. Nearly every US state sets a cut off date in state statute, with most dates falling between July 1 and October 1. Only Vermont has a statutory window of four months.
3. There are good reasons for setting an earlier cutoff date, as it reduces the number of four year olds potentially included in a kindergarten classroom with five and six year olds. There is no basis in research supporting a January 1 cutoff, or such a wide window of flexibility.
4. Education stakeholders are united around three facts: 1) this is not an area of urgent concern, 2) the entrance window should be standardized and narrowed, and 3) younger students (4 year olds) should not be included in kindergarten classrooms as a matter of policy.

Recommendations

The Agency continues to stand behind its recommendation that action is not necessary this year, for the primary reason that most school districts have set a common de facto cutoff date of September 1 as noted above. However, if the General Assembly decides action is needed, codifying September 1 is the recommended approach. The Agency's full recommendations from the report are copied below for the committee's convenience.

Standardized Kindergarten Entrance Age in Statute

Recommendation: The General Assembly should take **NO ACTION** to standardize the kindergarten entrance age in the 2023 session.

Narrative: Given the challenges, needs and other policy initiatives ongoing in Vermont education, this area of policy is not high priority for change, in the perspective of both the field, and the State of Vermont. Most SU/SDs' current practice is a policy with a cutoff date early in the school year (September 1) With this approach already common throughout the state, there appears to be little immediate substantive benefit to statutory codification.

Optionally Codify a Beginning of School Year Cutoff Date

Recommendation: If the General Assembly decides to take action, the Agency of Education recommends that the GA establish a **cut off date of September 1**. The AOE further recommends that the GA allow SU/SDs to establish a process whereby the district may waive the kindergarten entrance age requirement for students born between September 1 and September 30.

Narrative: Most SU/SDs already use a date at the beginning of the school year for their cut off date, so establishing a date of September 1 would have minimal programmatic and fiscal impacts.

A short window for waivers is recommended, to allow SU/SDs flexibility to support families with students who are very close in age, or account for special circumstances for students born close to the cut off date. Some districts currently use (*pre-existing*) kindergarten readiness screening tools to assess kindergarten readiness for students requesting a waiver. The AOE recommends that the GA allow districts to create a district policy that allows waiver of the age cut off for students born in the month of September. Those policies could make use of these screenings or existing universal prekindergarten child progress monitoring reports; however, districts should not be required to create, establish, or purchase additional tools to conduct this screening; they should use their current screening practice (usually conducted in the spring) for the purposes of the waiver.

Do Not Take Action that Effectively Lowers the Kindergarten Entrance Age

Recommendation: If the General Assembly decides to take action, the AOE **strongly recommends** that the General Assembly not set a **date later than September 1**, due to education, operational, and financial impacts to schools.

Narrative:

Stakeholders agreed unanimously that setting a date later than September 1, or other actions that lead to an increase of students entering kindergarten at a younger age is not a good idea. The AOE (and other State of Vermont) stakeholders concur with this assessment. Reasons for this recommendation include, but are not limited to:

- **Adverse impacts** to student enrollment, ADM and the education fund during the transition periods
- **Potential adverse impacts** to student data (incl. the Ready for Kindergarten survey)
- **Negative impacts** to teaching and learning of having younger children in the classroom
- **Negative impacts** to children with disabilities and developmental delay

Proposed Language

If the committee decides to implement the Agency's recommendations for a standardized kindergarten entrance age, the Agency respectfully recommends the following language:

§ 1073. "LEGAL PUPIL" DEFINED; ACCESS TO SCHOOL

(a) Definition. "Legal pupil" means an individual who has attained ~~the age of five years of age~~ on or before January ~~September 1~~ next following the beginning of the school year. However, a school district may establish a policy whereby the district may issue a waiver of this definition for a student attaining five years of age on or before September 30. The school district may establish such procedures or screening methods as it determines necessary to establish kindergarten readiness.