

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Preschool and kindergarten readiness.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to children; requiring preschools to be
2 certified by the department of family services; requiring
3 preschools to administer a kindergarten readiness program;
4 providing required curriculum for a kindergarten readiness
5 program; prohibiting false or misleading advertising
6 relating to preschools; providing definitions; providing a
7 penalty; making conforming amendments; specifying
8 applicability; requiring rulemaking; and providing for
9 effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

1 **Section 1.** W.S. 14-4-101(a)(vi)(intro), (K) and by
2 creating new paragraphs (viii) and (ix), 14-4-102(a) and by
3 creating new subsections (c) and (d), 14-4-103(c)(i) and
4 (iii), 14-4-104(a), 14-4-110, 14-4-111, and 21-4-302 by
5 creating a new subsections (g) and (h) are amended to read:

6

7 **14-4-101. Definitions.**

8

9 (a) As used in W.S. 14-4-101 through 14-4-115:

10

11 (vi) "Child caring facility" means any person
12 who operates a business to keep or care for any minor at
13 the request of the parents, legal guardians or an agency
14 which is responsible for the child. ~~and includes~~ "Child
15 caring facility" ~~shall not include a preschool.~~ "Child
16 caring facility" ~~shall include~~ any of the following
17 privately operated facilities:

18

19 (K) Day or hourly nurseries, nursery
20 schools, ~~or~~ or kindergartens ~~or any other preschool~~
21 ~~establishment~~ not accredited by the state board of
22 education;

23

1 (viii) "Kindergarten ready" means a child who is
2 ready for kindergarten who can:

3

4 (A) Verbally recite one (1) or more of the
5 child's parent's or guardian's names and identify one (1)
6 or more characteristic about the child's parent or
7 guardian;

8

9 (B) Demonstrate appropriate classroom
10 behavior when receiving individualized instruction or
11 instruction in a group setting including being respectful
12 of teachers and peers;

13

14 (C) Peacefully resolve disputes and
15 conflicts with peers;

16

17 (D) Verbally recite the alphabet;

18

19 (E) Identify upper and lower case letters;

20

21 (F) Verbally count numbers one (1) through
22 thirty (30) and read numbers one (1) through ten (10);

23

1 (G) Identify primary colors and correctly
2 identify a color with an object;

3
4 (H) Appropriately use writing instruments
5 including pencils.

6
7 (ix) "Preschool" means an educational program
8 that provides instruction to children who have not enrolled
9 in school and who are less than seven (7) years of age.

10 "Preschool" shall not include a preschool program provided
11 by a school district under W.S. 21-4-302(c).

12
13 *****
14 *****

15 **STAFF COMMENT**
16 **The Committee may wish to consider amending the definitions**
17 **of "kindergarten ready" and "preschool."**

18
19 **There are a few other states that provide a definition of**
20 **kindergarten readiness or school readiness including**
21 **Kentucky, Louisiana, Maryland, South Carolina, and West**
22 **Virigina. Here are a few examples:**

23
24 **South Carolina (S.C. Code Ann. § 59-152-25)**
25 (G) "School readiness" means the level of child
26 development necessary to ensure early school success as
27 measured in the following domains: physical health and
28 motor skills; emotional and social competence; language and
29 literacy development; and mathematical thinking and
30 cognitive skills. School readiness is supported by the
31 knowledge and practices of families, caregivers, healthcare
32 providers, educators, and communities.

33

1 **Louisiana (28 La. Admin. Code Part CLXVII. § 305)**

2 A. Children who are ready for kindergarten are expected to
3 demonstrate:

4 1. cognitive abilities, which include knowledge and
5 skills in:

6 a. early literacy, such as phonological
7 awareness, print concepts, alphabetic understanding,
8 vocabulary, listening comprehension, and emergent writing;

9 b. basic numeracy concepts, such as rote
10 counting and number awareness, sorting, classifying,
11 comparing, patterning, and spatial relationships;

12 2. basic science concepts, such as making
13 observations, exploring the world using their senses, and
14 using appropriate scientific vocabulary related to topics;

15 3. basic social studies concepts, such as self
16 awareness and their relationship to family and community,
17 and an awareness of money and time;

18 4. response to and participation in music, movement,
19 visual and dramatic arts experiences and activities;

20 5. abilities, either assisted or unassisted, that show
21 an awareness of health, hygiene, and environmental hazards,
22 in addition to gross and fine motor skills;

23 6. social and emotional competencies, including self
24 regulation, self-identity, self-reliance, respect for
25 others, and interpersonal skills; and

26 7. approaches to learning, such as reasoning and
27 problem-solving, engagement, persistence, and eagerness to
28 learn.

29

30 **Other states have taken different approaches including:**

31 • **Setting indicators of readiness which are measured by**
32 **a kindergarten entry assessment (Delaware, Illinois,**
33 **North Carolina, Oregon, and Texas).**

34 • **Requiring the state education agency to set standards**
35 **for school readiness (Connecticut and Florida).**

36 • **Authorizing the state board to adopt a definition of**
37 **school readiness but sets minimum requirements for the**
38 **definition (Colorado).**

39

40 **In Wyoming, W.S. § 21-4-302(e) requires school districts**
41 **providing a preschool program to assess through the fourth**
42 **grade, when practical, the school readiness and academic**
43 **performance of students who participated in the preschool**
44 **program as compared with those who did not. Before 2019,**

1 school districts used the Instructional Foundations for
 2 Kindergarten (IF-K), a kindergarten readiness assessment,
 3 to assess its students and reported these assessment
 4 results to the Wyoming Department of Education through the
 5 WDE453 kindergarten data collection. The WDE was then
 6 required to report these assessment results to the Joint
 7 Education Interim Committee (JEC). In 2019 Wyoming Session
 8 Laws ch. 102, the Legislature removed the requirements that
 9 the school districts report the results of the assessment
 10 to the WDE and the WDE reports to the JEC. As a result, the
 11 WDE ended the WDE453 data collection and subsequently no
 12 longer funded the IF-K contract. W.S. 21-4-302(e) still
 13 requires that schools districts providing a preschool
 14 program assess the school readiness of students but, school
 15 districts may select their own assessment to meet this
 16 statutory assessment requirement.

17 *****
 18 *****
 19

20 14-4-102. Certification required; exceptions;
 21 kindergarten readiness program.

22
 23 (a) All preschools and child caring facilities except
 24 those excluded in subsection (b) of this section, are
 25 required to be certified by the certifying authority before
 26 exercising care, custody or control of any minor.

27
 28 (c) The certifying authority shall not certify a
 29 preschool unless the preschool administers a kindergarten
 30 readiness program designed to ensure children entering
 31 kindergarten are kindergarten ready.

32

1 (d) The certifying authority shall certify preschools
2 in consultation and coordination with the local school
3 district.

4

5 **14-4-103. Certification board; establishment;**
6 **composition; appointment of lay members; duties.**

7

8 (c) The board shall:

9

10 (i) Designate investigators to investigate any
11 child caring facility and preschool within the provisions
12 of W.S. 14-4-101 through 14-4-111;

13

14 (iii) Act as an advisor to the state in all
15 matters pertaining to child care programs, preschool
16 programs, preschool licensing and child care facility
17 licensing.

18

19 **14-4-104. Certification; application; standards;**
20 **notification to certify or refuse; term.**

21

1 (a) Application for certification of a child caring
2 facility and a preschool within W.S. 14-4-101 through 14-4-
3 111 shall be made to the certifying authority.

4

5 *****
6 *****

7 STAFF COMMENT

8 For the Committee's reference, a preschool would still be
9 required to comply with the provisions of W.S. 14-4-101
10 through 14-4-111 in addition to administering a
11 kindergarten readiness program. A preschool would be
12 certified if a preschool administers a kindergarten
13 readiness program and complies with the following standards
14 outlined in W.S. 14-4-104(b) which is provided below:

15

16 (b) A certificate shall be issued upon compliance
17 with the following standards:

18

19 (i) Good moral character of the applicant, his
20 employees and any other person having direct contact with a
21 child under the care, custody or control of the applicant;

22

23 (ii) Practical experience, education or training
24 of the applicant in child care and treatment;

25

26 (iii) Uncrowded, safe, sanitary and well
27 repaired facilities; and

28

29 (iv) Wholesome food prepared in a clean and
30 healthy environment.

31

32 In addition, W.S. 14-4-107 provides that all certified
33 agencies and applicants for certification are required to
34 be inspected, investigated, and examined by the certifying
35 board. W.S. 14-4-108 provides that any certification may be
36 suspended, nonrenewed, or revoked by the certifying
37 authority upon proof of violation of any provision of W.S.
38 14-4-101 through 14-4-111.

39 *****
40 *****

41

1

2 **14-4-110. Enjoining operations in violation.**

3

4 Any person may be enjoined from operating a child caring
5 facility or a preschool for violating any provision within
6 W.S. 14-4-101 through 14-4-111.

7

8 **14-4-111. Penalty for uncertified operation; penalty**
9 **for false or misleading advertising.**

10

11 (a) Any child caring facility or preschool operating
12 without certification under W.S. 14-4-101 through 14-4-111
13 is guilty of a misdemeanor and shall be fined not less than
14 fifty dollars (\$50.00) nor more than two hundred dollars
15 (\$200.00) for each offense. Each day of operation without
16 certification is a separate offense.

17

18 (b) No preschool without certification under W.S. 14-
19 4-101 through 14-4-111 or child caring facility shall use
20 false or misleading advertising claiming to be a preschool
21 or claiming to provide preschool services. A violation of
22 this subsection is a misdemeanor punishable by imprisonment

1 for not more than six (6) months, a fine of not more than
2 seven hundred fifty dollars (\$750.00), or both.

3

4 *****
5 *****

6 STAFF COMMENT
7 The Committee may wish to consider amending the penalty
8 provided in subsection (b) for false or misleading
9 advertising. The penalty, as currently drafted, is the
10 standard misdemeanor penalty.

11 *****
12 *****

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14 21-4-302. Age for registration in first grade and
15 kindergarten; preschool programs.

16

17 (g) A preschool program under subsection (c) of this
18 section shall administer a kindergarten readiness program
19 designed to ensure children entering kindergarten are
20 kindergarten ready as defined by W.S. 14-4-101(a)(viii).

21

22 (h) No provision of law shall be interpreted to
23 prohibit a child who is not kindergarten ready as defined
24 by W.S. 14-4-101(a)(viii) from registering in kindergarten
25 or first grade in the public schools of this state if the
26 child is otherwise eligible to register under subsections
27 (a) and (b) of this section.

1 (a) Except as otherwise provided by subsection (b) of
2 this section, this act is effective July 1, 2027.

3

4 (b) Sections 3 and 4 of this act are effective
5 immediately upon completion of all acts necessary for a
6 bill to become law as provided by Article 4, Section 8 of
7 the Wyoming Constitution.

8

9 *****
10 *****

11 STAFF COMMENT

12 The Committee may wish to address how this act interacts
13 with the Wyoming Education Savings Accounts (ESA) Act. The
14 Wyoming ESA Act provides a definition of pre-kindergarten
15 and requires the state superintendent of public instruction
16 to establish a certification process for education service
17 providers. The pre-kindergarten certification process must
18 ensure "ESA students at a minimum receive instruction
19 necessary for preparation to enter kindergarten." One
20 policy option directed by Co-Chairman Scott is to require
21 certification of pre-kindergarten education service
22 providers by the department of family services under W.S.
23 14-4-101 through 14-4-111.

24 *****
25 *****

26

27 (END)