

MEMORANDUM

To: School Superintendents, Chief Financial Officers, and Principals

From: Ken Folks, Chief Academic Officer

Date: April 20, 2018

Re: HEA 1001 (2018) – Kindergarten ADM

KINDERGARTEN ENTRANCE

Background:

During the 2018 Indiana General Assembly, a change occurred in the kindergarten admission statute that impacts which students will count towards a school's ADM. House Enrolled Act HEA 1001 (2018) states:

SECTION 5. IC 20-43-4-5, AS AMENDED BY P.L.213-2015, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. In determining ADM, each kindergarten pupil **who is at least five (5) years of age on August 1 of a school year** shall be counted as:

- (1) one (1) pupil, if the pupil is enrolled in a full-day kindergarten program; or
- (2) one-half (1/2) pupil, if the pupil is enrolled in a half-day kindergarten program.

If a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. **A kindergarten pupil who is not at least five (5) years of age on August 1 of a school year may not be counted.**

This change means that if a school enrolls, in the manner outlined above, a student who is less than five years of age on August 1, the school may not receive state tuition support for that student. This is a legislative change, which takes effect immediately.

Guidance:

Notwithstanding this requirement, the governing body of a school may adopt an appeal process for families requesting early entrance for a student who will be less than five years of age on August 1. The policy should attempt to adopt criteria for admission and use an assessment to assist in the decision. Further in this document, the Indiana Department of Education (Department) has included guidelines to assist each governing body that decides to adopt a procedure for making appeals to the superintendent.

As a reminder, per HEA 1001 (2018), if a student is less than five years of age on August 1 and is admitted into a kindergarten program under such an appeal policy, the public school may not count the student on the school's ADM and will not receive tuition support for that student.

Another necessary clarification is the meaning of mandatory and required as pertaining to kindergarten attendance. A student is not required to first be enrolled in kindergarten. However, if a student is enrolled into kindergarten, that student is subject to the attendance laws of the state. This means the student will be required to attend for either a half or full day depending on the enrollment determination made by the school.

GUIDELINES FOR EARLY ENTRANCE APPEAL PROCESS

Each school corporation may establish a procedure for parents to appeal to the superintendent for early entrance or admission of transfer students affected by the kindergarten age requirements. The following should guide local school corporations in establishing an appeal procedure:

- No parent/guardian should be required by a school corporation to incur any cost for appealing an entrance decision.
- Early kindergarten entrance should not be based on a single assessment score or pre-established lists of skills that a child must have “mastered”. Standardized norm-referenced achievement tests are not appropriate for evaluating individual children at this age.
 - If a district chooses to use assessment as part of the appeal process for early entry into kindergarten, the decision should not be based on a single test/assessment score or list of skills and should be based on a variety of sources of information.
- Any decision to approve a parent/guardian request for early entrance should be based upon what is in the best interest of the child.

CRITERIA FOR ADOPTING MODEL ASSESSMENT FOR DETERMINING INITIAL PLACEMENT

Under compulsory attendance laws, the 1991 legislation required the Department to develop criteria (that follows) for school corporations to use in adopting assessment procedures for kindergarten or first grade placement of children coming to school for the first time (during the school year of their seventh birthday).

The law does not require a child to be six years of age on or before August 1 to be eligible for first grade; it does not establish a statewide entrance eligibility date for first grade at all. School corporations have the authority and responsibility to enroll a student in the appropriate grade based on educational factors on an individualized basis [I.C. 20-33-2-7 (b)].

If a student enrolls in school and has not attended kindergarten, the district superintendent shall make a determination as to whether the student shall enroll in kindergarten or first grade based on the particular model assessment adopted by the governing body of the district [IC 20-33-2-7 (b)]. The following criteria are suggested for use in making decisions regarding assessment

procedures for determining kindergarten or first grade placement for children entering school for the first time:

- It should be understood that children coming to school are at various developmental levels.
- Decisions having a major impact on children, such as enrollment into first grade and assignment to remedial or special classes, should be based on a variety of sources of information (not all of which will be objective) and should never be based on a single assessment score or sole criterion.
- A district may use an instrument aligned to the Indiana Academic Standards for kindergarten as a base for deciding enrollment into first grade. Any assessment tool selected should be documented as valid and reliable and administered with fidelity.

Some corporations interview the parents and child and come to a joint decision as to the child's best placement. When issues other than age are considered, the solution that meets the best interest of the child's education should drive the decision. All districts should review their appeal process annually.

CHARGING TUITION FOR KINDERGARTEN STUDENTS WHO ARE LESS THAN FIVE YEARS OF AGE

Public school corporations and charter schools likely will consider the question of whether schools may charge tuition to students who are not at least five years of age on August 1. This is a question that is not immediately resolved by statute and one that likely involves a complicated analysis of state constitutional and statutory laws. Public school corporations and charter schools should consult with their school's counsel before making any determination with respect to charging tuition for kindergarten students who are not five years of age by August 1 of the year the student is enrolled into kindergarten.

Thank you for the important role you play in ensuring that a child's early school experience is a positive and rewarding one. Should you have any questions regarding this information please reach out to the following individuals:

General Questions	Erin Kissling eksisling@doe.in.gov 317-234-6523
ADM Questions	Melissa Ambre mambre@doe.in.gov 317-232-0841
Special Education Questions	Brandon Myers bmyers@doe.in.gov 317-232-9144