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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Education (SC-Ed)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Gigi Godwin (LRB) (August/2011)

- Susan Kaseman, Stoughton

Registrations for Information Only

- None.

July 9, 2009

EXECUTIVE SESSION HELD

Present: (7) Senators Lehman, Jauch, Erpenbach, Hansen,
Olsen, Grothman and Hopper.

Absent: (0) None.

Moved by Senator Hansen, seconded by Senator Lehman that
Senate Bill 89 be recommended for passage as amended.

Ayes: (4) Senators Lehman, Jauch, Erpenbach and
Hansen.

Noes: (3) Senators Olsen, Grothman and Hopper.

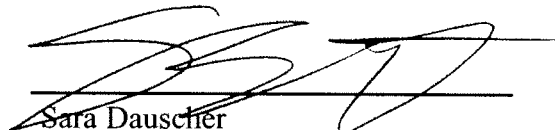
PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 3

Moved by Senator Hansen, seconded by Senator Lehman that
Senate Substitute Amendment 1 be recommended for adoption.

Ayes: (7) Senators Lehman, Jauch, Erpenbach, Hansen,
Olsen, Grothman and Hopper.

Noes: (0) None.

ADOPTION OF SENATE SUBSTITUTE AMENDMENT 1
RECOMMENDED, Ayes 7, Noes 0


Sara Dauscher
Committee Clerk



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR SPENCER COGGS

FROM: Anne Sappenfield, Senior Staff Attorney

RE: Senate Substitute Amendment 1 to 2009 Senate Bill 89, Relating to Requirements for Pupils Enrolled in Five-Year Old Kindergarten

DATE: March 31, 2009

This memorandum describes Senate Substitute Amendment 1 to 2009 Senate Bill 89, relating to requirements for pupils enrolled in five-year old kindergarten. Senate Bill 89 was introduced by you and others; cosponsored by Representative Smith and others on February 25, 2009. You offered Senate Substitute Amendment 1 on March 31, 2009. The Senate Committee on Education has scheduled a public hearing on the bill on April 2, 2009.

CURRENT LAW

Under current law, unless a child is excused by the school board or the child's parent or guardian as provided under current law or has graduated from high school, any person having control of a child who is between the ages of six and 18 years must cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the child becomes 18 years of age. There are several exceptions to this requirement, including approved attendance at a technical college, provision of a program or curriculum modification at the request of the child or his or her parent or guardian, enrollment in a virtual charter school, and instruction in a home-based private educational program that meets specified requirements.

SENATE BILL 89

Senate Bill 89 provides that any person having under his or her control a child who is enrolled in five-year old kindergarten must cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session at the public or private school in which the child is enrolled until the end of the school term. Under the bill, current law relating to truancy applies to children enrolled in five-year old kindergarten. The requirement to attend five-year old kindergarten does not apply to a child for whom the school board has approved the provision of a

program or curriculum modification or to a child who is receiving instruction in a home-based private educational program.

The bill provides that, beginning on September 1, 2011, a school board may not enroll a child in the first grade in a school in the school district, including a charter school located in the school district, unless the child has completed five-year old kindergarten. The bill requires each school board to adopt a written policy specifying the criteria for promoting a pupil from five-year old kindergarten to first grade.

Under the bill, a school board may establish policies, conditions, standards, and procedures for exempting a child from completing kindergarten as a prerequisite to enrollment in the first grade. The policies, conditions, standards, and procedures must consider pupils who, before either commencing or completing first grade, moved into this state from a state where completion of five-year old kindergarten was not a prerequisite to entering first grade and who are otherwise eligible to be enrolled in first grade as a new or continuing pupil. Under the bill, the school board must require the parent or guardian of a child seeking to be exempted from kindergarten to submit to a written request for exemption to the school board and to demonstrate to the satisfaction of the school board that the child demonstrates the social, emotional, and cognitive skills necessary for admission to the first grade.

The bill contains identical provisions that are applicable to the operators of independent charter schools.

SENATE SUBSTITUTE AMENDMENT 1

As under the bill, the substitute amendment provides that any person having under his or her control a child who is enrolled in five-year old kindergarten must cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term. The substitute amendment does not contain an exception for children who are receiving instruction in a home-based private educational program because such children would not be enrolled in five-year old kindergarten. (As under current law, no documentation is required to establish that a child who is under six years old is receiving instruction at home.)

The substitute amendment does not modify the provision of the bill prohibiting a school board from enrolling a child who has not completed kindergarten in the first grade. However, the bill does modify the provisions relating to exempting a child from that requirement.

Under the substitute amendment, each school board that operates a five-year old kindergarten program *must* establish procedures, conditions, and standards for exempting a child from the requirement to complete kindergarten as a prerequisite to enrollment in the first grade. In addition, the substitute amendment requires the school board to establish procedures, conditions, and standards for reviewing the denial of an exemption upon the request of the pupil's parent or guardian.

The substitute amendment further provides that a school board that operates a five-year old kindergarten program must enroll in the first grade a child who has not completed kindergarten but who is otherwise eligible to be admitted to and to enroll in first grade as a new or continuing pupil at the time the child moves into this state if one of the following applies:

- Before either commencing or completing first grade, the child moved into this state from a state, country, or territory in which completion of five-year old kindergarten is a prerequisite for entering first grade and the child was exempted from the requirement to complete five-year old kindergarten in that state, country, or territory.
- Before either commencing or completing first grade, the child moved into this state from a state, country, or territory in which completion of five-year old kindergarten is not a prerequisite to entering first grade.

As under the bill, the substitute amendment contains identical provisions that are applicable to operators of independent charter schools.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

AS:ksm



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Testimony of Anne Knapp, Teacher

Edward Bain School of Language and Art, Kenosha Unified School District

Before the Senate Education Committee

Senate Bill 89

April 2, 2009

My name is Anne Knapp from Kenosha, Wisconsin. I was born and raised in Kenosha and am a proud product of Kenosha's Public Schools.

I am a Kindergarten Teacher at the Edward Bain School of Language and Art in the Kenosha Unified School District. I am a single mom with three children in the Kenosha Public School system.

I have been teaching kindergarten for 14 years now. I strongly support Senate Bill 89, which would require all 5-year-old kindergarten students enrolled in school to attend, and to make kindergarten a prerequisite for admission to first grade, with some exceptions.

For 14 years I've participated in the kindergarten learning experience with its academic rigor and social skills development as an essential building block for success in school and adulthood. Research has shown that attending kindergarten decreases the probability that a child fails a grade and increases the probability that a child finishes high school and becomes employed.

At its implementation, kindergarten was designed for students to become acclimated to the school environment to ease the transition to a highly academic first grade classroom. Throughout my teaching career, I have witnessed the kindergarten curriculum become increasingly more academic. As school districts around the state increase their kindergarten standards, they are demonstrating their belief in the value of the kindergarten curriculum. We must also demonstrate the value of attendance in order to attain these expected standards.

I'm sure that most educators would agree with me that children who participate in kindergarten are much more likely to be prepared for the challenges of first grade. Those students who show up for first grade with no prior school experience are likely to have missed essential opportunities to develop necessary skills, competencies and interests in a supportive classroom environment.

Each year either I or one of my colleagues has had a student who is absent in excess of 30 days of school throughout the school year. Three years ago I had a student who was absent more than 50 days that year. If he woke up that day and decided he did not want to go to school, he would tell his mother so and she would keep him home. He had the ability to succeed in kindergarten with little intervention, but because he had missed so much schooling he was unable to keep up with his classmates.

During the first quarter of the current school year, one of my low-performing students missed 21 of the 44 days of that quarter. She then moved and transferred to another school where her attendance has not improved.

Mary Bell, President

Dan Burkhalter, Executive Director



A student in a kindergarten classroom two rooms down from me has already missed 40+ days of school this year. This little boy is performing extremely well below kindergarten level. He also receives speech and language services from the school speech therapist. Due to his very high rate of absenteeism, he quite often misses these services.

Near the end of the 2005-2006 school year, a student transferred into my classroom. I was his sixth kindergarten teacher that year. His academic skills were well below grade level, but it was well past the retention deadline so he had to be assigned to first grade. In his first few weeks of first grade, his teacher fought to get him back into kindergarten because it was the best academically appropriate atmosphere to address his needs. Her request was denied because kindergarten is not a requirement in the state of Wisconsin.

Three years ago, a colleague of mine who teaches first grade had a student in her class who had never attended kindergarten. This student struggled all school year because she did not have the foundation of skills that are obtained in kindergarten. This student was put up for retention at the end of the school year.

A psychologist that I have worked with, who has worked in districts throughout Wisconsin, has said that teachers have been encouraged to assign students who qualify for retention to first grade instead in order to have some legal standing as far as truancy is concerned.

A first grade teacher at my school reported that two years ago a female student in her class, who had missed 62 days of kindergarten, could barely function at the first grade academic level. This student required many extra hours of intervention.

Two other first grade teachers reported that this year they each have a student that was chronically absent in kindergarten. One of them had been considered for retention during the kindergarten year; but was denied because the lack of academic progress could have been due to this child's lack of attendance.

According to the Education Commission of the States there are 14 states, the District of Columbia, Puerto Rico and the Virgin Islands that have compulsory attendance in kindergarten. If Wisconsin joins this group, kindergarten teachers, instead of spending many hours catching students up on missed work, will be able to work with students to not only master their expected skills but quite possibly exceeding them, as well.

Kindergarten students come to school with a wide range of levels of academic readiness. From the first day of school kindergarten teachers work hard to close the achievement gap that is already apparent. Many of my previous students who had chronic absences are not as strong in their academic skills as the regular attendees. These students are aware of this difference, which has had an impact on their confidence in their ability to perform as well as other students. The lack of self confidence seen in these students almost always goes hand-in-hand with a reduction in effort to perform in school.

I believe, and would like to respectfully suggest to you, that the investments we make in great schools build strong communities, and kindergarten helps prepare students to be critical thinkers, collaborative team players and effective leaders to successfully live and work in the 21st Century. Clearly, we can all be proud of quality early childhood education. After all it was here in Wisconsin that the first kindergarten was established in 1856.

I believe that this legislation builds on this proud tradition of offering the most we can in early childhood education, and provides the next steps in assuring that every kid benefits from it. For these reasons, I'm here today to ask you all to support and work to pass Senate Bill 89.

Thank you for your time and attention to this very important legislation.

Anne Knapp

7924 38th Ave

Kenosha, WI, 53142

annie3@wi.rr.com



WISCONSIN STATE LEGISLATURE



**Testimony of Jacqueline Tollefson
in support of Senate Bill 89
before the Senate Committee on Education
April 2, 2009**

This is Eli's story. He has not been the only one just the most recent. Eli did not come to my kindergarten or any kindergarten until the end of September 2005. His family had been on vacation and his Step-mom had "forgotten" that school was starting. Eli's birth Mom had decided 6 months before to take an older brother and sister and seek a new life in Las Vegas. Imagine standing there and not being chosen to go with your mom? Strike One!

Eli is a sociable little guy and caught on to school rules and routines quickly. He made friends and became a leader in our classroom. Life was starting to look pretty stable and Eli was animated and happy. His new family structure did leave him being the oldest with 3 younger siblings behind him. He was occasionally late for school because Dad had left for work Step-mom worked nights and was still sleeping so Eli was responsible for dressing, feeding and keeping an eye on his younger siblings. We made phone calls to the home and our counselor did a home visit stressing the importance of this first year and getting to school on time, but when Step-mom asked if his attendance would be reported to social services and our answer was no, well that door slammed shut! Eli was embarrassed to be late so often and the smiling, happy, active participating little boy started to sit at the back of the group keeping to himself. Strike Two!

Enter the winter season. With his siblings, parents and 22 other kindergarteners in his classroom colds and the flu can keep going around and around. If Eli wasn't sick someone in his family was and he would have to stay home and care for them. Caller ID is a wonderful thing! Now our calls and home visits were ignored. I did get a note from Step-mom after they failed to come to January conferences telling us to stop bothering them. She had asked her friends and she knew Eli didn't have to come to school. I thought we were turning a corner in mid-February when Eli was there every day for 2 weeks! False alarm Dad and Step-mom had been in Florida for that time period and a neighbor was watching the kids.

One day in the spring Step-mom had to come to school to pick up a sick feverish little Eli. I had a chance to talk with her about Eli's attendance and how it was affecting his ability to be successful in school. I had the attendance records from the office and Eli was up to 47 absent days, we had stopped counting tardies. She asked me if he were retained for the next school year would he still be able to come all day. Do I smell babysitting?

Our kindergarten music program was in April and I sent numerous notes home letting Step-mom and Dad know that Eli had a speaking part in the program and when he was at school he was working very hard on his part and would be so proud to have his family at the program to see him. I think we all can figure out what happened the night of the program. No Eli. Strike Three!

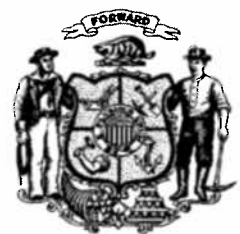
Eli ended the school year with over 50 absent days! More than 2 months of school! He was not ready for 1st grade. We don't retain based on attendance but his readiness skills were so far behind there was no way he could go to 1st grade and be successful. By the time kindergarten started again for Eli in 2006 the family had moved across town. I kept track of him through his new kindergarten teacher and she reported big problems with attendance and now this little guy that had a shot at being successful was angry and embarrassed to be so far behind and his behavior started to change. The happy little boy with the potential for strong leadership skills and lots of friends became withdrawn, angry and very much a loner.

Eli's family structure certainly played a big role in his schooling, but I can't help think had we had the opportunity to insist Eli get to school that his family would be breaking the law if he didn't get to school could that have made a difference in this little boy's life? I say yes! I hope you do to.

Jacqueline Tollefson
4562 Clover Drive
Eau Claire, WI 54701



WISCONSIN STATE LEGISLATURE



Testimony of Kim Wilson, Retired Teacher

Eau Claire School District

Before the Senate Education Committee

Senate Bill 89

April 2, 2009

I am Kim Wilson, a newly retired teacher who taught first grade for one year and kindergarten for 31 years. I am here today to ask you to support Senate Bill 89.

I must confess that I taught many years before I found out that kindergarten attendance was not required in Wisconsin! I truly believe that it is time for the State of Wisconsin to require regular attendance of children enrolled in kindergarten. A requirement such as this would benefit the kindergarten program and be of great benefit to children throughout their school career.

Kindergarten is an integral component of the entire school system. Reading, writing, music, math, physical education, art, social studies and science are required subjects in kindergarten, just as they are in first through fifth grade in elementary school. Kindergarten is the foundation of a child's educational career. Perhaps if "kindergarten" was named "first grade" it would be perceived as more important and regarded as the true beginning of the elementary education program.

Children who do not attend kindergarten on a regular basis not only lack achievement in academic growth but also lose out in feeling a part of the kindergarten family. The child loses out on the emotional, social, and academic pieces of a successful kindergarten experience. A child with poor attendance can be "haunted" by these effects during kindergarten as well as first grade when they find themselves out of step with their classmates. This has an effect on the other children as valuable education time and resources must be directed toward assisting this child in catching up (and how does this affect the child's attitude toward school?).

I believe I have struggled with truancy situations every year. Last year, my last year of teaching, I had a very difficult situation with a five-year-old child's habitual tardiness and absence. This little girl missed over 36 days of school. Each time she returned she required extra coaching, assistance, and direction from me as well as the other children in order to join us academically and to feel a part of our kindergarten community. I had numerous conferences with her parents including at different times, the counselor, the Title I teacher and the principal. We developed behavior modifications for the child as well as for the parents at their request. These attempts did not help the child's attendance record. The principal sent several letters to the parents but because Wisconsin does not mandate attendance for 5-year-olds enrolled in kindergarten, there was no recourse for our truant little girl.

I am sure that the State of Wisconsin wants to give children like this the kind of education they need and deserve. We are not asking parents to give up any rights concerning their children. Under Senate Bill 89, parents can still decide whether their 5-year-old child is ready for kindergarten and school boards can grant exceptions for children whose parents seek to enroll their child in first grade who have not attended kindergarten. Personally, I can't imagine a child skipping kindergarten and being successful in first grade. However, once a parent enrolls a child in kindergarten, the same attendance expectations that apply to grades 1-12 should also apply to kindergarten. It is the right thing to do for our children.

I am hoping that you will join us in our endeavor to give our children the best and most appropriate educational experience possible in our great State of Wisconsin. Please support Senate Bill 89.

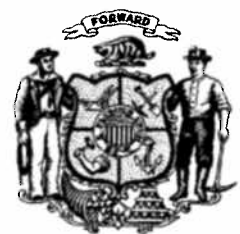
Thank you,

Kim Wilson

4896 Hobbs Road
Fall Creek, Wisconsin 54742



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Testimony of Jeanne Richie, Teacher

Longfellow Elementary, Eau Claire

Before the Senate Education Committee

Senate Bill 89

April 2, 2009

I am Jeanne Richie and I have taught kindergarten in Wisconsin for over 20 years. I currently teach kindergarten at Longfellow Elementary School in Eau Claire, WI.

I believe that it is time for the State of Wisconsin to require regular attendance of children enrolled in kindergarten. In fact, I would imagine that most people would be surprised to know that kindergarten attendance is not mandatory.

Wisconsin has been a leader in kindergarten education from the very beginning. Watertown, WI is the birthplace of kindergarten. In those early years kindergarten was viewed as a social experience for five-year-old children. It was their first venture away from home and kindergarten was viewed as a first opportunity to be among other children. Those days are long gone.

Today kindergarten is an important part of the curricular process of every public school system. Reading, writing, math, science and social studies are required subjects in public school kindergarten, just as they are in grades 1 through 5. First grade learning standards are based on the learning that is expected to occur in kindergarten. Kindergarten is the foundation of the elementary school education. I have long wondered if the title "kindergarten" may trivialize the important work of our grade level. Perhaps if kindergarten had been re-named as "first grade" it would be regarded more as part of the process.

Children who do not attend kindergarten on a regular basis will struggle to achieve in first grade. The child with poor attendance pays a price but the first grade classmates pay a price as well. Valuable education time and resources must be directed toward helping this child catch up. I would think that parents of children with good attendance might be quite disturbed to know how much time and energy has to be directed towards a child who does not attend regularly.

Every year I struggle with a truancy situation. This year I have had a particularly difficult situation with habitual absences and tardiness. Each time this child returns to the classroom after an absence, I spend a great deal of time catching her up on the skills that were taught in her absence. I can see her frustration and I am concerned that she will be developing negative attitudes and patterns towards school. Requests to her family to send her to school on a daily basis are of no help. Because the State does not mandate attendance for 5-year-old kindergartners, there is absolutely no recourse for a 5-year-old who is truant. As we approach the end of the school year, I can see that this girl does not have the skills to be successful in first grade. It feels as though her parents have used kindergarten as a convenient place to send their daughter when they feel like it. This should not have to happen. I am comforted to know that at least next year when she is in first grade, truancy actions can be applied if she is not attending school.

Mary Bell, President

Dan Burkhalter, Executive Director



I cannot think of any reason why the State of Wisconsin would not want to give these children the kind of education they deserve and need. We are not asking parents to give up any rights where their children are concerned. A waiver process would be in place for those families opting out of kindergarten. But once a parent enrolls their child in 5-year-old kindergarten, the same expectation that is applied for grades 1-12 would also apply to kindergarten. It just makes sense.

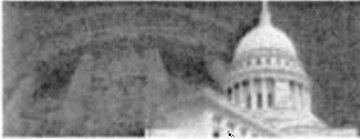
It is good for kids.

Thank you.

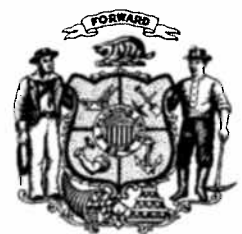
Jeanne Richie

3115 Anric Drive

Eau Claire, WI 54701



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Testimony of Kelly McMahon, Teacher

Lancaster Elementary, Milwaukee

Before the Senate Education Committee

Senate Bill 89

April 2, 2009

My name is Kelly McMahon and I teach five-year-old kindergarten for Milwaukee Public Schools (MPS). I am here today to ask you to support Senate Bill 89.

Consistent kindergarten attendance has become increasingly important during my career as a teacher for MPS. My students are expected to leave kindergarten reading books, solving addition and subtraction story problems, and writing stories. The kindergarten curriculum has become more rigorous year after year, with higher demands and educational expectations placed on these young children. Yet, kindergarten attendance is not required in the state of Wisconsin.

Two years ago, a student in my classroom was dropped from receiving special education services because the team could not determine if the delayed educational progress was due to cognitive delays, or due to the child's poor attendance in both K4 and K5. At the time of the child's Individual Education Plan meeting, she had already missed over 30 days of kindergarten. Attendance of kindergartners is a major factor in determining whether or not a child meets the qualifications for special education services.

Last year, I had two 5-year-old students that missed over 40 days of school, and three more students that missed over 20 days of kindergarten. When I first spoke with my school's social worker, she informed me that she was given the direction not to bother with the attendance of kindergartners by her supervisor, because kindergarten was not required. The social worker ended up referring one of my student's attendance problems to the District Attorney's office only because she had older siblings in first and second grade. Unfortunately, nothing was done regarding my other student that missed over 40 days of school. I spoke repeatedly with the child's mother regarding the importance of getting her child to school on time, each and every day so that the child didn't fall further behind her peers. The mother decided to ignore my professional advice that the child repeat kindergarten, and moved the child onto first grade where she has struggled.

When Milwaukee Public Schools, the Milwaukee Teachers' Education Association, and the Greater Milwaukee Committee began their work on our school district's strategic plan, one of our district's startling facts was that roughly 20% of all kindergartners are absent each day. Milwaukee Public Schools needs the assistance of this legislature to improve the attendance of our kindergarten students, which will lead to higher levels of student achievement for years to come.

Mary Bell, President

Dan Burkhalter, Executive Director



In closing, I ask that you please vote in support of Senate Bill 89. Your support of this bill will validate the importance of making sure kids start their education off on the right foot by attending kindergarten and are prepared for the challenges of first grade.

Thank you for your time. I am happy to answer any questions you may have for me.

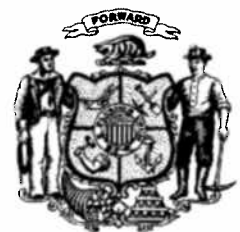
Kelly McMahon

7926 North 107th Street

Milwaukee, WI 53224



WISCONSIN STATE LEGISLATURE





**Public Hearing on Substitute Amendment 1 to SB 89
Before the Wisconsin Senate Education Committee
Thursday, April 2, 2009, 1:30 PM**

**Testimony Presented by Larry Kaseman
Executive Director, Wisconsin Parents Association**

Mr. Chair and Members of the Committee. Thank you for this opportunity to testify on Senate Substitute Amendment 1 to SB 89.

My name is Larry Kaseman, and I am the Executive Director of the Wisconsin Parents Association, a statewide, inclusive, nonprofit, grassroots homeschooling organization. Let me state clearly at the outset that I realize this bill does NOT affect homeschooling directly. Nevertheless, WPA is opposed to the bill for reasons I will explain briefly in a minute. But first let me say that if the bill does pass, WPA wants it to pass without any mention of homeschooling and without special exemptions for homeschoolers. It currently contains no such provisions, and none is necessary or wanted since homeschooled students should not be given a free pass or treated differently from other students.

Also, the substitute amendment to SB 89 favorably addresses two of the specific provisions of the bill that were of particular concern to us. First, the bill now requires school boards to allow exemptions to the requirement for satisfactory completion of kindergarten before entering first grade. Second, the amended version no longer requires that children demonstrate "the social, emotional, and cognitive skills necessary for admission to the first grade" in order to gain an exemption from the kindergarten requirement.

WPA opposes this bill both in general and for specific reasons. I will briefly explain one of the key reasons for our opposition and then discuss our concerns with the bill's truancy provisions and the costs to taxpayers, children, and families of the increased screening and labeling that would inevitably follow if this bill were passed. My testimony is supported by many studies and the thinking of many experts in child development. Please see the printed copy of my testimony for specific references.

Problems with Increasing Emphasis on Early Childhood Education

WPA is opposed to the increasing attempts to institutionalize children at earlier ages by requiring that they attend school. Our mission includes providing support and information for parents who want to take responsibility for raising their own children instead of turning them over to the state. We work for parents' right to choose for their children an education consistent with their principles and beliefs, not one mandated by the state. Much research supports our contention that the most important factor in determining the success of children's educations is their family background, including the relationships they develop with their parents.¹ Young children need time at home with their families to develop these relationships and to benefit from the multitude of learning opportunities that everyday life offers them. I am NOT saying that WPA thinks everyone should homeschool. I am simply saying that young children benefit from spending as much time as possible with their families before they enter first grade. Therefore, WPA opposes the widespread increasing pressure to institutionalize younger children, including four-year-old and even three-year-old kindergarten. While this bill does not mention three and four year olds, it still represents another step in increasing early childhood education.

In addition, when young children spend time with their families, families are strengthened. Family bonds are forged. Parents understand their children better and are in a better position to make good decisions. Parents take responsibility for their children, reducing the need for social service agencies. Because the family is the basic unit of all known societies, strong families play a vital role in our nation's present and future. When children are institutionalized at young ages instead of spending most of their time with their families, the results are harmful to both children and families.²

But, some people argue, we need early childhood education for the benefit of children who don't have strong homes and families, who are victims of poverty and other social ills. I agree that these serious and tragic problems should be addressed. But if that is really our goal, let's address those problems directly. Let's not try to solve them by requiring all children attend school at earlier ages.

Support for addressing social problems directly rather than through increased early childhood education comes from a study done at the University of California in Santa Barbara. This study indicates that the most significant gains experienced by children who attend kindergarten occur among students from low income families, but those gains are attributed not to kindergarten classes but to supplemental programs to assist low income families. The researcher concludes that tax dollars are better spent by providing support to poor families than by providing or requiring kindergarten for all children.³

In addition to the opportunities that children who attend school before age 6 miss with their families, WPA is concerned about the effects that institutionalization has on them. Institutionalization is by its very nature challenging for people, whether they are in a large workplace, a hospital, a prison, or a school. People simply function better in small groups where they have more freedom and more control. Given their understandable lack of maturity, institutionalization is especially hard on young children. Adjusting to being away from home and family, among a large group of strangers who (except for the teacher) are all the same age, in an unfamiliar setting, poses difficulties for them and leaves them less energy to focus on learning. When children can spend more time at home with their families, they have a chance to grow and mature in their own ways, according to their own timetables. They are better prepared for school and have a much easier time adjusting. In countries such as Finland and Denmark, children begin learning to read and write in school at age seven and soon score well on tests.

If the US spent the money that is currently funding early childhood education on increased tax deductions and tax credits for dependent children, more parents would be able to be home with their young children rather than being forced to work and send their children to daycare or school.

For these reasons and more, WPA opposes increased early childhood education and opposes this bill because it represents yet another step in that direction.

In case this bill is not defeated in its entirety, I would like to address several specific points in it.

Problems with Requiring Kindergarten Attendance and Charging Kindergarteners with Truancy

The main purpose of this bill seems to be to ensure that children attend kindergarten regularly by making it a prerequisite for first grade and requiring that truancy laws currently covering children six and over be enforced for children enrolled in kindergarten.

However, there is little evidence that truancy in kindergarten is a major problem. Kindergarten teachers who testified at the hearing before the Assembly Education Committee on March 17 said that only a few students miss enough classes to cause a problem.

This bill would subject kindergarteners who miss five or more days or partial days of school in one semester to the same penalties for truancy as are currently being applied to children six and older. This would be a big mistake. Since there is little evidence that truancy in kindergarten is a problem for very many children, and since the importance of regular attendance could be reduced by reducing

academic requirements, penalties for truancy are unnecessary and likely to be harmful. These penalties are clearly not working for older children. Since new, harsher definitions of truancy and penalties took effect in 1998-1999, the number of habitual truants has increased from 74,569 to 84,713 in 2007-2008. During this time, the truancy rate has increased from 8.7% to 10.1%.

In addition to not working, harsh truancy laws often increase the antagonism between parents and students on one hand and teachers and school administrators on the other. Children's educations suffer as a result.

Another way to solve the supposed problem of truancy in kindergarten is to reduce academic requirements so children can cover the required material without needing to attend every single day. The idea that children need to learn more at younger ages so the US can compete in the global economy is wrongheaded. To be sure, with considerable effort, five year olds can be taught to count to 100 and perform similar measurable tasks. But this does not mean that such activities increase their overall education. In fact, it is generally much easier for children to learn such tasks at older ages, something they often do on their own without being taught. Such experiences increase children's confidence in their ability to learn and their enjoyment of learning, something that is vital to their future educations. Since almost all children can count to 100 by age eight, does it matter if they learned when they were three, or four, or five, or even six or seven? In fact, given the stress that accompanies forced learning at earlier ages, allowing children to learn when they are ready is clearly the best approach, especially since the forced gains made in kindergarten are lost by third grade.⁴

Reducing the pressure on both kindergarten teachers and students would remove the need to impose penalties for truancy, allowing kindergarten to be a helpful, gradual transition from home to first grade. I realize that kindergarten teachers, understandably, would like each student to come to school every day, ready to learn. Since human frailty, especially when coupled with the young ages of kindergarteners, makes this impossible, isn't everyone better off if kids who are not ready to learn on a given day simply do not come to school, disrupt the class, and take up the teacher's time? Some people argue that allowing reasonable absences would give children the idea that they only have to attend school on days when they feel like it. On the contrary, not being forced to go to kindergarten every day would make school a more positive experience for children and enhance their learning. It is more important for children to have a positive experience in school and look forward to future attendance and learning than for them to master certain rote tasks like counting to 100 that they may simply not be ready to learn. We need to remember that children grow and develop as they get older. What they do as five year olds is not what they will do as eighteen year olds, or even as six year olds.

If our real goal is to help the children who are missing many days of kindergarten because they come from homes that lack the resources to get them to school regularly, let's figure out a better way to do it than requiring that ALL children attend kindergarten. An old legal maxim states that "Hard cases make bad law." In other words, a law designed to take care of the worst case is almost certain to be long, difficult to enforce, and more likely to prevent good people from doing good than bad people from doing bad. This bill is an example of a bad law based on a few hard cases.

In sum, WPA is strongly opposed to making kindergarten a prerequisite for first grade and applying Wisconsin's current harsh and ineffective truancy laws to children enrolled in kindergarten.

Cost to Taxpayers of Increased Screening and Labeling of Children

WPA's second major concern with this bill is its cost to taxpayers and to young children and their families. To be sure, because almost all five year olds currently attend kindergarten voluntarily, should this bill pass, the increase in the total number of kindergarteners would be small. However, making the completion of kindergarten a prerequisite for first grade would inevitably lead to more preschool screenings, more children being diagnosed as having "learning disabilities" and other disorders, and more special education classes. Because costs of special education are so much greater than those of standard education, the cost to taxpayers would be great very large and on-going.

Let me make it very clear that I am not talking about special education programs for children whose needs are obvious and clearly detectable without screenings, including children who are visually impaired, have severe hearing loss, etc. Our concern is that with increased pressure in kindergarten, many normal children who simply need more time to mature physically, neurologically, mentally, emotionally, and/or socially will be incorrectly and unnecessarily labeled at great cost to taxpayers, children, families, and society. Several reasons support this concern:

- An enormous natural variation exists among children whose age makes them eligible for five-year-old kindergarten. Their ages span a full year, from September 2nd of one year to September 1st of the following year. While this age span exists in every grade, the younger children are, the larger the proportion of children's lives it covers and thus the more serious a problem it becomes. Studies show that well-educated parents of children born during June, July, and August often delay their entry into school for a year so they can enjoy the advantages of being among the oldest rather than suffering the disadvantages of being the youngest.⁵

Furthermore, this bill deliberately does not lower the compulsory school age to five to allow parents this choice, a thoughtful provision that WPA appreciates. Unfortunately, children who have summer birthdays and come from low income homes are more likely to be enrolled in school as soon as they are eligible because their parents are under so much pressure to work. These children suffer the double disadvantages of low incomes and being young. Because there are fewer advantaged children their ages in school to provide a point of comparison, the lower income children are more likely to be labeled as disabled when in fact they are simply appropriately mature for their ages but immature compared to older children.

- We need to provide schools that meet children's needs, not try to force children into behaviors that meet the needs of schools. Current attempts to get kids to do things they are not yet physically, mentally, or socially mature enough to do results in increased labeling and destruction of young children.

- Boys are far more likely to be labeled than girls.⁶ Of course, there are individual variations, and stereotyping based on gender or sex is risky. But schools are designed to require and reward compliant children who sit quietly, do as they are told, and learn well through reading and writing. This behavior is more typical of girls than boys, especially when they are young. A much larger proportion of boys than girls are labeled, placed in special education, and drugged. By definition, one cannot claim that a large proportion of boys are abnormal. Isn't it obvious that there is something wrong with our current definition of normal, especially as it applies to boys?

- Screening, diagnosis, and treatment of so-called learning disabilities is far from an exact science. In fact, books, article, and websites document the many problems associated with current diagnosis and treatment.⁷ In addition, many parents have watched their children fail to perform tasks during a screening that they regularly do at home, perhaps because they are overwhelmed by the unfamiliar setting and pressure.

- Drugging often accompanies labeling. Despite strong evidence of the dangers of drugs like Ritalin, their use is increasing. Drug use often results more from clever propaganda and lobbying by the drug companies than children's needs.⁸

- WPA's greatest concern about labeling is the cost in human terms to children who are incorrectly labeled and stigmatized and to their families. Many of these incorrect diagnoses become self-fulfilling prophecies from which children and their families do not recover. The loss of confidence alone makes learning more difficult for children who have been labeled. Drugging these children with Ritalin and other substances compounds these problems.

Finally, an additional potential cost to taxpayers comes from the probability that parents will sue school boards that decide to retain their children in kindergarten.

This situation would be especially difficult if one school district decided one way and, under open enrollment, another district decided differently. In addition, subjective claims and decisions like these make lawyers wealthy.

Conclusion

In conclusion, since at present most parents voluntarily enroll their children in kindergarten and send them to school regularly, this bill is at best unnecessary. Worse, it will undoubtedly create problems for children, their families, and schools and cost taxpayers a great deal of money in the long run. The problem it is apparently trying to solve, that is, educating children from unstable, low income homes, certainly needs to be addressed. But requiring that all children attend kindergarten regularly is not an effective way to do so.

Instead of spending more money on early childhood education, labeling, special education, and drugs, let's put more money into supporting families by increasing tax deductions and tax credits for dependent children so more parents can afford to stay home with their children. Let's inform parents of what researchers are saying about the critical importance of parents to children's ability to learn. Parents can then give their children the kind of solid start in life that is only possible within a strong and stable family. Children will be more ready for school at appropriate ages and will receive better educations. Families will be stronger, and, as a result, so will our nation.

Footnotes

¹ For examples, see the following research that covers a span of over 40 years.

In 1966, James Coleman's *Equality of Educational Opportunity* reported that the difference in academic achievement between black and white students is much more strongly influenced by their family background than by the quality of the schools they attend.

Since Coleman's study, many others have attempted to determine whether school variables such as per pupil expenditure, teacher training, etc. correlate positively with student achievement. Those that are statistically significant have consistently been shown not to demonstrate a positive correlation. For example, in 1986, Eric Hanushek compared the results of 147 studies of academic achievement. He showed that any number of school related variables cannot be shown to correlate positively with student achievement. Variables included teacher/pupil ratio, teacher education, teacher experience, teacher salary, time on task, and expenditure per pupil. He also concluded that, "Family background is clearly very important in explaining differences in achievement. Virtually regardless of how measured, more educated and more wealthy parents have children who perform better on average." This important and highly regarded article continues to be cited by both liberals and conservatives. See "The Economics of Schooling: Production and Efficiency in Public Schools," *Journal of Economic Literature*, Vol. 24, Issue 3 (Sept. 1986), pp. 1141-1177. To download, go to <http://www.caldercenter.org/about/HanushekPubs.cfm> and click on title of article.

As recently as July 17, 2008, the *Christian Science Monitor* published an op ed piece by Walt Gardner titled, "Do better schools help the poor?" <http://www.csmonitor.com/2008/0717/p09s02-coop.html> It cites a report released in June, 2008 by the Economic Policy Institute that demonstrates that schools are limited in what they can accomplish. According to the report, what is needed for students from disadvantaged backgrounds to succeed is investment in health care, parental support, and community involvement.

² Michael Baker, Jonathan Gruber, and Kevin Milligan. "Universal childcare, maternal labor supply, and family well-being" NBER Working Paper No. 11832, 2005.

<http://www.nber.org/papers/w11832>

From the abstract: "Finally, we uncover striking evidence that children [who were cared for at young ages through state supported childcare] are worse off in a variety of behavioral and health dimensions,

ranging from aggression to motor-social skills to illness. Our analysis also suggests that the new childcare program led to more hostile, less consistent parenting, worse parental health, and lower-quality parental relationships.”

Jay Belsky. “Emanuel Miller Lecture: Developmental Risks (Still) Associated with Early Child Care.” *Journal of Child Psychology and Psychiatry* (2001), 42:7:845-859 Cambridge University Press

³ Elizabeth Dhuey. “Who Benefits from Kindergarten? Evidence from the Introduction of State Subsidization.” Department of Economics, University of California, Santa Barbara, January, 2007. <http://web.uvic.ca/econ/Dhuey.pdf>

From the Conclusion: “Overall, the finding that only the select groupings of children gain from kindergarten attendance is important because it suggests that targeting early childhood interventions for the most affected children would yield significantly more benefits per tax dollar spent than providing publicly funded schooling for all.”

⁴ Jill Cannon, Alison Jacknowitz, and Gary Painter. “Is Full Better than Half? Examining the Longitudinal Effects of Full-Day Kindergarten Attendance” RAND Working Paper Series No. WR-266, 2005. Source: *Journal of Policy Analysis and Management*, v25 n2 p299-321, Spr 2006. http://www.eric.ed.gov:80/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?_nfpb=true&_ERICExtSearch_SearchValue_0=EJ759360&ERICExtSearch_SearchType_0=no&accno=EJ759360 Abstract: “Kindergarten policy varies widely both across and within states. Over the past decade, a number of states have instituted a full-day kindergarten requirement and others are considering it as a way to increase educational achievement. Many parents also support full-day kindergarten as a source of child care. This paper uses the Early Child Longitudinal Study-Kindergarten Class of 1998-1999 to evaluate the efficacy of this policy. In ordinary least squares, probit, county fixed effects, and instrumental variables models, we find that there are initial benefits for students and the mothers of students who attend full-day kindergarten, but that these differences largely evaporate by third grade. Contrary to claims by some advocates, attending full-day kindergarten is found to have no additional benefit for students in families with income below the poverty threshold.”

⁵ Kelly Bedard and Elizabeth Dhuey. “The Persistence of Early Childhood Maturity: International Evidence of Long-Run Age Effects.” *Quarterly Journal of Economics* 121(4), February 2006. Abstract: “A continuum of ages exists within each starting class due to the use of a single school cut-off date – making the “oldest” children approximately twenty percent older than the “youngest” children at school entry. We provide substantial evidence that these initial maturity differences have long lasting effects on student performance across OECD countries. In particular, the youngest members of each cohort score 4-12 percentiles lower than the oldest members in grade four, and 2-9 percentiles lower in grade eight, depending upon the country. In fact, data from Canada and the United States shows that the youngest members of a cohort are even less likely to enroll in pre-university academic track courses and high-end academic universities. Taken together, these findings point to important early relative maturity effects that propagate themselves into adulthood through the structure of education systems.”

⁶ Bedard and Dhuey, op cit.

Dan Kindlon and Michael Thompson. *Raising Cain: Protecting the Emotional Life of Boys*. Ballantine Books, 1999.

⁷ Thomas Armstrong. *In Their Own Way: Discovering and Encouraging Your Child's Multiple Intelligences*. Rev ed. J. P. Tarcher/Putnam, 2000. Criticisms of special education by a former teacher of “learning disabled” children.

Gerald Coles. *The Learning Mystique: A Critical Look at “Learning Disabilities.”* Pantheon Books, 1987.

⁸ Marcia Angell. “Drug Companies and Doctors: A Story of Corruption.” *The New York Review of Books*, Volume 56, Number 1, January 15, 2009.

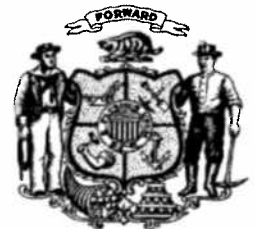
Benedict Carey and Gardiner Harris, "Psychiatric Group Faces Scrutiny Over Drug Industry Ties." NYTimes.com, July 12, 2007.

<http://www.nytimes.com/2008/07/12/washington/12psych.html?pagewanted=1&r=2>

From the article: "An analysis of Minnesota data by *The New York Times* last year found that on average, psychiatrists who received at least \$5,000 from makers of newer-generation antipsychotic drugs appear to have written three times as many prescriptions to children for the drugs as psychiatrists who received less money or none. The drugs are not approved for most uses in children, who appear to be especially susceptible to the side effects, including rapid weight gain."



WISCONSIN STATE LEGISLATURE





WISCONSIN CATHOLIC CONFERENCE

TO: State Senator John Lehman, Chair
Members, Senate Committee on Education

FROM: Kim Wadas, Associate Director

DATE: July 7, 2009

RE: Senate Bill 89, Five-Year-Old Kindergarten

While the Wisconsin Catholic Conference (WCC) has not taken a position on this legislation, we do want to seek clarification on how the bill may apply in certain cases.

As written, the bill allows parents of private school children to opt to forgo formal completion of five-year-old-kindergarten and instead engage in the early instruction of their child through other alternatives. The WCC supports and appreciates such flexibility.

However, we can foresee a scenario in which a parent chooses to forgo enrollment in five-year-old kindergarten under the presumption that the child would attend a private school for first grade, but due to intervening factors, such as loss of income, etc., was unable to enroll the child in a private school as planned.

Such a scenario prompts us to ask: 1) would the parent be able to seek enrollment for their child in first grade at a public school as a six-year-old? Or, 2) would the child be required to complete five-year-old kindergarten (as a six-year-old) rather than enroll in first grade?

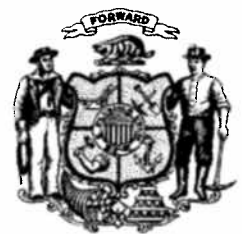
We think parents will find clarification on this point helpful as the bill proceeds through the legislative process.

Thank you for any insight you can share regarding this inquiry.

Cc: State Senator Spencer Coggs



WISCONSIN STATE LEGISLATURE



14 other states

300 SE

Date?



Spencer Coggs

State Senator

Mister Chair and Members,

only a few hundred 5 year olds do not go to kindergarten

Thank you for having this public hearing on Senate Bill 89 as well as the substitute amendment. As the Senate author of this legislation, I am pleased to appear before you to explain the merits of this legislation.

Did you know that in Wisconsin, enrollment in and completion of kindergarten is not required? It is required that all school districts offer the level of instruction known as 5 year old kindergarten and that there is compulsory attendance for children aged 6 to 18. This bill will not change the 6 to 18 year old compulsory attendance age. Beginning in the 2011-12 school year, with certain exceptions, this substitute amendment requires a child to complete 5 year old kindergarten as a prerequisite to being admitted to first grade in a public or charter school. The amendment also includes an automatic exemption for students who move to Wisconsin from a state, territory, or country that does not require kindergarten. To allow latitude for special circumstances, the amendment requires local school boards to establish policies and procedures for parents to seek an exemption. It also requires that an appeals process be established for parents to request review of the school boards decision. Finally, the bill does not discriminate between full and half day kindergarten for fulfilling the requirement.

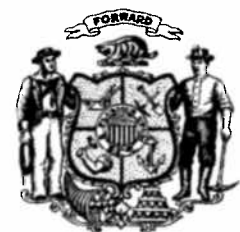
Kindergarten has a long history in the State of Wisconsin as it was the first state in the country to offer it beginning in 1856 in Watertown. Education professionals know that kindergarten is a learning experience with both academic and social value. Children who attend kindergarten develop skills and competencies that prepare them for first grade and beyond high school into adulthood. A University of California study found that kindergarten also reduces later grade failure by 27% for African-American children, 15% for Caucasian children, and 35% for children of low-income families. The study also shows an increase of wages in adulthood of 4% by African-American children who attended kindergarten. 14 other states currently require kindergarten instruction: Arkansas, Connecticut, Delaware, Louisiana, Maryland, Nevada, New Mexico, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia.

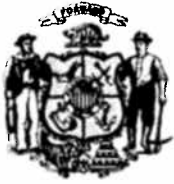
It is hard to judge exactly how many children and families this bill may affect. Wisconsin currently requires school districts to offer kindergarten so it is rare that parents do not send their children to kindergarten. The U.S. Department of Education reports an increase of 314 enrolled students between kindergarten in the 2005-2006 school year and first grade the following school year. Those 314 additional students may have moved from out of state or their parents may simply have not enrolled them in kindergarten. Whatever the reason, the small number of additional students should not be difficult to incorporate after passage of this bill.

Again, thank you for your consideration of SB 89 and the substitute amendment. I look forward to your support of this bill that will continue and strengthen Wisconsin's historic commitment to kindergarten.



WISCONSIN STATE LEGISLATURE





**SENATE SUBSTITUTE AMENDMENT ,
TO 2009 SENATE BILL 89**

- Students moving into WI
- Sec 5 amended - Removes criteria
- dumped lang on having to prove stuff for the exemption
- "allowing" policies for exemptions to "requiring"

1 AN ACT *to amend* 118.16 (2) (cg) 1., 118.16 (2) (cg) 4., 118.165 (1) (e) and 938.345
2 (2); and *to create* 118.15 (1) (am) and 118.33 (6) (c) of the statutes; **relating to:**
3 requirements for pupils enrolled in five-year-old kindergarten.

Analysis by the Legislative Reference Bureau

Under current law, attendance in school is compulsory for children between the ages of six and 18. A child who has reached the age of four years may enroll in four-year-old kindergarten if the school district in which the child resides operates a four-year-old kindergarten program, and a child who has reached the age of five years may enroll in five-year-old kindergarten. However, enrollment in and the completion of kindergarten is not required.

Beginning in the 2011-12 school year, with certain exceptions, this substitute amendment requires a child to complete five-year-old kindergarten as a prerequisite to being admitted to first grade in a public school, including a charter school. The substitute amendment requires a school board and the operator of an independent charter school to establish procedures, conditions, and standards for the parent or guardian of a child to seek an exemption from the requirement that the child complete kindergarten and to seek review of a decision by the school board or operator of the independent charter school to deny an exemption. The substitute amendment also requires a child who is enrolled in five-year-old kindergarten in a public or private school to regularly attend kindergarten during the school year.

Finally, the substitute amendment requires a school board and the operator of an independent charter school to enroll in the first grade a child who has not completed kindergarten but is otherwise eligible to be enrolled in first grade if that child moves into Wisconsin from a state, country, or territory in which completion of kindergarten is not a prerequisite to entering first grade or if the child was exempted from the requirement to complete kindergarten in the state, country, or territory from which the child moved.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.15 (1) (am) of the statutes is created to read:

2 118.15 (1) (am) Except as provided under par. (d), unless the child is excused
3 under sub. (3), any person having under his or her control a child who is enrolled in
4 5-year-old kindergarten shall cause the child to attend school regularly, religious
5 holidays excepted, during the full period and hours that kindergarten is in session
6 at the public or private school in which the child is enrolled until the end of the school
7 term.

8 **SECTION 2.** 118.16 (2) (cg) 1. of the statutes is amended to read:

9 118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under
10 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

11 **SECTION 3.** 118.16 (2) (cg) 4. of the statutes is amended to read:

12 118.16 (2) (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be
13 imposed on the parent or guardian if he or she fails to cause the child to attend school
14 regularly as required under s. 118.15 (1) (a) and (am).

15 **SECTION 4.** 118.165 (1) (e) of the statutes is amended to read:

16 118.165 (1) (e) The program is not operated or instituted for the purpose of
17 avoiding or circumventing the compulsory school attendance requirement under s.
18 118.15 (1) (a) and (am).

1 **SECTION 5.** 118.33 (6) (c) of the statutes is created to read:

2 118.33 **(6)** (c) 1. Except as provided in subds. 2. and 3., beginning on September
3 1, 2011, a school board may not enroll a child in the first grade in a school in the school
4 district, including in a charter school located in the school district, unless the child
5 has completed 5-year-old kindergarten. Each school board that operates a
6 5-year-old kindergarten program shall adopt a written policy specifying the criteria
7 for promoting a pupil from 5-year-old kindergarten to the first grade.

8 2. Each school board that operates a 5-year-old kindergarten program shall
9 establish procedures, conditions, and standards for exempting a child from the
10 requirement that the child complete kindergarten as a prerequisite to enrollment in
11 the first grade and for reviewing the denial of an exemption upon the request of the
12 pupil's parent or guardian.

13 3. A school board that operates a 5-year-old kindergarten program shall enroll
14 in the first grade a child who has not completed kindergarten but who is otherwise
15 eligible to be admitted to and to enroll in first grade as a new or continuing pupil at
16 the time the child moves into this state if one of the following applies:

17 a. Before either commencing or completing first grade, the child moved into this
18 state from a state, country, or territory in which completion of 5-year-old
19 kindergarten is a prerequisite to entering first grade and the child was exempted
20 from the requirement to complete 5-year-old kindergarten in the state, country, or
21 territory from which the child moved.

22 b. Before either commencing or completing first grade the child moved into this
23 state from a state, country, or territory in which completion of 5-year-old
24 kindergarten is not a prerequisite to entering first grade.

1 4. Except as provided in subds. 5. and 6., beginning on September 1, 2011, the
2 operator of a charter school under s. 118.40 (2r) may not enroll a child in the first
3 grade in the school unless the child has completed 5-year-old kindergarten. Each
4 operator of a charter school under s. 118.40 (2r) that operates a 5-year-old
5 kindergarten program shall adopt a written policy specifying the criteria for
6 promoting a pupil from 5-year-old kindergarten to the first grade.

7 5. Each operator of a charter school under s. 118.40 (2r) that operates a
8 5-year-old kindergarten program shall establish procedures, conditions, and
9 standards for exempting a child from the requirement that the child complete
10 kindergarten as a prerequisite to enrollment in the first grade and for reviewing the
11 denial of an exemption upon the request of the pupil's parent or guardian.

12 6. The operator of a charter school under s. 118.40 (2r) that operates a
13 5-year-old kindergarten program shall enroll in the first grade a child who has not
14 completed kindergarten but who is otherwise eligible to be admitted to and to enroll
15 in first grade as a new or continuing pupil at the time the child moves into this state
16 if one of the following applies:

17 a. Before either commencing or completing first grade, the child moved into this
18 state from a state, country, or territory in which completion of 5-year-old
19 kindergarten is a prerequisite to entering first grade and the child was exempted
20 from the requirement to complete 5-year-old kindergarten in the state, country, or
21 territory from which the child moved.

22 b. Before either commencing or completing first grade the child moved into this
23 state from a state, country, or territory in which completion of 5-year-old
24 kindergarten is not a prerequisite to entering first grade.

25 **SECTION 6.** 938.345 (2) of the statutes is amended to read:

