

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1555 (Quirk-Silva) – As Amended March 9, 2023

SUBJECT: Transitional kindergarten: teacher assignments: qualification requirements

SUMMARY: Extends the requirement from August 1, 2023, to August 1, 2028 for credentialed teachers assigned to transitional kindergarten (TK) classrooms to meet specified early childhood education (ECE) requirements. Specifically, **this bill**:

- 1) Extends the requirement from August 1, 2023, to August 1, 2028, for a credentialed teacher first assigned to a TK classroom after July 1, 2015, to have one of the following:
 - a) At least 24 units in ECE, or childhood development, or both;
 - b) Professional experience in a preschool classroom setting, as determined by the local educational agency (LEA) employing the teacher, comparable to the 24 units of education; or
 - c) A child development teacher permit, or an ECE specialist credential, issued by the Commission on Teacher Credentialing (CTC).
- 2) Delays the imposition of the penalty imposed on LEAs failing to meet the requirements above until August 1, 2028.

EXISTING LAW:

- 1) Defines “transitional kindergarten” as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code (EC) 48000)
- 2) Requires LEAs offering TK to ensure that credentialed teachers who are first assigned to a TK classroom after July 1, 2015, have, by August 1, 2023, one of the following:
 - a) At least 24 units in ECE, or childhood development, or both;
 - b) Professional experience in a preschool classroom setting, as determined and documented by the LEA employing the teacher, comparable to the 24 units of education; or
 - c) A child development teacher permit, or an ECE specialist credential, issued by the CTC. (EC 48000)
- 3) For school districts and charter schools that fail to ensure the teacher requirements in (2) above by August 1, 2023, the Superintendent of Public Instruction (SPI) must withhold from the school district or charter school’s entitlement, the amount determined by multiplying:
 - a) The number of teachers not meeting the requirement above;

- b) The number 24 reduced by the statewide average rate of absence for elementary students in grades 1-8 inclusive, as calculated by CDE or the prior year;
 - c) The applicable K-3 local control funding formula (LCFF) base grant per average daily attendance (ADA); and
 - d) The sum of all schooldays on which all teachers not meeting the requirement provided any amount of service in a classroom with TK pupils divided by the total days of instruction for those teachers.
- 4) Authorizes the CTC to issue a one-year emergency specialist teaching permit in ECE that authorizes teaching all subjects in a self-contained TK classroom, provided the applicant meets all of the following conditions:
- a) Possesses a Bachelor's or higher degree and holds a child development permit at the teacher or higher level, issued by the CTC;
 - b) Satisfies the subject matter requirement by meeting one of the following:
 - i) Commencing July 1, 2022, completes 24 semester units of coursework in child development or ECE at a regionally accredited institution of higher education (IHE);
 - ii) Commencing July 1, 2022, holds a baccalaureate or higher degree conferred by a IHE where the major is in child development, or ECE, or a similar major; and
 - iii) Commencing July 1, 2023, has three or more years of full-time teaching experience in a TK setting, or preschool age early childhood or child development program, or a combination. Experience may include, but shall not be limited to, teaching experience as a lead teacher in a public or private preschool or TK setting, Head Start program, or state-funded preschool program.
 - c) The CTC approves the justification for the emergency permit submitted by the LEA in which the applicant is to be employed, as defined. (EC 44300)
- 5) Authorizes the CTC to renew an emergency specialist permit in ECE for one additional year, provided all of the following conditions are met:
- a) The applicant verifies current enrollment in a CTC-approved teacher preparation program that will result in a credential authorizing teaching TK;
 - b) The LEA submits a subsequent declaration of need for fully qualified educators based upon a motion adopted by the governing board or body;
 - c) The LEA verifies that the applicant continues to successfully serve in the assignment on the basis of the emergency permit and verifies that continued orientation, mentoring, and support is being provided to the applicant. (EC 44300)
- 6) Requires a school district or charter school that maintains a TK program, as a condition of receiving apportionments for TK, to admit to TK:

- a) In the 2014-15 to the 2021-22 school year, a child who will have their fifth birthday between September 2 and December 2;
 - b) In the 2022-23 school year, a child who will have their fifth birthday between September 2 and February 2;
 - c) In the 2023-24 school year, a child who will have their fifth birthday between September 2 and April 2;
 - d) In the 2024-25 school year, a child who will have their fifth birthday between September 2 and June 2; and
 - e) In the 2025-26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1. (EC 48000)
- 7) Requires LEAs offering TK to maintain an average TK class enrollment of not more than 24 pupils per schoolsite, and commencing with the 2022-23 school year, maintain an average of at least one adult for every 12 pupils for TK classrooms at each schoolsite. (EC 48000)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, "As an educator for over three decades in California public schools, I understand the time demands that are placed on our teachers. In order for our credentialed teachers to be able to teach transitional kindergarten, they must still obtain an additional credential, which requires 24 credit units (equal to two full time semesters). The deadline to complete the 24 credit units is 2023. Teachers are having a difficult time completing 24 credit units, while also teaching full time as well as all the other responsibilities they have in their life. Extending the timeline requirements by five years will ease the burden for our already overworked teachers and assist in making sure we are able to retain our current valued teacher workforce."

California schools are required to offer TK. TK is the first year of a two-year kindergarten program. California's Kindergarten Readiness Act of 2010 revised the cutoff date by which children must turn 5 for kindergarten entry in that year. The act established September 1 as the new kindergarten eligibility date, 3 months earlier than the previous date of December 2. The Kindergarten Readiness Act also established TK for all students affected by the birthdate eligibility change. Instead of enrolling in regular kindergarten, students who reach age 5 between September 2 and December 2 instead would receive an "age and developmentally appropriate" experience in TK prior to entering kindergarten the following year.

The 2021-22 Budget Act included the expansion of TK, which will make TK available to all 4-year-olds by 2025-26. All LEAs offering kindergarten are required to provide access to TK for eligible 4-year olds, but attendance is not mandatory. The minimum instructional minutes for TK is the same as for kindergarten.

For the 2021-22 school year, TK served older 4-year-olds and young 5-year-olds who have their fifth birthday after the cut-off date for kindergarten (between September 2 and December 2).

Schools are also authorized, under certain conditions, to admit children who have their fifth birthday after December 2nd to TK programs, but may not claim ADA funding until the child turns 5. Approximately 89,000 children were enrolled in TK in 2021-22, down from 105,000 in 2018-19.

Credential requirements for TK. In order to teach TK in California, teachers must hold a Multiple Subject Credential, which authorizes the holder to teach preschool through 8th grade, and to complete 24 units of ECE or child development coursework by August 1, 2023. Teachers may be exempted from the requirement to complete 24 units of ECE of coursework if they began teaching TK prior to July 1, 2015, or they can have the requirement waived if the hiring district deems them to have comparable experience teaching in an early learning classroom.

Beginning with the 2022-23 school year, the CTC is authorized to issue one-year emergency specialist permits to teach TK to teachers who lack a credential if they meet certain criteria. These permits will only be issued at the request of an employing LEA.

The CTC also recently authorized the establishment of a PK-3 Early Childhood Education Specialist Credential, which would authorize the teaching of preschool through third grade, and be an alternate credential that would allow candidates to teach TK. The CTC is planning for IHEs to be prepared to offer teacher preparation programs leading to this credential as early as the fall of 2023. California State University (CSU) campuses plan to offer aspiring and current teachers the opportunity to earn the new credential starting in the 2023-24 academic year. According to the CSU, “the credential will authorize graduates to teach all subjects in a general education classroom setting and to team teach or to regroup students across classrooms, in pre-kindergarten (PK) through 3rd grade. The English learner (EL) authorization provided through this credential aligns with the EL authorization that is earned upon completion of a single-, multiple-subject, or education specialist, credential program.”

Need for ECE competencies for TK teachers. Multiple organizations representing childcare agencies express concerns with a reliance on teachers with Multiple Subject Credentials or the PK-3 Early Childhood Education Specialist Credential, as they believe these efforts continue the “push-down” of K-12 standards and teacher preparation requirements rather than a “push-up” of ECE teaching principles and preparation requirements supported by research and PK-3rd grade experts. They note the following:

- A high quality ECE teacher forms relationships, encourages children’s’ active hands-on exploration and play to support their healthy social, emotional, and cognitive development in learning environments designed for young children; and
- National research indicates that preschool-aged children need ECE-prepared teachers and ECE learning environments. (Durkin, 2022; Lipsey 2018).

California has made significant investments to address the teacher shortage. California has faced a severe teacher shortage for many years, exacerbated by the COVID-19 pandemic. The Legislative Analyst’s Office reports that the state has provided \$1.6 billion since 2016-17 to address the teacher shortage, including \$100 million specifically to increase the number of highly qualified State Preschool and TK teachers.

According to a 2023 report by the Learning Policy Institute (LPI), following a long decline in teacher preparation program (TPP) enrollment, shortages of teachers began to re-emerge in California by 2015. In 2016–17, the number of substandard credentials issued in the state outpaced the number of new preliminary credentials issued to teachers prepared in California TPPs. The state has since invested in new program models, like teacher residencies, and service scholarships to stem shortages and strengthen preparation. These investments total more than \$1.4 billion since 2016 and reflect a substantial increase in education funding statewide. A large increase in the number of fully prepared recruits into teaching, and in the number of candidates of color, suggests that these investments may be paying off.

The pool of recently prepared graduates from California TPPs has increased in size and racial/ethnic diversity. According to the CTC's California Educator Supply dashboard, the number of completers from California TPPs applying for a new preliminary teaching credential increased by 35% from 12,245 completers in 2016–17 to 16,554 completers in 2020–21. The number of preliminary teaching credentials issued by the CTC has been increasing since 2016–17. In the two years following 2018–19, when many of the new state investments were beginning to be implemented, the number of fully prepared new entrants increased by about 3,300, while the number of emergency-style permits decreased by about 2,500. This increase represents a break from prior trends, in which the number of newly credentialed teachers had been dropping for over 10 years.

TK expansion will require up to 15,000 teachers. According to a 2022 report by the LPI:

The expansion of TK, which, in California, essentially adds another public school grade, creates a significant new demand for credentialed teachers with early childhood expertise. An LPI analysis estimates that by 2025–26, more than 447,700 children will be eligible for TK, with between 291,000 and 358,000 children enrolled, depending on the rate of uptake. In turn, TK will require an additional 11,900 to 15,600 credentialed teachers with early childhood expertise. The state can draw on existing pools of current Multiple Subject credential holders, current early childhood educators, and new candidates, but most potential TK teachers will require at least some additional preparation.

TK classrooms are required to meet a 1:12 ratio, therefore, in addition to the teachers identified above, there will be a need for up to 20,000 more adults working in TK classrooms as the second adult, according to the CDE.

The CDE reports that as of November 2022, a total of 1,423 LEAs had submitted reports to the CDE providing information on their progress toward implementation of universal preK, including TK, CSPP, Head Start, and other opportunities. Of these respondents, 594 are charter schools and 829 are school districts. These plans included information on addressing workforce needs, including the following:

- 60% of districts and 56% of charters plan to partner with IHEs or the COE to support teachers in completing the requirements to earn a Multiple Subject Teaching Credential;
- 46% of districts and 49% of charters intend to provide advising on credential requirements and options for how to meet the requirements;
- 21% of districts and 24% of charters intend to apply for a California Classified School Employee Teacher Credentialing Program grant to recruit teachers;

- 26% of districts and 30% of charters intend to join an existing intern preparation program to recruit and prepare teachers for their LEA; and
- 15% of districts and 20% of charters intend to apply for a California Teacher Residency Grant Program to recruit and prepare individuals with a Bachelor's degree who want to become teachers.

Based upon the plans submitted, 23% of districts and 26% of charters reported that they have enough Multiple Subject Teaching Credential holders to meet the demand for TK teachers.

Who is teaching TK now? The Center for the Study of Child Care Employment (CSCCE) at the University of California Berkeley surveyed 300 TK teachers in classrooms throughout California in the fall of 2020, as part of the California Early Care and Education Workforce Study. Of the TK teachers in the sample:

- 99% were female;
- 29% were teachers of color, while 72% of children in TK are children of color;
- 22% of teachers speak a language besides English, while 38% of TK students do so;
- 35% had an associate degree or higher in child development or ECE;
- 96% had a Multiple Subject Credential and 2% had an emergency or intern credential at the time of the survey; and
- 90% had prior experience teaching in K-3rd grade and approximately one-third had prior experience teaching in other early learning and care settings.

This survey found that two-thirds of teachers surveyed met the requirement to hold 24 units of ECE coursework as follows:

- 67% have met the requirement in the following ways:
 - 35% have degrees in ECE or child development;
 - 28% completed coursework and/or trainings to gain the units; and
 - 4% hold a Child Development Permit.
- 33% do not have the necessary units, but of these:
 - 26% began teaching before the requirement took effect;
 - 3% have had the units waived by their district; and
 - 4% are still working on their units/experience.

Based upon these findings only 4% of teachers surveyed do not fully meet the ECE requirement being addressed by this bill. Although this may not necessarily be representative of the full

population of TK teachers, it raises the question of the need for a further extension of the requirement.

Penalties for failing to meet the TK teacher requirements. As noted above, the penalty for failing to meet the early education credential requirement is an amount determined based on multiplying the number of credentialed teachers not meeting the requirement, the number 24 reduced by the statewide absence rate, the K-3 LCFF base grant, and the number of days the teacher served in a TK classroom divided by the total number of days of instruction. CDE provides the following example: “A 2022–23 audit finding stating one teacher taught for 90 days out of 180 days without meeting the TK teacher requirements would result in a penalty of \$106,735.”

The ECE requirement to teach TK has been extended in the past. The requirement for TK teachers to have specified qualifications and/or experience in ECE went into effect through the 2014-15 Budget Trailer bill. At that time, the deadline was August 1, 2020. \$15 million was allocated for the TK Stipend Program to local planning councils (LPCs) to provide professional development and educational stipends for teachers in the TK program and the California State Preschool Program (CSPP). The deadline was extended to August 1, 2021 in 2020 due to the pandemic. In 2021, the deadline was extended once again to August 1, 2023 to accommodate the universal TK implementation timeline.

The CDE does not support a further delay of the requirement for TK teachers to have additional understanding of ECE in addition to their credential, given that the current requirement reflects a delayed timeline. ***The Committee may wish to consider*** whether it is necessary to delay this requirement further given the multiple delays have already been imposed and the fact that research suggests that as many as two-thirds of TK teacher may have already met the requirement.

Recommended Committee Amendments. Staff recommends that the bill be amended to extend the deadline for 2 years rather than the 5 years proposed, so that the new deadline would be August 1, 2025.

Related legislation. AB 1192 (McCarty) of the 2023-24 session would remove the requirement that a student eligibility for TK have their fifth birthday during the school year.

AB 123 (McCarty) of the 2019-20 Session would have established the Pre-K for All Act; expanded the eligibility for CSPP; increased the reimbursement rate for the CSPP and required a portion of the increase to be used to increase teacher pay; required CSPP lead teachers to hold a Bachelor’s degree by a specified date; and established a program to provide financial support to childcare workers pursuing a Bachelor’s degree. This bill was held in the Senate Appropriations Committee.

SB 443 (Rubio) of the 2019-20 Session would have deleted the provision that prohibits a child admitted to TK who has their 5th birthday after December 2nd from generating ADA or being included in the enrollment or unduplicated pupil count until they turn 5-years-old, thereby expanding eligibility for TK to all 4-year-olds. This bill was held in the Senate Appropriations Committee.

AB 2500 (McCarty) of the 2019-20 Session would have deleted the provision that prohibits a child admitted to TK has their 5th birthday after December 2nd from generating ADA or being

included in the enrollment or unduplicated pupil count until they turn 5-years-old, thereby expanding eligibility for TK to all 4-year-olds. This bill was held in the Assembly Education Committee.

SB 217 (Portantino) of the 2019-20 Session would have created the Early Intervention Grant Program to increase inclusive access to early education programs for children with exceptional needs and expand eligibility for TK to include children with exceptional needs turning 5-years-old at any time during the school year. This bill was amended to include content outside of the jurisdiction of education.

AB 1754 (McCarty) of the 2017-18 Session would have required the state to provide all eligible low-income 4-year-old children with access to early care and education programs. This bill was held in the Senate Appropriations Committee.

SB 837 (Dodd) of the 2017-18 Session would have expanded eligibility for TK to all 4-year olds, phased in over a two-year period beginning in the 2020-21 school year. This bill was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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